

CITY COUNCIL MEETING

**March 25, 2014
7:00 P.M.**

AGENDA



“Where Dreams Can Soar”

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

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

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. **Proclamation:** Pierce County Reads! – Pierce County Library System
- D. Agenda Modifications

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II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

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

Citizens are encouraged to attend and participate at all Council Meetings. You may address the Mayor and City Council on matters of City business, or over which the City has authority, for up to 5 minutes. Sign-up is not required. When recognized by the Mayor, please state your name and address for the official record. Designated representatives recognized by the chair who are speaking on behalf of a group may have a total of 10 minutes to speak. Each citizen is allowed to speak only once during Citizen Comments.
- C. Correspondence

III. COUNCIL COMMITTEE REPORTS:

- A. Finance Committee
- B. Community Development Committee
- C. Economic Development Committee
- D. Public Safety Committee
- E. 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. 7 A. **Approval of Minutes:** February 18, 2014 Workshop, February 25, 2014 Meeting, and March 11, 2014 Meeting.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable checks/vouchers #68225-68263 (including wire transfer #'s 20140303, 20140304, 20140305, 20140306, 20140307, and 2014031401) in the amount of \$570,953.11. Accounts Payable checks/vouchers #68264-68270 for Accounts Receivable customer refunds in the amount of \$914.85. Accounts Payable checks/vouchers #68271 for a utility refund in the amount of \$241.20. Accounts Payable checks/vouchers #68272-68301 (including wire transfer #'s 12979360, 20140308, 20140309 and 2014021301) in the amount of \$191,716.69. Accounts Payable checks/vouchers #68302-68315 for utility refunds in the amount of \$1,042.42. VOIDS: 68245 thru 68248 – These checks were to Pierce County for the City's property taxes. Voided during the check printing process due to multiple remittances needed for single check. This is because we have multiple properties that we pay property taxes on and they are entered into Eden by their parcel number.
- C. **Approval of Payroll:** Payroll for March 1st – 15th, 2014 for checks #31678-31697 including Direct Deposits and Electronic Transfers is \$ 444,826.07.
- p. 21 D. **AB14-36 – Ordinance D14-36** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Bonney Lake Municipal Code Sections 2.26.010 And 2.26.020 Regarding The Rules For Appointing Planning Commissioners And The Powers Of The Planning Commission.
- p. 25 E. **AB14-38 – Ordinance D14-38** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Title 15 Of The Bonney Lake Municipal Code, Relating To Building Permit Fee Calculations.
- p. 33 F. **AB14-27 – Resolution 2360** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Agreement With Bonney Lake Community Resources For Operation Of The Bonney Lake Community Garden.

V. FINANCE COMMITTEE ISSUES:

- p. 41 A. **AB14-35 – Resolution 2365** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Professional Services Agreement With Columbia Bank To Provide The City's Banking Services.

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

VIII. PUBLIC SAFETY COMMITTEE ISSUES: None.

IX. FULL COUNCIL ISSUES: None.

X. 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.

XI. ADJOURNMENT

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

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



*Proclamation of the City of Bonney Lake
in recognition of Pierce County Library System and The News
Tribune's Pierce County READS, sponsored by KeyBank
Foundation, The McGavick Conference Center @ Clover Park
Technical College, and Pierce County Library Foundation.*

*Whereas, Pierce County READS seeks to engage, involve, and
connect people throughout Pierce County; and*

*Pierce County READS is the largest community reading event in
the county, when people read an award-winning book, participate
in free events, join with groups to discuss the book, and attend a
free event to meet the nationally known, best-selling author on
April 25th, 2014, at 7 p.m.; and*

*Whereas, Pierce County Library is offering this community-
wide program in collaboration with numerous community partners.*

*Now therefore, be it resolved by the Mayor of the City of Bonney
Lake that March 2nd through April 25th is proclaimed as:*

Pierce County READS

PROCLAIMED this March 25, 2014 by Mayor Neil Johnson, Jr.

Signature

CITY COUNCIL WORKSHOP

**February 18, 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. In addition to Mayor Johnson, elected officials attending were Deputy Mayor Dan Swatman, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, and Councilmember Tom Watson. Councilmember Katrina Minton-Davis and Councilmember Jim Rackley were absent from the workshop.

Councilmember Lewis moved to excuse Councilmember Minton-Davis and Councilmember Rackley. Councilmember Watson seconded the motion.

Motion approved 5 - 0.

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

III. AGENDA ITEMS:

A. Council Open Discussion:

Jury Duty Service: Councilmember Lewis advised that he has been selected for jury duty for two weeks during the month of March and stated he will likely not be able to attend Committee meetings and /or Workshops during this time. He said he plans to be present for the 7:00 p.m. Council meetings and advised Councilmember McKibbin will attend Committee meetings in his absence.

Communities for Families / Summit Conference: Councilmember Watson said he attended the Communities for Families meeting on February 6th and he enjoyed the speaker who spoke regarding the eyeglasses recycling fundraiser for the citizens on the plateau. He said they talked about the upcoming Community Summit, the homeless community and the needs of the local food banks of food and supplies, as well as the need for firewood due to the cold weather that we have been experiencing.

Arts Advisory Commission: Councilmember Watson spoke regarding the Arts Advisory Commission and he would like the Press Release inviting citizens to apply for the Arts

Advisory Commission to mention heritage so we have a well-rounded Arts Advisory Commission.

Solid Waste Ad-Hoc Committee: Mayor Johnson said the Solid Waste Ad-Hoc Committee have been meeting and reviewing the Solid Waste potential Request for Proposal and information and the Committee hopes to bring a recommendation to the Council in April. He advised the current contract requires notice be given by June 1st or the contract is automatically renewed with DM Disposal. Councilmember Hamilton spoke regarding citizen's concerns about the increases of fees regarding excessively full containers or excess weight with the current contract and would like to see that addressed in the new contract. City Administrator Morrison said there is an L&I limit regarding overweight cans that has to be taken into consideration.

School Impact Fees/Comprehensive Plan: Deputy Mayor Swatman spoke regarding adopting a Comprehensive Plan update to incorporate the school impact fees that Council has discussed and how those fees will be collected and disbursed. City Administrator Morrison spoke regarding the Council's intentions and said there are three issues to address 1) having the City collecting the fees ourselves 2) disbursement of the funds to the district; and 3) a \$100 administration fee for the cost of processing the impact fee. He spoke regarding what other cities do and State statutes regarding handling the impact fees. Deputy Mayor Swatman said he recalls the various issues that the City encountered when the City previously collected the fees. Councilmember Watson said he would like to see the City collect the fees and disburse them. Councilmember McKibbin asked how the City would collect the fee and Permit Coordinator Jen Francis advised it is included in the checklist of fees to collect before a permit is issued. Mayor Johnson and City Attorney Haggard discussed liability for failure to collect the proper school impact fees. Council consensus was to leave the process the way it is and to look at the fee collection process in the future to see if the City wants to oversee it.

Marrow Registry/Fundraising Campaign: Mayor Johnson said his daughter and the CSS Softball team is doing a Marrow Registry/Fundraising Campaign. He encouraged support and said a registry saved his life, and he is extremely proud of the CSS Softball teams fundraising efforts.

B. Review of Council Minutes: January 21, 2014 Council Workshop, January 25, 2014 Special Council Meeting, and January 28, 2014 Council Meeting.

The minutes were reviewed and minor corrections were noted. The corrected minutes were forwarded to the February 25, 2014 Meeting for action.

C. Presentation: EDC – Development Activity Report.

Community Development Director Vodopich and Permit Coordinator Jen Francis summarized the 2013 Development Activity Report that was contained in the agenda packet. Various questions were raised by the Council, Mayor Johnson, Director Vodopich, and Permit Coordinator Francis responded accordingly. Public Works Director Grigsby spoke regarding the system development charges related to the Church Lake/Haymond Plat. Council appreciated the presentation and Councilmember Hamilton said he would like the Council to receive a report regarding the results from the water and

sewer temporary reductions that ended in November. Permit Coordinator Francis responded with how staff are monitoring the offered reductions.

- D. **Discussion:** AB14-07 (After public hearing) – Cost Allocation for Late-comer agreement on Shepard-Morris Property.

City Administrator Morrison summarized his February 4, 2014 memorandum regarding the determination of the cost allocation of the latecomer's agreement on the Shepard-Morris property. He requested that the Council pass a motion affirming the decision at the next Council meeting and Council agreed.

- E. **Discussion:** Recap of Council Retreat.

City Administrator Morrison recapped the 2014 Council Retreat and the City Council Goals/Projects for 2014-2016, as was contained in the agenda packet. As the goals and projects list reflect, these goals and projects are not necessarily in priority order. Deputy Mayor Swatman addressed some of the projects on the list and a location for a community center. Councilmember Hamilton also spoke regarding the costs and possible locations of a community center. Mayor Johnson said he would like to see the Boys & Girls Club encouraged getting a plan in place to help promote a community center. Council believes the Goal and Projects are a great start.

- F. **Discussion:** AB14-33 - Set Date for a Joint Meeting with Park Board to Develop a Draft Work Plan.

City Administrator Morrison said there was a tentative date for a Joint Council Meeting with the Park Board of March 4th, however, it has been moved to March 18th so that all Park Board Commissioners can attend. Deputy Mayor Swatman suggested the Council listen to the Park Board's last meeting so they are aware of the projects the Park Board will be making recommendations on. Councilmember Hamilton said he would like see the Park Board broaden their direction, and not get into the detail of projects. Council feel that providing the Park Board direction as to what Council's needs are will be beneficial for everyone. City Administrator Morrison reviewed the Park Board's role as referenced in the ordinance. Council said they believe a joint meeting will be beneficial to alleviate any disconnect between the Council and the Park Board.

IV. EXECUTIVE SESSION:

None

V. ADJOURNMENT:

**At 6:44 p.m., Councilmember Lewis moved to adjourn the Council Meeting.
Councilmember Watson seconded the motion.**

Motion to adjourn approved 5 - 0.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council at the February 18, 2014 Workshop: None

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

February 25, 2014
7:00 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 – Deputy Mayor Dan Swatman called the meeting to order at 7:01 p.m.

- A. Flag Salute: Deputy Mayor Swatman led the audience in the Pledge of Allegiance.
- B. Roll Call: Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Deputy Mayor Dan Swatman, elected officials attending were Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, Councilmember Katrina Minton-Davis, Councilmember Jim Rackley, and Councilmember Tom Watson. Mayor Neil Johnson, Jr. was absent due to illness.

Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Police Chief Dana Powers, Assistant Police Chief Kurt Alfano, 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:

- a. **AB14-32** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Ratifying The Mayor’s Appointment Of Craig Sarver To Planning Commission Position #5 With A Term Ending April 6, 2015.

**Councilmember Rackley moved to approve Motion AB14-32.
Councilmember Lewis seconded the motion.**

Deputy Mayor Swatman noted that Mr. Sarver has previously served on the City Council. The Council congratulated Mr. Sarver on his appointment.

Motion approved 7 – 0.

3. Presentations: None.

D. Agenda Modifications: None.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None.

B. Citizen Comments:

Winona Jacobsen, 9100 189th Ave Ct E, Bonney Lake, introduced the new president of the Greater Bonney Lake Historical Society (GBLHS), JoAnn Taylor.

JoAnn Taylor, 4928 197th Ave E, Bonney Lake, said she has been a member of GBLHS for five years and was recently elected as its president. She spoke about the group's focus and projects. She provided the Council with a copy of her address and said the Society looks forward to a continued partnership with the City.

C. Correspondence:

Administrative Services Director/City Clerk Harwood Edvalson noted that the City Council received a letter from Charlie Laboda of Tarragon LLC regarding proposed Ordinance D14-06 regarding School Impact Fees.

III. COUNCIL COMMITTEE REPORTS:

- A. Finance Committee: Deputy Mayor Swatman said the Committee met at 5:30 p.m. earlier in the evening and reviewed meeting notes, banking services proposals, and a proposed extension to the City Administrator's employment agreement.
- B. Community Development Committee: Councilmember Lewis said the Committee met on February 18, 2014 and forwarded items to the current Consent Agenda.
- C. Economic Development Committee: Councilmember Minton-Davis said the Committee met earlier in the afternoon. She said Councilmember Watson and Senior Planner Jason Sullivan reported on a seminar they attended about 'branding' opportunities for cities. The Committee also reviewed information that is provided to local businesses about signage, the City's Economic Development web page, and a report on the recent Chamber of Commerce luncheon. She thanked Community Development Director Vodopich for his presentation to Council at the previous workshop.
- D. Public Safety Committee: Councilmember Watson said the committee has not met since the last Council Meeting.
- E. Other Reports: None.

IV. CONSENT AGENDA:

- A. **Approval of Minutes:** February 4, 2014 Workshop Minutes and February 11, 2014 Meeting Minutes.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable checks/vouchers #68072 in the amount of \$47.75.
Accounts Payable checks/vouchers #68073 in the amount of \$2,502.43 for Accounts Receivable deposit refunds.
Accounts Payable checks/vouchers #68074-68099 (including wire transfer #'s 20140203, 20140204, and 20140205) in the amount of \$151,158.87.
Accounts Payable checks/vouchers #68100-68110 in the amount of \$825.18 for utility refunds.

Accounts Payable checks/vouchers #68111-68130 (including wire transfer #'s 13020141, 20140206, and 2014021201) in the amount of \$983,939.37.

- C. **Approval of Payroll:** Payroll for February 1st-15th, 2014 for checks #31632-31653 including Direct Deposits and Electronic Transfers is \$ 458,609.98.
- D. **AB14-29 – Resolution 2361** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign The First Addendum To The Sewer Development Financing Contract And Utility Latecomer Agreement With Kahne Properties, LLC.
- E. **AB14-31 – Resolution 2362** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract With RH-2 Consultants, Inc. For Services To Design The Lakeridge 2 Booster Pump Station 2.
- F. **AB14-21** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Accept As Complete The Eastown Sewer Main – Phase 1(Downstream System) Project With Pape & Sons Construction.
- G. **AB14-22** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Accept As Complete The Angeline Road Sidewalk Improvements Project With Hoffman Construction, Inc.
- H. **AB14-23** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Accept As Complete The SR410 & Main Street Intersection Improvements Project With ICON Materials.

Councilmember Rackley moved to approve the Consent Agenda. Councilmember Watson seconded the motion.

Consent Agenda approved 7 – 0.

V. FINANCE COMMITTEE ISSUES:

- A. **AB14-28** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Finance Department To Write-Off Specific Delinquent Accounts Receivable Accounts As Illustrated In The Attached Spreadsheet; Pursuant To Administrative Policy #200-030.

Councilmember Watson moved to approve motion AB14-28. Councilmember Lewis seconded the motion.

Deputy Mayor Swatman said the Committee of the Whole has discussed the issue in depth. He pointed out that the debts are not forgiven when they are written off the books; the City can still take action to collect these debts. Councilmember Rackley said it is important to remove these debts from the City's receivables; Deputy Mayor Swatman agreed and said these items misrepresent the City's actual receivables. Councilmember Watson said he is glad the issue is being addressed.

Motion AB14-28 approved 7 – 0.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. ECONOMIC DEVELOPMENT COMMITTEE ISSUES: None.

VIII. PUBLIC SAFETY COMMITTEE ISSUES: None.

IX. FULL COUNCIL ISSUES:

- A. **AB14-06 – Ordinance 1477 [D14-06]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Sections 13.04.070, 1304.100, 13.04.110, 13.12.100, 13.12.130, 14.30.010, And 14.50.050, And Repealing Section 13.12.105 Of The Bonney Lake Municipal Code Related To Applications For Water And Sewer Service.

Councilmember Lewis moved to approve Ordinance 1477. Councilmember Watson seconded the motion.

Deputy Mayor Swatman said the proposed ordinance does not make any changes to the current fee structure; it simply updates the Municipal Code to reflect the current fees, which are adjusted automatically each year.

Ordinance 1477 approved 7 – 0.

- B. **AB14-26 – Ordinance 1478 [D14-26]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 19.08 Of The Bonney Lake Municipal Code And Ordinances Nos. 1122 And 1431 Relating To School Impact Fees.

Councilmember Lewis moved to approve Ordinance 1478. Councilmember Watson seconded the motion.

Councilmember Rackley asked for clarification of effective date, and proposed the item be tabled in order to review and discuss the letter received from Mr. Laboda from Tarragon regarding the Renwood multi-family project.

Deputy Mayor Swatman said the Council discussed the proposed ordinance at the previous Workshop, which Councilmember Rackley did not attend. Councilmember McKibbin said the proposed ordinance should not impact the Renwood project. Community Development Director Vodopich confirmed that the developer has already picked up six of the nine building permits, and should pull the remaining three permits before the proposed ordinance goes into effect.

Councilmember Minton-Davis asked about the City Attorney's guidance on multi-family fees. City Attorney Haggard said Director Vodopich provided corrected information that the School District adopted worksheets for both single-family and multi-family fees in 2007, so the multi-family fee has been authorized since 2007.

Councilmember Rackley asked if the new fees have been adopted by the City of Sumner. Staff was not aware of the status of Sumner's fees. Deputy Mayor Swatman said Sumner

may have a different strategy, and Bonney Lake has always supported schools through School Impact Fees. He noted that both the recent school levy ballot measures passed so there is public support to fund schools.

Ordinance 1478 approved 7 – 0.

- C. **AB14-07** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting A Report And Determination Of The Shepard-Morris Property participation Assessment For The Eastown Southern Utility Latecomer Agreement.

Councilmember Rackley moved to approve motion AB14-07. Councilmember Watson seconded the motion.

Councilmember Watson said the Council has considered the issue in detail and thinks this is the right action to move forward.

Motion AB14-07 approved 7 – 0.

Councilmember Rackley thanked the City’s administration for keeping the Council informed about recent news stories regarding the Police Department.

- X. **EXECUTIVE SESSION:** None.

- XI. **ADJOURNMENT:**

At 7:21 p.m., Councilmember Lewis moved to adjourn the Council Meeting. Councilmember Watson seconded the motion.

Motion to adjourn approved 7 – 0.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council at the February 25, 2014 Meeting:

- Charlie Laboda, Tarragon LLC – *Letter re: Renwood Apartments Proposed School Fees.*
- Joanne Taylor, Greater Bonney Lake Historical Society – *Letter re: Greater Bonney Lake Historical Society.*

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

March 11, 2014
7:00 P.M.

MINUTES



"Where Dreams Can Soar"

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

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

I. CALL TO ORDER – Deputy Mayor Dan Swatman called the meeting to order at 7:00 p.m.

- A. Flag Salute: Deputy Mayor Swatman led the audience in the Pledge of Allegiance.
- B. Roll Call: Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Deputy Mayor Dan Swatman, elected officials attending were Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, Councilmember Katrina Minton-Davis, Councilmember Jim Rackley, and Councilmember Tom Watson. Mayor Neil Johnson was out of town and absent from the meeting.

Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, 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. **Proclamation:** Records and Information Management Month – April 2014.

Deputy Mayor Swatman read the proclamation aloud and proclaimed April 2014 as Records and Information Management month in the City.

- b. **Presentation:** 21st Annual Community Summit – Marilee Hill-Anderson.

Summer Tobacco & Alcohol Risk Reduction (STARR) Project Director Marilee Hill-Anderson spoke about the upcoming Annual Community Summit on March 20, 2014 at Mountain View Middle School. She described the theme, "Serve Big", and the events at the event, and invited Councilmembers to register. She thanked the City for its participation and support of the community event. Councilmembers Lewis and Watson said they plan to attend.

D. Agenda Modifications: None.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

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

III. COUNCIL COMMITTEE REPORTS:

- A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening as the Committee of the Whole and discussed the Community Garden contract and Banking services contract which were forwarded.
- B. Community Development Committee: Councilmember Lewis said the committee has not met since the last Council Meeting.
- C. Economic Development Committee: Councilmember Minton-Davis said the Committee met earlier in the afternoon. Permit Coordinator Jen Francis gave a report on universal permits, electronic plan review, and the monthly permit report.
- D. Public Safety Committee: Councilmember Watson said the Committee has not met since the last Council meeting.
- E. Other Reports: None.

IV. CONSENT AGENDA:

- A. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable checks/vouchers #68131-68166 (including wire transfer #'s 12828345, 20140213, and 20140218) in the amount of \$262,827.56.
Accounts Payable checks/vouchers #68167-68180 in the amount of \$870.51 for utility refunds.
Accounts Payable wire transfer #2014021702 for P-Cards in the amount of \$21,532.46.
Accounts Payable checks/vouchers #68181-68207 (including wire transfer #'s 2014021601) in the amount of \$114,454.50.
Accounts Payable checks/vouchers #68208-68224 in the amount of \$918.30 for utility refunds.
- B. **Approval of Payroll:** Payroll for February 16-28, 2014 for checks #31654-31676 including Direct Deposits and Electronic Transfers is \$ 665,392.01.
- C. **AB14-37 – Resolution 2345** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Section 2 Of Resolutions No. 1785 And 2174 Authorizing The Mayor To Extend The Term Of The Employment Agreement Of The City Administrator.

Councilmember Rackley moved to approve the Consent Agenda. Councilmember Watson seconded the motion.

Consent Agenda approved 7 – 0.

- V. **FINANCE COMMITTEE ISSUES:** None.
- VI. **COMMUNITY DEVELOPMENT COMMITTEE ISSUES:** None.
- VII. **ECONOMIC DEVELOPMENT COMMITTEE ISSUES:** None.
- VIII. **PUBLIC SAFETY COMMITTEE ISSUES:** None.
- IX. **FULL COUNCIL ISSUES:** None.
- X. **EXECUTIVE SESSION:** None.
- XI. **ADJOURNMENT:**

**At 7:16 p.m., Councilmember Rackley moved to adjourn the Council Meeting.
Councilmember Lewis seconded the motion.**

Motion to adjourn approved 7 – 0.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council at the March 11, 2014 Meeting: None.

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: Community Development / Jason Sullivan - Senior Planner	Meeting/Workshop Date: 25 March 2014	Agenda Bill Number: AB14-36
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D14-36	Councilmember Sponsor: Donn Lewis

Agenda Subject: Planning Commission Rules

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Bonney Lake Municipal Code Sections 2.26.010 And 2.26.020 Regarding The Rules For Appointing Planning Commissioners And The Powers Of The Planning Commission.

Administrative Recommendation:

Background Summary: The Planning Commission is organized under Revised Code of Washington (RCW) section 36A.63.020 to serve in an advisory capacity to the administration and the City Council on matters related to the Bonney Lake Comprehensive Plan and the City’s development regulations codified in Titles 14 through 19 of the Bonney Lake Municipal Code (BLMC), on issues deemed necessary for the public’s benefit as designated by the City Council, and on additional issues as defined in the bylaws of the Planning Commission pursuant to BLMC 2.04.1040.

While BLMC 2.04.1040 envisions the adoption of bylaws by the Planning Commission and even requires that a copy of the bylaws be provided to the City Council, there is nothing in the municipal code that specifically authorizes the Planning Commission to adopt bylaws. Ordinance D14-36 will add the adoption of bylaws as one of the authorized duties and powers of the Planning Commission codified in BLMC 2.26.020.

In appointing citizens to the Planning Commission, BLMC 2.26.010.E directs the mayor to, “... attempt to ensure that each council ward is represented by at least one planning commission member.” However, the City Council abolished the council wards in 2011, pursuant to Ordinance 1383, in favor of completely at-large system of representation. Ordinance D14-36 will also delete this requirement to ensure internal consistency of the City’s municipal code.

Attachments: Ordinance D14-36

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): 18 March 2014

Public Hearing Date(s):

Meeting Date(s):

Tabled to Date:

APPROVALS

Director:

JPV

Mayor:

Date Reviewed

by City Attorney:

(if applicable):

ORDINANCE NO. D14-36

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING BONNEY LAKE MUNICIPAL CODE SECTIONS 2.26.010 AND 2.26.020 REGARDING THE RULES FOR APPOINTING PLANNING COMMISSIONERS AND THE POWERS OF THE PLANNING COMMISSION.

WHEREAS, the Bonney Lake Municipal Code currently directs the Mayor to attempt to appoint a Planning Commissioners to represent each council ward; and

WHEREAS, the Bonney Lake City Council adopted Ordinance 1383 abandoning the council wards in favor of a completely at-at large system of representation; and

WHEREAS, the City Council rules envision the adoption of bylaws by the Planning Commission, but nothing in the municipal code specifically authorizes the Planning Commission to adopt bylaws; and

WHEREAS, the textual code amendments proposed by this Ordinance adopts regulations relate to governmental procedures which is categorically exempt from review under Chapter 43.21C RCW, the State Environmental Policy Act (SEPA) pursuant to WAC 197-11-800(19) and BLMC 16.04.020; and

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

Section 1. BLMC 2.26.010 and the Section 4 of Ordinance 1213 is hereby amended to read as follows:

Appointment and terms.

- A. Pursuant to the authority conferred by the laws of the state, Chapter 35A.63 RCW, there is created a city planning commission consisting of seven members who shall be appointed by the mayor. The planning commission shall be deemed a planning agency pursuant to Chapter 35A.63 RCW.
- B. The term of office of the planning commission members shall be three years each, with initial terms staggered so that not more than three terms expire in any given year.
- C. Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired terms. Members may be removed, after public hearing, by the mayor with the approval of the city council for inefficiency, neglect of duty or malfeasance in office. Any planning commission member's unexcused absence from three consecutive meetings shall be conclusively deemed cause for removal due to neglect of duty.
- D. Planning commission members shall be selected without respect to political affiliations. All planning commission members shall be residents of the city of Bonney Lake; provided, that one member may reside outside of the city but within its designated urban

growth area; and provided further, that one additional member may reside outside of the city, if he or she owns a business located within the city.

~~E. The mayor, in appointing members to the planning commission, shall attempt to ensure that each council ward is represented by at least one planning commission member.~~

Section 2. BLMC 2.26.020 and the Section 2 of Ordinance 875 is hereby amended to read as follows:

Powers and duties.

~~The planning commission shall have such powers and shall perform such duties as are conferred upon it by ordinance. The planning commission shall hold at least 12 meetings per year. The planning commission shall be an advisory body to the city council responsible for providing advice and recommendation for Bonney Lake's future growth. Duties and powers of the planning commission shall include:~~

- A. Adoption of bylaws to govern Planning Commission meetings;
- B. Duties as conferred upon the Planning Commission by ordinance;
- C. Hold at least 12 meetings per year; and
- D. Such other and future duties as assigned by the City Council.

Section 3. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force effect.

Section 4. This Ordinance shall take effect five (5) days after its passage, approval, and publication as required by law.

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

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

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

Department/Staff Contact: Community Development/ John P. Vodopich, AICP	Meeting/Workshop Date: March 25 2014	Agenda Bill Number: AB14-38
Agenda Item Type: Motion	Ordinance/Resolution Number: D14-38	Councilmember Sponsor: Lewis

Agenda Subject: Amendment of building valuation data and addition of a technology fee

Full Title/Motion: An Ordinance of The City Council of The City of Bonney Lake, Pierce County, Washington, Amending Title 15 of The Bonney Lake Municipal Code, Relating to Building Permit Fee Calculations.

Administrative Recommendation: Approve

Background Summary: The calculation of building permit fees is based on Building Valuation tables as published by the International Code Council. The valuation table adopted by reference was last done in June 2004 (Ordinance 1035). These tables are updated and published by the International Code Council in six-month intervals. It is imperative that the most current version of the Building Valuation tables be referenced in order to calculate the appropriate building permit fee. Additionally, the valuation stated on the building permit is forwarded to the Pierce County Assessor for tax calculation purposes, using current valuation tables ensures that actual building valuations are used for initial tax assessment purposes. The proposed Ordinance would adopt the most current version of the Building Valuation Data as published by the International Code Council rather than specifically adopting the table by reference. The Building Permit Fee table remains unchanged but is incorporated into the Municipal Code rather than being adopted by reference. A fee for expedited plan review as well as several housekeeping changes to the code are recommended.

Additionally, a technology fee of 3% is proposed to be added to each issued building permit. A technology fee (then \$3.00) was previously put into place in June 2004 (Ordinance 1035) but removed from the Municipal Code in June 2007 (Ordinance 1242). Such a fee will provide a minimal revenue source for ensuring that our permitting and plan review system is maintained and kept up to date.

Attachments: Ordinance D14-38

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation: Not Applicable			

COMMITTEE, BOARD & COMMISSION REVIEW											
Council Committee Review: Date: March 18, 2014 Forward to: March 25, 2014 Commission/Board Review: Hearing Examiner Review:	<i>Approvals:</i> Chair/Councilmember Donn Lewis Councilmember Randy McKibbin Councilmember James Rackley	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">Yes</th> <th style="width: 50%;">No</th> </tr> <tr> <td style="text-align: center;">X</td> <td style="text-align: center;"></td> </tr> <tr> <td style="text-align: center;">X</td> <td style="text-align: center;"></td> </tr> <tr> <td style="text-align: center;">X</td> <td style="text-align: center;"></td> </tr> </table>	Yes	No	X		X		X		Consent Agenda: X Yes <input type="checkbox"/> No
Yes	No										
X											
X											
X											

COUNCIL ACTION

Workshop Date(s):

Public Hearing Date(s):

Meeting Date(s):

Tabled to Date:

APPROVALS

Director:

JPV

Mayor:

Date Reviewed

by City Attorney: March 4, 2014
(if applicable):

ORDINANCE NO. D14-38

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING TITLE 15 OF THE BONNEY LAKE MUNICIPAL CODE, RELATING TO BUILDING PERMIT FEE CALCULATIONS.

WHEREAS, the International Code Council publishes updated Building Valuation Data every six months, most recently in February 2014; and

WHEREAS, the City last adopted the International Code Council Building Valuation Data table by reference in June 2004 (Ordinance No. 1035); and

WHEREAS, the Building Valuation Data is used in calculating accurate and representative building permit fees and tax assessment valuations; and

WHEREAS, the City Council of the City of Bonney Lake finds that it is in the Council's interest to maintaining and keep published Building Valuation Data current and up-to-date; and

WHEREAS, the Council finds it necessary to adopt a permit technology fee to help fund technology used to process permit applications.

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

Section 1). BLMC section 15.04.072 is hereby amended to read as follows:

15.04.072 Building permit – Fees.

Building permit fees for ~~residential and commercial~~ construction shall be charged in conformance to ~~Section 109.2 of~~ with the International Building Code, ~~Section R109.2 of~~ the International Residential Code, ~~Section 106.5.2 of~~ the International Mechanical Code and ~~Section 103.4.1 of~~ the Uniform Plumbing Code as adopted in BLMC 15.04.020. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, profit, fire extinguishing systems, and any other pertinent equipment. Fees shall be calculated ~~from Table 1~~ from the current Building Valuation Data as published by the International Code Council, in effect at the time of permit application, with the exception of published footnotes with the regional cost modifier in Table 2 and the valuation as set forth in ~~Table 3~~ BLMC 15.04.072 J., except as follows:

A. Computation of fees for mobile homes located on individual lots shall be the same as for conventional houses.

B. Structures not classed as buildings such as retaining walls, dog kennels, decks, signs, docks and the like shall be charged fees based on the actual cost of labor and materials according to ~~Table 3 of this code~~ BLMC 15.04.072 J.

C. Repair to structures such as re-siding, painting, decks under 30 inches in height, replacing of doors or any other nonstructural repair shall not require a building permit.

D. The permit fee for the addition to any building shall be computed on the same basis as the building permit.

E. The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under the issued permit.

F. Mechanical Permit Fees – International Mechanical Code ~~Section 106.5.2 Amended as~~ adopted in BLMC 15.04.020. Mechanical fees shall be calculated at 15 percent of the building permit fee.

G. Plumbing Permit Fees – Uniform Plumbing Code ~~Section 103.4.1 Amended as~~ adopted in BLMC 15.04.020. Plumbing fees shall be calculated at 15 percent of the building permit fee.

H. Permits requiring plan review and inspections that are required by the Washington State Energy Code shall require a \$60.00 plan review and inspection fee.

I. A technology fee of 3% of the building permit fee shall be applied to each permit issued.

J. Building Permit Fees

<u>Total Valuation Permit</u>	<u>Permit Fee</u>
<u>\$1.00 to \$500</u>	<u>\$28.20</u>
<u>\$501.00 to \$2,000.00</u>	<u>\$28.20 for the first \$500.00 plus \$3.66 for each additional \$100.00, or fraction thereof, to and including \$2,000.00.</u>

<u>\$2,001.00 to \$25,000.00</u>	<u>\$83.10 for the first \$2,000.00 plus \$16.80 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00.</u>
<u>\$25,001.00 to \$50,000.00</u>	<u>\$469.50 for the first \$25,000.00 plus \$12.12 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00.</u>
<u>\$50,001.00 to \$100,000.00</u>	<u>\$772.50 for the first \$50,000.00 plus \$8.40 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00.</u>
<u>\$100,001.00 to \$500,000.00</u>	<u>\$1,192.50 for the first \$100,000.00 plus \$6.72 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00.</u>
<u>\$500,001.00 to \$1,000,000.00</u>	<u>\$3,880.50 for the first \$500,000.00 plus \$5.70 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00.</u>
<u>\$1,000,001.00 and up</u>	<u>\$6,730.50 for the first \$1,000,000.00 plus \$3.78 for each additional \$1,000.00, or fraction thereof</u>

For **PERMITS**: The fee for each building permit shall be as set forth in the Table above.

For **PLAN REVIEWS**: The fee for each plan review shall be 65% of the building permit fee as set forth in the Table above.

Other Inspections, permits and associated fees:

1. Inspections outside of normal business hours (minimum charge - ~~two~~ one hours) \$47100.00 per hour
2. Re-inspection fees (minimum charge - one hour) \$8100.00 per hour
3. Inspections for which no fee is specifically indicated (minimum charge - one hour) \$47100.00 per hour
4. Additional plan review required by changes, additions or revisions to plans (minimum charge - ~~two~~ one hours) . . . \$47100.00 per hour
5. For use of outside consultants for plan checking and inspections, or both . . Actual costs (including administrative and overhead costs)
6. Expedited Plan Review An additional 65% of the building permit fee as set forth in the table above shall be charged for expedited plan review
7. Standalone residential (not associated with a building permit) mechanical and plumbing permits \$100.00
8. Standalone commercial (not associated with a building permit) mechanical and plumbing permits based on the fee as set forth in the table above
9. Change of Use/Change of Occupancy Permit \$250.00
10. Final inspection only Permit (i.e. permit expired, failed final inspection, never received final, etc.) \$100.00 or 25% of underlying permit fee, whichever is greater

Section 2). BLMC section 15.04.080 is hereby amended to read as follows:

15.04.080 Building Plan Review – Fees.

Building plan review fees shall be 65 percent of the building permit fee as determined in BLMC 15.04.072 and as follows:

- A. When submittal documents are required a plan review fee shall be paid at the time of submitting the documents for plan review.

B. ~~Contractor plans (base plans) without revisions, options or modifications for two or more identical buildings of Group R, Division 3 Occupancies in new subdivisions shall be charged \$500.00 for the second plan review and beyond~~ International Residential Code Base plans for one and two-family dwellings shall be charged \$500.00 for the site specific plan review.

C. The plan review fees specified in this section are separate fees from the permit fees specified in BLMC 15.04.072.

D. Revised plans submitted during the plan review process which have uncorrected plan review items shall require additional plan review fees on the third submittal. The additional fee shall be ~~\$47~~100.00 per hour with a minimum of ~~two~~ one hours.

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

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

Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

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

Department/Staff Contact: Executive / Gary Leaf	Meeting/Workshop Date: 25 March 2014	Agenda Bill Number: AB14-27
Agenda Item Type: Resolution	Ordinance/Resolution Number: 2360	Councilmember Sponsor: N/A

Agenda Subject: Community Garden

Full Title/Motion: A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Agreement With Bonney Lake Community Resources For Operation Of The Bonney Lake Community Garden .

Administrative Recommendation: Approve

Background Summary: Bonney Lake Community Resources (AKA Bonney Lake Food Bank) has managed since 2010 Bonney Lake's annual community garden on behalf of the City of Bonney Lake on city-owned downtown property. Staff recommends renewing this agreement for 2014. The City's expenditures this year will again be approximately \$2,000 for irrigation. As in previous years, there will be no fee associated with community members who want a plot. Voluntary donations will be accepted.
Attachments: Yes

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
2,000.00	-0-	2,000.00	-0-
Budget Explanation: Irrigation costs are included in the 2014 Facilities budget			

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	Other	<i>Approvals:</i>	Yes No
	Date: 11 March 2014	Chair/Councilmember Dan Swatman	<input checked="" type="checkbox"/> <input type="checkbox"/>
		Councilmember Donn Lewis	<input checked="" type="checkbox"/> <input type="checkbox"/>
		Councilmember Katrina Minton-Davis	<input checked="" type="checkbox"/> <input type="checkbox"/>
	Forward to:	Consent	
		Agenda: <input checked="" 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: N/A (if applicable):

RESOLUTION NO. 2360

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH BONNEY LAKE COMMUNITY RESOURCES FOR OPERATION OF THE BONNEY LAKE COMMUNITY GARDEN.

WHEREAS, the City of Bonney Lake wishes to make a community garden available to the public on city-owned property; and

WHEREAS, Bonney Lake Community Resources successfully operated the community garden on behalf of the City of Bonney Lake since 2010; and

WHEREAS, Bonney Lake Community Resources is willing to operate such community garden in 2014 on the same terms and conditions as 2010-2013;

NOW THEREFORE, the City Council of the City of Bonney Lake, Washington, does hereby resolve that the Mayor is authorized to sign the Agreement between the City of Bonney Lake and Bonney Lake Community Resources, attached hereto and incorporated herein by this reference.

PASSED BY THE CITY COUNCIL this 25th day of March, 2014.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

**LEASE AGREEMENT
FOR A COMMUNITY GARDEN
ON DOWNTOWN PROPERTY**

This Agreement, by the City of Bonney Lake, Pierce County, Washington, hereinafter called the City, and **Bonney Lake Community Resources**, hereinafter called BLCR, is made on the following terms and conditions:

BLCR has the necessary experience and personnel, and is willing to enter into this Agreement to operate said community garden; and

The City desires to partner with BLCR to successfully provide a community garden for community benefit and mutual benefits for BLCR patrons and the Bonney Lake Senior Center;

Witnesseth, that in consideration of the mutual covenants and agreements herein contained, the parties hereto do mutually agree as follows:

I. Grant, Term, and Operation of Concession

1.1 The City, acting pursuant to its vested authority, grants to BLCR, for the term and upon the conditions and provisions hereafter specified the right and privilege to operate and maintain a community garden on City property located at 18417-18429 89th Street East. This grant is expressly conditioned on operation of a community garden that is consistent with and in furtherance of the public's use.

1.2 The term of this agreement shall be from **January 1, 2014** , to **December 31, 2014**.

1.3 BLCR will maintain its 501(c)3 status for the duration of this agreement.

1.4 BLCR shall coordinate all volunteer efforts. The Mayor and/or his designee shall provide ongoing, general guidance and input to the City's need for a successful community garden, but such guidance shall not be construed to create an employment relationship between the parties. BLCR will administer the project as an independent contractor, and its employees, agents, and

volunteers will not be under the control or supervision of Bonney Lake, or its employees, agents or volunteers.

1.5 A lease payment of \$1.00 shall be remitted to the City of Bonney Lake upon signing of this Agreement.

1.6 The community garden will be located on three City owned lots located at 18417-18429 89th Street East, Bonney Lake.

1.7 The City shall provide irrigation for the community garden with garden hoses hooked up from the adjacent City-owned parcel to the east. BLCR shall remove solid waste from the site.

1.8 BLCR may collect voluntary, charitable donations while running the community garden. There shall be no mandatory fee. BLCR shall leave at least 50% of the available space to the general public. Plot size will be listed on an application form. The City will provide to BLCR request forms in a timely manner. The City shall oversee and approve the selection list for plots available for public use.

1.9 BLCR agrees to purchase and maintain a Liability insurance policy from an insurance company licensed in Washington and rated with AM Best no lower than a B+ in the amount of \$1,000,000.00, and to hold the City harmless, defend, and indemnify it from any accidents, injuries or claims of any kind resulting from BLCR's operations. BLCR agrees to name the City as an additional insured on the insurance policy required above in this paragraph. BLCR shall provide a certificate of insurance to the City.

1.10 BLCR shall not erect any sign on the City property or in the vicinity thereof without obtaining the advance approval of the City.

1.11 BLCR shall strictly obey all laws of the State of Washington and all Ordinances of the City of Bonney Lake, and will not allow the violation of any of these laws, or ordinances by any other party on or adjacent to the premises in which this concession is operated.

II. Non-Discrimination Policy

2.1 Concessionaire agrees that in all hiring or employment made possible or resulting from this Agreement:

(1) There shall be no discrimination against any employee or volunteer because of sex, age, race color, creed, national origin, marital status, veteran status, or the presence of any sensory, mental, or physical handicap, unless based upon a bona fide occupational qualification, and this requirement shall apply to but not be limited to the following: employment (including , advertising, lay-off or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(2) No person shall be denied, or subjected to discrimination in receipt of, the benefit of any services or activities made possible by or resulting from this Agreement on the grounds of sex, race, color, creed, national origin, age (except minimum age and retirement provisions), veteran status, marital status, or the presence of any sensory, mental or physical handicap.

(3) Any violation of this provision shall be considered a violation of a material provision of this Agreement and shall be grounds for cancellation, termination or suspension in whole or in part, of the Agreement by the parties and may result in ineligibility for further agreements.

III Termination by City

3.1 If, in the judgment of the Mayor, the manner of operation of the community garden does not meet the requirements of this Agreement, or if BLCR is in default of any other term of this Agreement, City shall give BLCR a written notice specifying the particulars of the unsatisfactory performance.

3.2 If BLCR fails or refuses to remedy such unsatisfactory performance or default within five (5) calendar days after receipt of such notice, the City may terminate this Agreement immediately. The decision of the Mayor on any such matter shall be final.

3.3 Notwithstanding the above, nonpayment of the lease amount or of any installment thereof five (5) calendar days after said fee is due shall be full justification for the City to take immediate possession of the concession and premises, and for immediate cancellation of this Agreement.

IV. Termination by BLCR

4.1 BLCR may terminate this Agreement by giving thirty (30) days written notice to City of such intention to terminate.

V. No Assignment

5.1 Neither this Agreement nor any rights or privileges hereunder shall be assigned or sublet without the consent of the City. Consent to assignment shall not be unreasonably withheld by the City.

VI. Interpretive Provisions

6.1 The terms and conditions of this Agreement shall be binding on the parties hereto, their heirs, successors, administrators, and assigns, and shall be construed in accordance with the laws of the State of Washington.

6.2 TIME IS OF THE ESSENCE of this Agreement, and of each and every term, condition and provision herein.

6.3 The waiver by the City of any breach of any term contained in this Agreement shall not be deemed to be a waiver of such term for any subsequent breach of the same or any other term.

6.4 Each term of this Agreement is material and breach by BLCR of any one of the terms herein shall be a material breach of the entire Agreement and shall be grounds for the termination of the entire Agreement by the City.

6.5 If any term or provision of this Agreement or the application of any term or provision to any person or circumstance is invalid or unenforceable, the remainder of this Agreement, or the application of the term or provision or persons or circumstances other than those as to which it is held invalid, or unenforceable, will not be affected and will continue in full force.

6.6 This Agreement contains the entire agreement between BLCR and the City of Bonney Lake and there are no promises, conditions, terms, obligations, statements, or guarantees other than those contained herein. No modifications or amendments shall be valid unless in writing and fully executed by all parties.

6.7 This Agreement shall be governed by the laws of the State of Washington. Venue for any lawsuit arising out of this Agreement shall be in Pierce County, Washington. The prevailing party in any such action shall be entitled to an award of reasonable attorney's fees and costs.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first hereinabove written.

ATTEST:

CITY OF BONNEY LAKE

Harwood T. Edvalson
City Clerk

Neil Johnson Jr.
Mayor
Dated: _____

APPROVED AS TO FORM:

BONNEY LAKE COMMUNITY RESOURCES

Kathleen Haggard,
City Attorney

CEO
Dated: _____

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

Department/Staff Contact: Finance / Al Juarez	Meeting/Workshop Date: 25 March 2014	Agenda Bill Number: AB14-35
Agenda Item Type: Resolution	Ordinance/Resolution Number: 2365	Councilmember Sponsor: Randy McKibbin

Agenda Subject: Recommendation to award a professional services agreement to Columbia Bank to provide banking services for the City.

Full Title/Motion: A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Professional Services Agreement With Columbia Bank To Provide The City's Banking Services.

Administrative Recommendation: Approve

Background Summary: Local governments use a wide variety of banking services for the deposit, disbursement, and safekeeping of public monies. Continual changes in technology, cash management practices, and banking industry structure offer public cash managers opportunities to periodically reevaluate banking services and costs. Prudent procurement practices recommend that an entity reevaluate its banking services on a periodic basis.

The Government Finance Officers Association (GFOA) is a national organization whose mission is to enhance and promote the professional management of governments for the public benefit by identifying and developing financial policies/practices and promoting them through education and training. GFOA recommends that every government undertake the following practices to receive effective banking services at reasonable costs:

- (a) Periodically initiate competitive bidding and negotiation processes in accordance with state and local laws for banking services through an official request for proposal.
- (b) Initiate contracts for banking services that specify services, fees, and compensation.
- (3) Establish a relationship manager who will best understand the needs of the entity and who will be able to provide service improvement recommendations.

Attachments: Yes

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

COMMITTEE, BOARD & COMMISSION REVIEW							
Council Committee Review:	Finance Committee Date: 11 March 2014	<i>Approvals:</i> Chair/Councilmember Dan Swatman Councilmember Donn Lewis Councilmember Katrina Minton-Davis	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%; text-align: right;">Yes No</td> </tr> <tr> <td></td> <td style="text-align: right;"> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> </td> </tr> </table>		Yes No		<input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
	Yes No						
	<input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>						
Forward to: 3/25/2014 Council Meeting		Consent Agenda: <input type="checkbox"/> Yes <input checked="" 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. 2365

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BONNEY LAKE, PIERCE COUNTY, WASHINGTON,
AUTHORIZING THE MAYOR TO SIGN A PROFESSIONAL
SERVICES AGREEMENT WITH COLUMBIA BANK TO PROVIDE
THE CITY'S BANKING SERVICES.**

WHEREAS, local governments use a wide variety of banking services for the deposit, disbursement, and safekeeping of public monies; and

WHEREAS, the City Council acknowledges that prudent procurement practices necessitate the reevaluation of banking services on a periodic basis and that changes in technology, cash management practices and banking industry structure offer opportunities to reevaluate banking services and costs; and

WHEREAS, it is consistent "Best Practices" to periodically initiate a competitive bidding and negotiation process in accordance with state and local laws for banking services through an official request for proposal; initiate contracts for banking services that specify service fees, and compensation; and establish a relationship manager who will best understand the needs of the City and who will be able to provide service improvement recommendations to the City; and

WHEREAS, the city issued and Invitation for Proposal (IFP) for banking services and received two (2) submittals which were evaluated by a committee consisting of the Mayor, City Administrator, and Chief Financial Officer; and

WHEREAS, it is the recommendation of the review committee that Columbia Bank be retained as the City's primary banking institution;

NOW THEREFORE, BE IT RESOLVED; that the City Council of the City of Bonney Lake, Washington, does hereby authorize the Mayor to sign an Agreement with Columbia Bank attached hereto as Exhibit "A."

PASSED by the City Council this 25th day of March, 2014.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

Banking Services Agreement

BANKING SERVICES AGREEMENT PROVISIONS FOR THE CITY OF BONNEY LAKE

The City of Bonney Lake, Washington, a municipal corporation (hereinafter the "City") and _____, whose address is _____, (hereinafter the "Financial Institution", agree and contract as follows:

1. SERVICES BY FINANCIAL INSTITUTION

- A. The Financial Institution agrees to perform the services described in this proposal, as Attachment A which is incorporated herein by reference.
- B. All services, and all duties incidental or necessary thereto, shall be conducted and performed diligently and completely and in accordance with professional standards of conduct and performance.

2. COMPENSATION

- A. The total compensation to be paid to the Financial Institution shall be detailed in Attachment A.

The above fees include all labor, materials and expenses required for the completion of these services.
- B. Payment to Financial Institution by the City in accordance with the above shall be the total compensation for all work performed under this agreement and supporting documents hereto as well as all subcontractors' fees and expenses, supervision, labor, supplies, materials, equipment or the use thereof, reimbursable expenses, and other necessary incidentals.
- C. The Financial Institution shall be paid based on the acceptance of the proposed compensation.
- D. The City shall have the right to withhold payment to the Financial Institution for any service not completed in a satisfactory manner until such time as the Financial Institution modifies such service to the satisfaction of the City.
- E. Unless otherwise specified in this Agreement, any payment shall be considered timely if a check is mailed or is available within 45 days of the date of actual receipt by the City of an invoice conforming in all respects to the terms of this Agreement.

3. TERMINATION OF AGREEMENT

The City reserves the right to terminate or suspend this Agreement at any time, with or without cause, by giving a forty-five (45) day notice to the Financial Institution in writing. In the event of termination, all finished or unfinished reports, or other material prepared

by the Financial Institution pursuant to the Agreement shall be provided to the City. In the event the City terminates this agreement prior to completion without cause, the Financial Institution may complete such analyses and records as may be necessary to place its records in order. The Financial Institution shall be entitled to receive just and equitable compensation of any satisfactory services completed prior to the date of suspension or termination, not to exceed the compensation set forth above. Should the Financial Institution desire to terminate this agreement, written notice of 120 days is required.

4. OWNERSHIP OF WORK PRODUCT

Ownership of the originals of any reports, data, studies, surveys, charts, maps, drawings, specifications, figures, photographs, memoranda, and any other documents which are developed, compiled or produced as a result of this agreement, whether or not completed, shall be vested in the City. Any reuse of these materials by the City for projects or purposes other than those which fall within the scope of this agreement or the project to which it relates, without written concurrence by the Financial Institution will be at the sole risk of the City.

5. GENERAL ADMINISTRATION AND MANAGEMENT

The Finance Director/Chief Financial Officer for the City shall review and approve the Financial Institution's charges to the City under this Agreement; shall have the primary responsibility for overseeing and approving services to be performed by the Financial Institution; and shall coordinate all communications with the Financial Institution from the City.

6. CONTRACT PERIOD

The Banking Services Agreement is to extend for a period of three years, beginning _____, 2014. The City shall have 2, two year options to renew the Agreement.

7. SUCCESSORS AND ASSIGNS

The Financial Institution shall not assign, transfer, convey, pledge, or otherwise dispose of this agreement or any part of this agreement without prior written consent of the City.

8. NONDISCRIMINATION

The Financial Institution shall, in all hiring or employment made possible or resulting from this agreement, take affirmative action to ensure that there shall be no unlawful discrimination against any employee or applicant for employment because of sex, race, age, color, creed, national origin, marital status or the presence of any sensory, mental or physical handicap, unless based upon a bonafide occupational qualification, and this requirement shall apply to but not be limited to the following: employment, advertising, layoff or termination, rates of pay or other forms of compensation and selection for training, including apprenticeship.

No person shall be denied or subjected to discrimination in receipt of the benefit of any services or activities made possible by or resulting from this Agreement on the grounds of sex, race, color, creed, national origin, age except minimum age and retirement provisions, marital status, or the presence of any sensory, mental or physical handicap.

9. HOLD HARMLESS/INDEMNIFICATION

The Financial Institution shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the Financial Institution in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Financial Institution and the City, its officers, officials, employees, and volunteers, the Financial Institution's liability, including the duty and cost to defend, hereunder shall be only to the extent of the Financial Institution's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Financial Institution's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

10. LIABILITY INSURANCE COVERAGE

The Financial Institution will, at the Financial Institution's sole expense, obtain and maintain during the life of this Agreement, policies of comprehensive general liability insurance, each with combined single limits of not less than \$1,000,000 per occurrence. Any policy of required insurance on a claims made basis shall provide coverage as to all claims arising out of the services performed under the contract and filed within three (3) years following completion of the services to be performed. A failure to obtain and maintain such insurance or to file said certificates shall be a material breach of this Agreement.

11. COMPLIANCE WITH LAWS

The Financial Institution shall comply with all applicable State, Federal and City laws, ordinances, regulations, and codes.

12. FUTURE SUPPORT

The City makes no commitment and assumes no obligations for the support of Financial Institution activities except as set forth in this Agreement.

13. INDEPENDENT CONTRACTOR

The Financial Institution is and shall be at all times during the term of this agreement an independent contractor.

14. EXTENT OF AGREEMENT/MODIFICATION

This Agreement, together with all attachments and addenda, represents the entire and integrated Agreement between the parties hereto and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended, modified or added to only by written instrument properly signed by both parties hereto.

15. ADDITIONAL WORK

The City may desire to have the Financial Institution perform other services in connection with the banking relationship other than provided for by the express intent of this contract. Any such services shall be considered as additional work, supplemental to this Agreement. Additional work shall not proceed unless so authorized in writing by the City. Authorized additional work will be compensated in accordance with a written supplemental Agreement between the City and the Financial Institution.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates written below:

FINANCIAL INSTITUTION:

CITY OF BONNEY LAKE:

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

Print Name: _____

Print Name: _____

APPROVED AS TO FORM:

City of Bonney Lake City Attorney

Date: _____