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 action item 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 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 they take 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.)

I. CALL TO ORDER – Mayor Neil Johnson

A. Flag Salute:

B. Roll Call: [A1.3]

Elected Officials: Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Phil DeLeo, Councilmember Mark Hamilton, Councilmember Dave King, Councilmember Cheryle Noble and Councilmember Jim Rackley.

[Staff expected to be in attendance: City Administrator Don Morrison, Planning & Community Development Director Bob Leedy, Public Works Director Dan Grigsby, Police Chief Mike Mitchell, Community Services Director Gary Leaf, Administrative Services Director/City Clerk Harwood Edvalson, Chief Financial Officer Beth Anne Wroe and City Attorney Jim Dionne.]

C. Announcements, Appointments and Presentations: [A3.6.9]

1. Announcements:
2. Appointments:
3. Presentations:

D. Agenda Modifications:

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: [A3.6.12]


B. Citizen Comments: [A1.5]

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 speakers representing a group may take up to 10 minutes on matters of general City business.
C. **Correspondence:**

III. **COUNCIL COMMITTEE REPORTS:** [A3.6.4]

A. Finance Committee
B. Community Development Committee
C. Public Safety Committee
D. Other Reports

IV. **CONSENT AGENDA:** [A3.6]

*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.*

A. **Approval of Corrected Minutes:** October 3rd Council Workshop, October 10th Special Joint City Council/Planning Commission Meeting and October 10th City Council Meeting.

B. **Checks/Vouchers:** Accounts Payable checks/vouchers #45345 thru #45448 and wire transfer #2260539 in the amount of $1,429,190.72; Accounts Payable check/voucher #45449 in the amount of $135.00. [F4.9]

C. **Payroll:** Payroll for October 1-15th, 2006 for checks 25394-25433, including Deposits and Electronic Transfers in the amount of $296,396.07. [F4.9]

D. **AB06-225 – Ordinance D06-225** – An Ordinance Of The City Council Of The City Of Bonney Lake, Washington, Vacating A Portion Of 80th Street East And 82nd Street East Adjacent And Intersecting 184th Avenue East In The NW Quarter Of Section 33, Township 20 N, Range 5 E, W.M., Subject To Conditions. [O 4.8.7]

E. **AB06-341 – Ordinance D06-341** – An Ordinance Of The City Council Of The City Of Bonney Lake, Washington, Approving And Confirming The Assessments And Assessment Roll Of Local Improvement District No. 05-13 For The Construction Of Street Improvements Along A Portion Of 95th Street East, And Levying And Assessing A Portion Of The Cost And Expense Thereof Against The Several Lots, Tracts, Parcels Of Land And Other Property As Shown On The Assessment Roll. [A 2.4.16]


G. **AB06-332 – Resolution 1621** – A Resolution Of The City Council Of City Of Bonney Lake, Pierce County, Washington, Formally Expressing Its Intent To Annex “Area 3”, A Territory Of Approximately 107.16 Acres Located Adjacent To The Current City Limits. [O 3.2.2]

H. **AB06-349** – A Motion Of The Bonney Lake City Council, Setting A Public Hearing For The Regular Council Meeting Of Tuesday November 14, 2007 At 7:00pm. Regarding The Proposed Amount Of The Annual Ad Valorem Tax Levy For Fiscal Year 2007. [A 3.6.10] [A 3.6.12]
V. FINANCE COMMITTEE ISSUES:
A. **AB06-350 – Resolution 1629** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With Industrial Rehabilitation Consultants Regarding On-The-Job Training For Adam McFayden. [A 4.1.2]

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES:


C. **AB06-352 – Resolution 1630** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With RH2 Engineering To Study Future Water Supply Options. [O.4.10.1]

D. **AB06-206** – A Motion Of The Bonney Lake City Council Approving the Final Plat for Indigo Ridge Subject To the Approved Terms and Conditions Of The Preliminary Plat. [A 3.6.10] [A.3.7.2]

E. **AB06-345** – A Motion Of The Bonney Lake City Council Accepting The 10% Petition To Commence Annexation Proceedings For “Wilderness Ridge Annexation”, As Described In Exhibit A And As Identified In Exhibit B Of The Petition; Determining That Upon Annexation, All Property Within The Proposed Annexation Area Shall Be Assessed And Taxed At The Same Rate And On The Same Basis As Other Property Within The City Of Bonney Lake, Including All Indebtedness Existing As Of The Effective Date Of The Annexation; Determining That The Proposed Zoning For The Annexation Area Shall Be R-1; And Authorizing Staff To Begin Circulation Of The Official 60% Petitions Pursuant To RCW 35A.14.120. [A 3.6.10] [O.3.2.2]

F. **AB06-351** – A Motion Of The Bonney Lake City Council Calling For A Special Joint Meeting Of The City Council And The Planning Commission On November 14, 2006 At 6:30 P.M. At Bonney Lake City Hall And Setting A Joint Public Hearing Regarding The Proposed Annexation Of Area 1-B. [A 3.6.10] [A.3.6.12] [O.3.2.2]

G. **AB06-355 – Resolution 1632** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Ratifying The Purchase And Sale Agreement With Jack Simmons And Sherri Dewitt For The Purchase Of Real Property At 18426 Sr 410 And 9320 Angeline Road. [A 3.13.3.3]

IX. EXECUTIVE SESSION: Pursuant to RCW 42.30.110(1)(c) and RCW 42.30.140 (4)(b) the City Council will hold an executive session to discuss the sale of real estate.

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 of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

<table>
<thead>
<tr>
<th>Department/Staff Contact:</th>
<th>Council/Wrkshp Mtg Date:</th>
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<tbody>
<tr>
<td>Don Morrison</td>
<td>October 24, 2006</td>
<td>AB06-330</td>
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<tr>
<th>Ordinance Number:</th>
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<th>Councilmember Sponsor:</th>
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**BUDGET INFORMATION**

<table>
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<th>2004 Budget Amount</th>
<th>Required Expenditure</th>
<th>Impact</th>
<th>Remaining Balance</th>
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</table>

**Explanation:** NA

**Agenda Subject:** Public Hearing and Subsequent Action to Consider Stormwater Program Revenue Requirements and Associated Rates

**Administrative Recommendation:** Approve necessary rate adjustment following public hearing and council deliberation.

**Background Summary:** In preparing for the 2007-2008 biennium budget, a review of the stormwater utility indicated that if nothing is done to adjust rates upward the utility will not generate sufficient operating revenues next year to cover operating costs. This had been forecast by the rate study prepared last year by HRD/ESS. The current draft 2007-2008 budget assumes an increase as proposed. If not approved the Admin. will need to adjust both the 6 year Stormwater CIP and the operating budget downward to better fit the projected revenues. This would likely mean deferring most of the consultant recommended Lake Jane and Lake Bonney drainage projects. The hearing will be to consider stormwater rates generally, with a specific proposed ordinance to raise the raise to $6/mo effective 1/1/07, and thereafter add another $2 increase each year through 2011. Of course, during the 2007-2011 long range planning and budgeting horizon the Council could always review the operations of the utility and make modifications as deemed appropriate.
ORDINANCE NO. D06-330

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING TITLE 15 OF THE BONNEY LAKE MUNICIPAL CODE AND SECTION ONE OF ORDINANCE NO. 1139 RELATING TO THE CITY'S STORMWATER UTILITY.

WHEREAS, the City Council in 1997 created a stormwater utility for the purpose of funding improvements to and maintenance of the City’s drainage system; and

WHEREAS, the City Council finds it necessary to raise service rates in order to fund the cost of needed maintenance, operations, and capital improvements to the stormwater system;

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

Section 1. BLMC section 15.14.030 and Section One of Ordinance No. 1139 are hereby amended to read as follows:

A. Single-Family Residential Customer. The charge for a single-family residence shall be $3.90 as follows:

   Effective January 1, 2007: $6.00 per month.
   Effective January 1, 2008: $8.00 per month.
   Effective January 1, 2009: $10.00 per month.
   Effective January 1, 2010: $12.00 per month.
   Effective January 1, 2011: $14.00 per month.

B. Commercial/Multifamily Customer. Multifamily living units with a separate water meter per unit shall be charged as follows $3.90 per month for each meter:

   Effective January 1, 2007: $6.00 per month.
   Effective January 1, 2008: $8.00 per month.
   Effective January 1, 2009: $10.00 per month.
   Effective January 1, 2010: $12.00 per month.
   Effective January 1, 2011: $14.00 per month.

The charge for all other nonresidential users shall be $3.90 as follows per ESU per month:

   Effective January 1, 2007: $6.00 per month.
   Effective January 1, 2008: $8.00 per month.
   Effective January 1, 2009: $10.00 per month.
   Effective January 1, 2010: $12.00 per month.
   Effective January 1, 2011: $14.00 per month.
Where more than one meter exists on an individual parcel (i.e., shopping malls, multifamily housing, etc.) the parcel owner has the option of determining how to allocate the measured ESUs between the water meters. Where the property owner fails to provide this information in a timely manner, the city shall charge one ESU to each meter and the balance of the ESUs to one meter (usually the largest water meter). Property owners may change this allocation by notifying the city in writing.

C. Credit. Parcels, other than single-family residences, with a qualifying stormwater detention or retention may receive a partial reduction of the rate charged for that property. The percent of rate reduction shall be proportional to the amount of water collected and diverted from directly entering the storm drainage system, but may not exceed 50 percent of the rate otherwise charged. A "qualifying stormwater detention facility" is a facility that controls discharge of stormwater and melting snow from the property at a speed or capacity at or in excess of the stormwater that would have been discharged from the property in its natural state, and which is established, operated and maintained in accordance with all city ordinances. Any person requesting such credit shall: (1) provide, at no cost to the city, plans and calculations prepared by a professional engineer or architect in support of the credit; and (2) describe the maintenance program to be used in order to ensure that the facility will operate as designed and be maintained in accordance with city ordinances. Any credit may be revoked or suspended if it is determined that the facility is not operating as designed or is not being maintained in accordance with city ordinances.

D. CPI Adjustment. Beginning January 1, 2006, and for every year thereafter, the charges listed in this section shall be adjusted by the annual change in the most recent Seattle-Bremerton-Tacoma Consumer Price Index (Urban Consumers), published by the U.S. Department of Labor.

Section 2. This Ordinance shall take effect January 1, 2007, after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

PASSED by the City Council and approved by the Mayor this _____ day of _________________, 2006.

______________________________
Neil Johnson, Jr., Mayor

ATTEST: APPROVED AS TO FORM:

______________________________
Harwood T. Edvalson, CMC, City Clerk  James J. Dionne, City Attorney
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<th>STORM WATER OPERATIONS:</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
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**TOTAL EXPENSES**

|       | 165 | 345 | 414 | 423 | 365 | 369 | 2,081 |

**Assumes $2/Mo. Increase**
The Bonney Lake Stormwater System

- 23 miles of stormwater pipe
- 1,222 catch basins (79 with filters)
- 43 curb inlets
- 188 manholes
- 36 detention / retention ponds
- 55 dry wells

Future Requirements

- Bonney Lake system is a regulated MS4 (Municipal Separate Storm Sewer System)
- Will be subject to a “NPDES Phase II Municipal Stormwater Permit”
- DOE now issuing final regulations
- Bonney Lake will be required to secure Phase II permit and meet additional control measures
Additional Obligations Under Phase II Permit

- Public Education and Outreach on Storm Water Impacts
- Public Involvement/Participation
- Illicit Discharge Detection and Elimination
- Construction Site Storm Water Runoff Control
- Post-Construction Storm Water Management in New Development and Redevelopment
- Pollution Prevention/Good Housekeeping for Municipal Operations

Stormwater Utility Operations

- Program Administration (admin., finance, billing, etc.)
- Planning and Engineering (comprehensive stormwater plans, basin studies, water quality studies, engineered systems, hazard mitigation, development review, easements, etc.)
- Operations and Maintenance (system construction, repair and maintenance)
- Monitoring (permitting, enforcement)
- Public Education
Ongoing Maintenance and Operations Activities

- Drainage ditch installation, maintenance, mowing and repair
- Stormwater pipe maintenance, repair, and replacement
- Stormwater pond maintenance: remove invasive vegetation, remove debris, mow weeds
- Fencing installation, maintenance and repair
- Catch basin and pipe cleaning and repair,
- Spill/hazard responses; Cave-in projects
- Tie-in inspections and permits
- Outfall channel maintenance and repair
- Bank maintenance and repair
- Outlet/Overflow/Spillway repair and maintenance
- Filter repair and maintenance
- Cleaning, clearing, and restorations of streams and channels; Erosion control.
- Street sweeping

Funding the Stormwater Program

- Current revenues will not cover current expenses through 2007;
- Few CIP projects can be undertaken without a rate increase, including Lake Jane and Bonney Lake drainage system improvements.
- Council needs to adjust rates to fund both operations and a reasonable CIP
Rate Adjustment Alternatives

- Alternative 1: Do nothing
- Alternative 2: One Dollar/Mo. Increase per Year for Five Years
- Alternative 3: Two Dollars/Mo. Increase per Year for Five Years
- Alternative 4: Three Dollars/Mo. Increase per Year for Five Years

Comparative 2006 Stormwater Rates (SF Residence)

- Auburn $10.90 per month
- Puyallup $9.845 per month
- Sumner $8.64 per month
- Issaquah $10.33 per month
- Fircrest $18.00 per month
Recommendation

- Alternative 3: Two Dollars Increase/Month per Year for Five Years. Increase monthly rate from $4 to $6 January 1, 2007 and subsequently increase the rate each year by two dollars through 2011.
- This alternative should be sufficient to fund a basic level of operations and maintenance, meet Phase II NPDES Permit requirements, and roughly 85% of currently identified capital improvements through 2011, including Lake Jane and Bonney Lake drainage system improvements (assuming the accuracy of current cost estimates).
Call to Order:
Deputy Mayor Dan Swatman called the October 3rd Council Workshop to order at 5:34 p.m.

Roll Call:
Also in attendance were, Councilmember Mark Hamilton, Councilmember Dave King, and Councilmember Cheryle Noble. Councilmember David Bowen, Councilmember Phil DeLeo, and Councilmember Jim Rackley were absent. Mayor Neil Johnson arrived at 5:37 p.m.

[Staff members attending were City Administrator Don Morrison, Planning and Community Development Director Bob Leedy, Public Works Director Dan Grigsby, Community Services Director Gary Leaf, Police Chief Mike Mitchell, City Attorney Jim Dionne, Administrative Services Director / City Clerk Harwood Edvalson, City Engineer John Woodcock, and Records & Information Specialist Virginia Phelan.]

Councilmember Noble made a motion to excuse Councilmembers Bowen, DeLeo and Rackley. Councilmember Mark Hamilton seconded.

Motion approved 4 – 0.

Agenda Items:
Deputy Mayor Swatman said the evening’s presentations (items 1 & 2) would be held in reverse order.


City Engineer Woodcock introduced Project Manager Barry Knight and Principal Engineer Bob Thayne from CTS Engineering. Mr. Knight said the drainage project is the result of the concerns of affected citizens as well as the desire of the City to define its stormwater system capabilities and limitations. He went on to explain that CTS surveyed and analyzed the drainage paths from Lake Bonney and Lake Deborah Jane to Fennel Creek. He said they did field reconnaissance to determine survey needs and delineate wetlands and also surveys and mappings of the wetlands, culverts, channel sections and roadway crossings.

Mr. Thayne discussed the hydrology and hydraulic analysis done on the watersheds explaining that they planned for the 100 year flood plan, which is the worst case scenario. He went on to
show the charts for the expected water levels along the drainage paths of the lakes to Fennel Creek and detail the potential problems and solutions for culverts along the way. The intersection of 191st and 79th was discussed at length due to the unusual way the drainage path was rerouted.

Council discussed using stormwater funds for these improvement projects as well as the need to prioritize all of the stormwater projects. They also discussed the possible problems that new development would cause for drainage. Mr. Thayne said the analyses done took into account what the land use is in an attempt to accommodate future development. It was decided that costs for the various projects and options needed to be determined and affected residents needed to be involved before Council could move much further on these projects.

A 5 minute break was called at 6:50 p.m. and the meeting reconvened at 7:02 p.m. Mayor Johnson left to attend a Prairie Ridge Homeowner's Association Meeting.


City Engineer Woodcock introduced Susan Graham from Parametrix. Ms. Graham summarized the purpose of the presentation and the status of the plan for 192nd. She described some of the major changes to the design, which included removing the 186th connection and adding 10' to the right of way to make 192nd a minor arterial. She then explained the process of completing the 30% design and introduced Austin Fisher, the Engineer for the remainder of the project. Mr. Fisher described the challenges of the project and the various phases into which the project has been divided. He spoke of Pierce County’s project at the intersection of 410 & 192nd and their coordination with the City’s plans. Mr. Fisher elaborated on the plans for the various intersections along 192nd. He explained the access issues which will occur on Hwy 410 for some of the businesses.

Ms. Graham said Parametrix could not support left from the businesses across 192nd because of safety issues. The consultants discussed possibilities of a roundabout and the potential interest of local businesses to contribute to the associated costs. Deputy Mayor Swatman expressed concern that there may be too much of a focus on accommodating the needs of the businesses at that intersection when the City is unable to show the same interest for other businesses in similar circumstances. The access to Wal-mart & the Market at Lake Tapps was discussed in depth and Council consensus was to completely close it. Mr. Fisher then outlined the remaining process for the design, saying that the conceptual design should be ready for review by November 1st. There will be a public meeting early in November and the right of way plans and estimate should be ready by March 1st, 2007.

3. AB06-217 – Proposed Six Year Transportation Improvement Plan (2007-2012).:

Councilmember King said he felt the Plan was great and that it should be moved forward. Deputy Mayor Swatman agreed and said they need the Plan so they can pursue funding. Public Works Director Grigsby added that it is required by state law. There was some discussion on the difficulties small municipalities face when competing with large cities for grant money and the decision of Pierce County to enact impact fees.

Councilmember Hamilton brought up the idea of going out for a public bond for some of the projects in the six year plan. He said the citizens should be more involved in the process so they are aware of the method used to solve traffic problems and the financial set backs which are
encountered along the way. He suggested that if the City cannot afford certain projects the citizens may be willing to fund them if they can see the City has put the work into designing and engineering them. Director Grigsby said this can be done with individual projects, but is not likely to work with larger plans. He noted that the 192\textsuperscript{nd} design has been accomplished so far without the use of any city money. He said the funds have come from Cascadia mitigation fees and a ½% interest Public Works Trust Fund loan for one million dollars. Community Services Director Leaf said the City is unlikely to get a construction loan for 192\textsuperscript{nd}, but they are eligible for another million dollars for pre-construction work.

4. Open Discussion:

\textbf{Travel Show.} Community Services Director Leaf said he had attended the first Travel Show put on by the Greater Tacoma Convention and Visitors Bureau to represent the City. He showed a display created by staff with pictures of historical sites, community events and local landmarks and explained that this was a nice event and a good way to get the word out about the City of Bonney Lake.

\textbf{Code Update.} City Clerk Edvalson told Council that the latest supplement to the Municipal Code Book had been received and books should be brought in for updating.

\textbf{Youth Voting.} Administrative Services Director Edvalson related the Mayor’s inquiry as to Council’s interest in participating in a Joint Proclamation later this month for Youth Voting Awareness week. Council agreed they would want to be involved.

\textbf{Nuisance Building.} Councilmember King mentioned there had been a recent hearing on the decrepit building at Bonney Lake Blvd and Locust Ave. He stated the property owner is changing his mind regarding future plans for the property and the Hearing Examiner left the hearing open. Councilmember King said the Hearing Examiner wants the City and property owner to devise a plan for the property and act upon it. Planning & Community Development Director Leedy said staff is not negotiating with the property owner and his plan for a four lot subdivision is what is approved and expected. He said the City intends to return to the hearing examiner and ask him to take action.

\textbf{Cascadia Review.} Councilmember Hamilton said he had received a copy of a memo from September 14\textsuperscript{th} regarding the Five Year Review of Cascadia and asked for verification that it was the City’s official comment letter. Director Leedy confirmed that it was. The hearing will be October 4\textsuperscript{th} and this letter would be a part of public record.

\textbf{Lakewood Water Acquisition.} Deputy Mayor Swatman inquired as to the cost to study the water source options brought up at the previous council meeting. Director Grigsby said there was a draft scope from RH2 which quoted about 68 thousand dollars, but the City sent it back saying it was too expensive and asked for a new scope. Director Grigsby explained the City only needs a planning level scope of building the three alternative water options discussed before, as well as the additional option of buying Tacoma Water from the Cascade Water Alliance.

\textbf{Traffic Citations.} Councilmember King said the number of citizens receiving 101 dollar citations is increasing communications with their elected officials. He said citizens from whom he has heard have many questions about the program and thus, he is interested in examining frequent updates on the volume of tickets being written through the new automated systems. Chief Mitchell reminded Council that the focus is on the safety of the children. He said there have been
between 80 & 100 violations a day and in some cases, the same person may get multiple citations in one day. Council discussed the idea of adding enforcement to the 84th Street entrance of the elementary school and the problem of people congesting alternative routes. They also relayed some of the complaints heard from citizens. Chief Mitchell said there will be adjustments as the kinks are extracted. He has spoken to Nestor about some of the complaints. He agreed to have reports printed on the violations and distributed to the Public Safety Committee and City Council.

5. Review of Minutes from the September 19th City Council Workshop and the September 26th City Council Meeting.

Councilmember Noble stated that in the September 19th Workshop, the Council Member discussing the Senior Center Trip during Open Discussion period was DeLeo and not King.


Deputy Mayor Swatman explained the problem in Naches Terrace is there are 9 people who are being forced to connect to the sewer system. He said this costs about $6,700 upfront and it is a hardship for most people. City Attorney Dionne said Councilmember Rackley is preparing an ordinance. He said CDC is trying to come up with historical hardship factors and a payment plan for people to reimburse the sewer connection fee over time. Council discussed the merit of writing an ordinance for only a few people when all citizens should be encouraged to connect to the sewer. Councilmember King said the topic is worthy of further exploration accompanied with much legal advice and then returned to the CDC committee.

Chief Financial Officer Beth Anne Wroe suggested it be brought to Finance Committee as well since the City currently has the ability to make payment arrangements for financial hardship. She said the problem is that there are no clear criteria for documenting what constitutes a financial hardship. Deputy Mayor Swatman said he would support a narrowly construed amnesty period because ultimately, everyone should be connected to sewer.

7. Executive Session: none.

8. Adjournment

At 8:18 p.m., Councilmember King moved to adjourn the meeting. Councilmember Noble seconded the motion.

Motion approved 4 – 0.

Harwood T. Edvalson, CMC
City Clerk

Mayor Neil Johnson, Jr.
Documents submitted for/at the Council Workshop of October 3rd, 2006:

➢ City of Bonney Lake – *Water Test Results at Sangesand Residence* – Dan Grigsby, Public Works Director.
Location: Bonney Lake City Council Chambers – 19306 Bonney Lake Blvd.

I. CALL TO ORDER – Mayor Neil Johnson called the joint meeting to order at 6:32 p.m.

A. Roll Call: [A1.3]

Elected and Appointed Officials In Attendance: Mayor Neil Johnson, Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Phil DeLeo, Councilmember Mark Hamilton, Councilmember Dave King, Councilmember Cheryle Noble, Councilmember Jim Rackley, Planning Commission Chairman Randy McKibbin, Planning Commission Vice Chairman Grant Sulham, Planning Commissioner Quinn Dahlstrom, Planning Commissioner David Eck, Planning Commissioner Katrina Minton-Davis, Planning Commissioner Dennis Poulsen. Planning Commissioner Winona Jacobsen was absent.

Staff Members Present were: City Administrator Don Morrison, Planning & Community Development Director Bob Leedy, Public Works Director Dan Grigsby, Administrative Services Director/City Clerk Harwood Edvalson, City Attorney Jeff Ganson, Special Projects Planner Shannon Mayfield-Porter, Associate Planner Heather Stinson, and Records & Information Specialist Virginia Phelan.

Agenda Items:


Mayor Johnson opened the Public Hearing at 6:33 p.m. Planning & Community Development Director Leedy explained that this is the result of a previously authorized annexation effort. He said the annexation petition well exceeds the 60% required for Council to be holding a public hearing to hear testimony on this proposed annexation. He went on to explain the results of this hearing would be brought to Planning Commission on Wednesday and back to Council for discussion.

Jacob Lucas, 6915 Old Vandermark Rd., said he lives on a dead end street and is worried that his road will be punched through to 214th if he is annexed. He said he is confused about what to expect upon annexation and needs some clarification. He also questioned whether his well would be tapped into by the City for the use of other residents.
Deputy Mayor Swatman told Mr. Lucas his property is in the City’s UGA and can be developed to a higher density in unincorporated Pierce County than it could be in the City of Bonney Lake. Councilmember Rackley explained that the development would happen regardless of whether Area 3 is annexed, but if it is in the City of Bonney Lake, Mr. Lucas could come to the City with his concerns instead of trying to work with the County.

Special Projects Planner Mayfield-Porter said the maps sent out to Area 3 residents may have been misleading and were not meant to indicate a plan to punch through a road or build a bridge. She went on to explain that annexation does not allow the City to take over a resident’s well or force them to connect to City water, it only stipulates that if the person chooses to connect to City water they must abandon their well or deed it to the City.

Scott Garl, 21007 68th St. Ct. E, said he lives at the corner of Old Vandermark and 68th St. Ct. E, a private road. He reiterated some of Mr. Lucas’ concerns about having his dead end punched through and the excess traffic which would result. He also mentioned pending development in the area and his lack of confidence in the City’s water and sewer systems.

Councilmember Rackley explained there will be no plans for the roads until a developer submits plans. He said the City does not allow public/private road connections. Director Leedy said because the area is in a UGA it will develop at urban densities either by the County or the City, but if it is in the City citizens will have the opportunity to provide input to the Council and the Hearing Examiner.

There being no further public testimony, Mayor Johnson closed the hearing at 6:51 p.m.

B. Adjournment

Deputy Mayor Swatman moved to adjourn the meeting at 6:51 p.m. Councilmember Rackley seconded.

Motion approved 13 – 0.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Mayor
I. CALL TO ORDER – Mayor Neil Johnson called the meeting to order at 7:04 p.m.
   A. Flag Salute - Mayor Johnson led the audience in the Pledge of Allegiance.
   B. Roll Call [A1.3]

City Clerk Edvalson called the roll. In addition to Mayor Johnson, elected officials attending were Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Phil DeLeo, Councilmember Mark Hamilton, Councilmember Dave King, Councilmember Cheryle Noble and Councilmember Jim Rackley.

Staff members present were: City Administrator Don Morrison, Community Services Director Gary Leaf, Chief Finance Officer Beth Anne Wroe, Planning and Community Development Director Bob Leedy, Police Chief Mike Mitchell, Public Works Director Dan Grigsby, City Attorney Jeff Ganson, Administrative Services Director / City Clerk Harwood Edvalson, Special Projects Planner Shannon Mayfield-Porter, Associate Planner Heather Stinson and Records & Information Specialist Virginia Phelan.

C. Announcements, Appointments and Presentations [A3.6.9]
   1. Announcements: None.
   2. Appointments: None.
   3. Presentations: None.

D. Agenda Modifications: None.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE

A. Public Hearings: [A3.6.12]
   1. AB06-341 – Public Hearing On The Local Improvement District No. 05-13 Final Assessment Roll.
City Attorney Jeff Ganson explained the purpose of the public hearing as being an opportunity for those who filed statements of protest to address the council.

Mayor Johnson called the public hearing to order at 7:06 p.m. as the presiding officer. He asked that people wait until they are called on, approach the podium and state their name and address for the record. He asked that anyone submitting an exhibit have it numbered by the City Clerk and describe it clearly for the record. Mayor Johnson explained that the hearing is quasi-judicial and intended to be fair in all ways. He asked the Council and property owners if they know of any real or potential conflict of interest which should prevent the participation of the Mayor or Council. He also asked if any councilmember had contact with someone who had an interest in the subject and outcome of this proceeding. No one responded affirmatively.

Mayor Johnson explained the purpose of the hearing is to allow property owners to formally object to the proposed assessment under the LID. He said the hearing is not to discuss the actual project nor is it a question and answer period. Property owners who filed a written protest by 5:00 p.m. will have the opportunity to address the Council for 10 minutes and the Council will consider all testimony and evidence in order to determine whether to approve the proposed assessment roll.

Mayor Johnson then described the order of the hearing as follows: City staff and consultants discuss the project, property owners comment, City staff and consultants reply. He said the hearing will then be adjourned or continued as Council sees fit. If adjourned the Council may discuss and act upon the assessment roll. He then asked for questions from Council; Councilmember Bowen clarified that property owners who did not file written protest would not be allowed to speak.

Public Works Director Grigsby described the project which the LID funded. He said the City overlaid a gravel road and paved existing approaches to the right of way, giving residents the option of paying to have the pavement extended to their driveway. Chief Financial Officer Wroe explained the break down of the project costs and said the final cost was $50,271.59. She said that because the project was less than $100,000 it was more cost effective for the City to provide long term financing than to take the LID out for bonding.

City Clerk Edvalson said a letter of protest was received from David D. Halverson regarding the 95th St E. LID. He said the letter was distributed to the full Council and is on file with the City Clerk's Office. Mr. Halverson was not in attendance to speak to Council.

There being no further comment Deputy Mayor Swatman moved to close the public hearing. Councilmember Noble seconded the motion.
Motion approved 7 – 0.

The public hearing was closed at 7:15 p.m.

2. **AB06-225** – Public Hearing on the proposed street vacation of a portion of 80th St. E. and 82nd St. E.

Mayor Johnson opened the public hearing at 7:15 p.m.

Raymond Frey, 12356 Northup Way, Suite 119, Bellevue, spoke in favor of the street vacation, saying that he represents Orchard Grove I and II.

There being no more comment the public hearing was closed at 7:17 p.m.

**B. Citizen Comments:**

Ken Freed, 18008 SR 410 E. Suite A, addressed the Council regarding a proposed U-turn improvement on eastbound 410 at the Old Sumner-Buckley Hwy intersection. He described the many city clubs and the high number of realtors who use the Windermere building and explained the pressure that will be on the intersection when the 182nd access to Old Sumner-Buckley Hwy is made into right-in / right-out. He said U-turns are currently legal at that intersection and asked Council to reconsider prohibiting U-turns. Mr. Freed went on to state that making more access problems in the area is going to discourage new businesses from moving into Downtown. He also asked that the 184th connection be completed before or at the same time as the changes to 182nd. Mr. Freed invited Council to view the traffic from the top floor of his building so they could see how many people are actually coming and going.

Kevin Nolan, 18008 SR410 E., said he is the co-owner of Freed Insurance and works for the FAA dealing with safety and efficiency. He said allowing U-turns at the intersection of Hwy 410 and Old Sumner-Buckley Hwy would help traffic, but that it needs to be properly posted to reduce confusion.

Carol Wells-Reed, 19925 State Route 410 E., said she is a proud member of the Bonney Lake Lions and is the director of the Bonney Lake Clothing Bank. She thanked the Council for their support and assistance in helping the Clothing Bank find a temporary location. Ms. Wells-Reed went on to describe some stories of the families they have been able to help and said that they have not only clothed over 125 children, but have also provided school supplies and toys.

Council took the opportunity to thank Ms. Wells-Reed and the Lions for serving the community.

John Boerner, 8520 182nd Ave E., said his mother owns Bonney Lake Auto Parts on 182nd. He spoke about the need for a U-turn on Hwy 410 at the intersection of Old Sumner-Buckley Hwy, saying it would help alleviate access problems. Mr. Boerner
referenced accident reports he had from nearby intersections to make the point that these changes could affect safety. He suggested adding a light to 182nd to make a 5-legged intersection, but Deputy Mayor Swatman said that was deemed to be unworkable.

Councilmember Hamilton said he thought Mr. Boerner's property would be better served by a turn lane on Old Sumner-Buckley Hwy. Councilmember Rackley said he is firmly in favor of having the 184th connection completed at the same time as the changes to 182nd.

Barbara Bledsoe, 7711 191 St Ave. E., asked the Council if they had a chance to meet or discuss her water problem since discussion at the last workshop.

Mayor Johnson replied that staff is working on it and will be returning it to workshop for discussion. Director Grigsby said they are looking at options for getting cost estimates for the drainage study and something should be known within two months. The Mayor asked that the City obtain rougher estimates sooner so Council may begin visualizing the direction they want to pursue.

Councilmember Bowen moved for a 5-minute recess at 7:41 p.m. Councilmember Rackley seconded.

Motion approved 7 – 0.

The meeting reconvened at 7:43 p.m.

George Brown, 18313 Old Sumner Buckley Hwy., said he is owner of Thain Thai and is interested in how the City will accommodate traffic flow along Old Sumner-Buckley Hwy. He spoke favorably of a proposed U-turn, but said there is no pleasant way to handle the traffic and he is not sure of the best solution. He was concerned that if people start using 184th as a U-turn, the traffic will be backed up to the front of his business, which will cause access problems for his customers.

Council discussed the possibility of encouraging U-turns at the Hwy 410 & 184th St. intersection, ultimately concluding that the traffic backs up too far there to make U-turns a feasible alternative. They also discussed some of the pros and cons of other options. Director Grigsby reminded Council that the consultants said a U-turn at the top of the hill on Hwy 410 would be satisfactory for a few years, but with projected growth, would become problematic in the future.

Kimberly Nolan, 18008 SR410 E., said she is the president, cofounder and co-owner of Freed Insurance. She said she has great faith that a solution to the U-turn situation will be found, but in the mean time feels it would be best to continue allowing U-turns. She mentioned the side road between ARCO and Windermere as a possible temporary solution to access problems for those making U-turns.

Lynn Rattenbury, 18406 Old Sumner-Buckley Hwy., said she is the owner of Price Right Signs. She encouraged Council to allow U-turns at the intersection of Hwy 410 and Old Sumner-Buckley Hwy to alleviate traffic problems. She said people
using 184th to turn around and head back down the hill are already having an impossible time turning left onto Old Sumner-Buckley Hwy. Ms. Rattenbury asked that crosswalks also be installed, if and when the U-turn is put in more prominently.

Tana Latterell, 19301 84th St. E., said the new intersection improvements will force traffic onto the smaller roads in her neighborhood. She expressed concern that her street would be widened to accommodate the increase in traffic and she would lose more of the front of her property. Ms. Latterell also spoke of the safety problems which will come with increased traffic on her street. She asked the intentions of the City with the property they own off of Old Sumner-Buckley Hwy. and what plans exist for her street.

Councilmember Hamilton replied the City is not assuming there will be a lot of traffic in her neighborhood as a result of these intersection changes. He said there will eventually need to be improvements to 84th Street. Deputy Mayor Swatman commented the City-owned property will be used to place a road by the print shop.

Don Sangesand, 5516 195th Pl. E., said his kitchen faucet failed after only three years as a result of the water he receives from the Ball Park Well. He asked what is happening to the citizen’s health and plumbing who are supplied with this water. He said the taste and smell is always bad and that the federal standards met are arbitrary and need to be taken with a grain of salt. Mr. Sangesand stated the City is wasting too much time on studies and needs to fix the problem or shut down the Ball Park Well.

Director Grigsby responded they are planning to take the Ball Park Well offline until the water is needed. Mayor Johnson asked that Mr. Sangesand be notified when his water source is switched. Council discussed what they have been doing to try and get the Ball Park Well water up to the City’s preferred standards. They said they have not forgotten about the problem, but still do not know what it is going to take to improve the water.

Linda Youngberg, 8502 182nd St E., spoke in support of the business owners in the area and in favor of the proposed U-turn. She said Transpo agreed it would work so she cannot understand why the City would take it out. She also said her property at 188th and Old Sumner-Buckley Hwy is frequently used by people turning around, which would only become a bigger problem if the U-turn at Hwy 410 and Old Sumner-Buckley Hwy was prohibited. Ms. Youngberg spoke about the Traffic Impact Fees businesses have to pay and her belief that the businesses near the intersection will be hurt by the new design. She also stated she heard the City was waiting for a developer to build the 184th extension instead of doing it themselves.

Director Grigsby commented that construction on the main intersection could be complete by late 2008. Councilmember King said having a developer build the 184th extension is only one option being considered. He said a developer may be able to accomplish the road work quicker, whereas the City will need time to find funding. Councilmember Hamilton said the intersection may impact people in the
neighborhood, but is an essential project for the future of the City. Ms. Youngberg said it affects us all and needs to be done correctly.

Stacia Dorman, Elhi Rim Rd., asked for clarification on how her road plays into the new design. She said if the U-turn is removed traffic will be even more horrific and will increase on her road.

Michelle Gunn, 8708 188th Ave. E., said she is concerned about the Hwy 410/ Old Sumner-Buckley Hwy intersection. She said by damaging current businesses in the area the City will make the Downtown property less valuable for attracting new businesses. She encouraged Council to keep the U-turn legal and make an effort to communicate and cooperate with local businesses. Ms. Gunn also suggested reimbursing traffic impact fees for businesses whose ingress and egress is being affected by the new intersection design.

Councilmember Rackley made a motion for a 5 minute break. Deputy Mayor Swatman seconded.

The meeting reconvened at 8:44 p.m.

C. Correspondence:

a. Brian P. Duffy, BP Real Estate Property Manager – Email Re: Right on Red and U-Turn at 410 and Old Sumner-Buckley Hwy.

b. Kathy Greenwood – Letter objecting to Photo Speed Enforcement

III. COUNCIL COMMITTEE REPORTS:

[A3.6.4]

A. Finance Committee
Deputy Mayor Swatman said the finance committee met earlier in the evening and discussed boat launch automated gate enforcement. He said they are still debating whether and how to charge out of city residents. The Finance Committee also approved confirmation of assessment rolls for local LID and discussed a citizen request to waive garbage service.

B. Community Development Committee
Councilmember Rackley said the CDC met on October 2nd and forwarded two standard Annexation and Utilities agreements to Council for this evening’s agenda.

C. Public Safety Committee
Councilmember DeLeo said the Public Safety Committee met on October 4th and worked on a tow truck ordinance which will likely come to Council for the next workshop.
D. **Other Reports:**

**Lake Tapps Task Force.** Deputy Mayor Swatman updated Council on the work of the Lake Tapps Task Force. He said the Community of Lake Tapps is objecting to water rights for the lake, but they appear to be the only opposing party. He went on to say this topic has been a big ordeal for about six years, but may finally be coming to an end.

**Flu Shots.** Councilmember DeLeo announced the Senior Center would be offering flu shots on October 12th from 10:00 a.m. to Noon for $25 per shot and Pneumonia vaccinations for $45.

**Dan Bohm.** Councilmember DeLeo announced that Dan Bohm’s funeral services would be held on October 11th at 1:30 p.m. at the Presbyterian Church in Sumner.

**Life Screening.** Councilmember DeLeo informed everyone there would be a life screening group at the Senior Center next week on the 24th and on Tuesday prior to that at the Kiwanis meeting at 7:00 a.m. one of the screeners would be coming to talk about lifestyle choices and how they affect your life.

**Tree Lighting.** Councilmember DeLeo said there would be a Christmas tree lighting ceremony on December 2nd at 6:00 p.m.

**Holiday Craft Bazaar.** Councilmember Noble said the Senior Center would be hosting a Holiday Craft Bazaar on October 14th from 10:00 a.m. – 4:00 p.m.

**Traffic Presentation.** Councilmember Hamilton said he was involved in a traffic presentation made at RAMP (Regional Access Mobility Project) last Wednesday, which appeared to go well. He said background was given on the City and the traffic issues to attempt to raise awareness about the traffic problems in East Pierce County. Mayor Johnson agreed and said there was a group there who offered to present information to Council about how people feel about the traffic in our area.

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**IV. CONSENT AGENDA:** [A3.6]

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.

A. **Approval of Corrected Minutes:** September 19th Council Workshop and September 26th Council Meeting.

B. **Checks/Vouchers:** Accounts Payable checks/vouchers #45216 thru #45343 and wire transfer #8232006 in the amount of $1,018,624.78. Accounts Payable checks/vouchers #45344 in the amount of $500.00 for Accounts Receivable deposit refund. [F4.9]
C. **Payroll**: Payroll for September 16-30, 2006 for checks 25343-25393, including Deposits and Electronic Transfers in the amount of $435,985.81. [F4.9]


E. **AB06-343 – Resolution 1625** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Enter Into A Personal Services Agreement With Arborpro To Undertake A Tree Inventory And Develop A Management Plan. [O 5.10]

Motion approved 7 – 0.

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

VI. **COMMUNITY DEVELOPMENT COMMITTEE ISSUES**:


Councilmember Rackley moved to approve Resolution 1595. Councilmember Bowen seconded.

Motion approved 7 – 0.


Councilmember Rackley moved to approve Resolution 1620. Councilmember Bowen seconded.

Motion approved 7 – 0.

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

VIII. **FULL COUNCIL ISSUES**:

A. **AB06-209** – [Closed Record Hearing] – A Motion Of The Bonney Lake City Council, Approving The Final Plat For Whitehorse Junction Subject To The Approved Terms And Conditions Of The Preliminary Plat And The
Proposed Conditions Of Final Plat Approval Contained In The Staff Report To Council Dated October 10, 2006. [A.3.6.10] [O.3.5.2]

City Attorney Ganson explained that this closed record hearing means Council has before it a staff report analyzing conditions for final plat approval and the report shows the conditions were met. He said if Council determines this is true the applicant is entitled to final plat approval.

Councilmember Hamilton moved to approve AB06-209. Councilmember Rackley seconded.

Councilmember King spoke against the trend of developers putting in lots of cul-de-sacs with no connecting streets. He said the cul-de-sacs are popular, but bad for emergency services. Director Leedy said this plat was processed primarily through the County.

Motion approved 7 – 0.

IX. EXECUTIVE SESSION: Pursuant to RCW 42.30.140(4)(a) Mayor Johnson announced a 5 minute executive session at 8:58 p.m. to discuss Labor Negotiations. The meeting reconvened at 9:06 p.m.

X. ADJOURNMENT

At 9:06 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember Noble seconded the motion.

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Mayor Neil Johnson, Jr.

Documents submitted at the Council Meeting of October 10th, 2006:

➢ Bonney Lake Resident – *U-Turn Options with Photographs* – Ken Freed
➢ Bonney Lake Resident – *Email Re: City Council Meeting Tuesday 7pm 10-10-06* – Ken Freed
ACCOUNTS PAYABLE AND
UTILITY REFUND CHECKS/VOUCHERS

10/24/2006

Accounts Payable checks/vouchers #45345 thru #45448 and wire transfer #2260539 in the amount of $1,429,190.72.

Accounts Payable check/voucher #45449 in the amount of $135.00.
PAYROLL CERTIFICATION
2006

Payroll for October 1-15th, 2006 for checks 25394-25433, including Deposits and Electronic Transfers in the amount of $296,396.07.
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

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<th>Council Meeting Date:</th>
<th>Agenda Item Number</th>
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<tr>
<td>P&amp;CD/Heather Stinson</td>
<td>October 24, 2006</td>
<td>06-225</td>
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**BUDGET INFORMATION**

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<th>Projected Revenues</th>
<th>Impact</th>
<th>Remaining Balance</th>
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**Explanation:**

**Agenda Subject:** Street Vacation of a portion of 80th St. E. and 82nd St. E.

**Administrative Recommendation:** Approval of Street Vacation

**Background Summary:** Applicant requests a vacation of approximately 145 feet of 82nd St. East and 145 feet of 80th St. East, each abutting 184th Avenue East to the west. The applicant would like to develop them as single-family lots as part of Orchard Grove II, a preliminary plat. These street sections are not on the ground – simply recorded.

A public hearing was held on this proposal on October 10, 2006. City Council has discussed all public testimony. Staff recommends to approve the street vacations with the conditions outlined in the staff report and draft ordinance.

**Council Committee Dates:**
- Finance Committee:
- Public Safety Committee:
- Community Development & Planning Committee:
- Policy Committee:
- Council Workshop:

**Commission Dates:**
- Planning Commission:
- Civil Service Commission:

**Board/Hearing Examiner Dates:**
- Park Board:
- Hearing Examiner:

**Council Action:**
- Council Call for Hearing:
- Council Hearings Date:
- Council Referred Back to:
- Workshop:
- Committee
- Council Tabled Until:
- Council Meeting Dates:

**Signatures:**
- Dept.:
- Mayor:
- Date City Attorney reviewed:
STAFF REPORT
RESOLUTION NO. 06-1613 ATTACHED
ORDINANCE NO. 06-225 ATTACHED

Date: October 19, 2006
To: Bonney Lake City Council
From: Heather Stinson, Associate Planner
Application: Street Vacation. Request to vacate a portion of 80th Street East and a portion of 82nd Street East.
Applicant: Milestone Homes, Ron Newman
Location: 184th Ave. E / 82nd St. E. and 184th Ave. E / 80th St. E.

APPLICATION SUMMARY

A petition has been submitted by Ron Newman, and signed by the owners of 2/3 of the abutting properties requesting the City of Bonney Lake vacate a portion of 80th Street East and 82nd Street East adjacent to 184th Ave. East. 80th Street East is at the north end of a preliminary plat proposed by Mr. Newman called Orchard Grove II. 82nd Street East is in the middle of the proposed lots of Orchard Grove II. Neither one of these rights-of-way are improved or used for ingress or egress. If approved, the applicant would include the vacated right-of-way as portions of proposed lots in Orchard Grove II plat. The proposed plat is discussed in greater detail later in this report.

FINDINGS

1. The rights-of-way proposed to be vacated are the entire width of 80th Street East extending from 184th Ave. East westward approximately 145 feet and 82nd Street East extending from 184th Ave. East westward approximately 145 feet.

2. The portions of 80th Street East and 82nd Street East petitioned to be vacated were dedicated to the City of Bonney Lake, along with 184th Avenue East from 84th Street East to 80th Street East as a part of Short Plat 78-645 in 1978 for public right-of-way purposes.

3. Prior to this short plat, these rights-of-way were private property; portions of tracts created in 1923 as the McDonald Fruit Tracts subdivision.
4. Access to the original Lot was from 84th Avenue East, known previously as Orchid Street.

5. The rights-of-way are not through accesses, nor are they improved.

6. The present rights-of-way are not necessary to serve the purpose for extension of public travel and access.

7. A water line extends from 184th Ave. East westward through 80th Street East. In order to have access to the utility lines, staff recommends that the City maintain a 15 foot utility easement.

8. The portion proposed to be vacated is approximately 11,600 square feet, or .27 acres in size.

ANALYSIS

Upon review of the proposed application to vacate a portion of 80th Street East and a portion of 82nd Street East, staff recommends the application be approved with the condition that a 15 foot utility easement be granted the city on the northern boundary of 80th Street East.

The ability of the city to provide public services would not be adversely by approval of the application. The portion of right-of-way proposed to be vacated is not necessary for existing or future public use as a through street. There are no future plans for extending the streets to the west. The vacation of this portion of right-of-way will not adversely affect the street pattern or circulation of traffic in the area. By approving the proposed street vacations, no neighboring property will become landlocked or have access denied. All public services will remain as they exist.

The applicant proposes to add the vacated rights-of-way to the total acreage of his proposed preliminary plat, Orchard Grove II. The zoning on the vacated streets would become that of the adjacent properties, which is R-1. The density of the proposed subdivision would be allowed at 4-5 dwelling units per net acre. Sanitary sewer and water mains will be required to be extended through 184th Avenue East, and stubs provided for the new lots. Curb, gutter and sidewalk would be required for the new subdivision as well as street trees.

Pursuant to RCW 35.79.030, “If the street or alley has been part of a dedicated public right-of-way for twenty-five years or more, or if the subject property or portions thereof were acquired at public expense, the city or town may require the owners of the property abutting the street or alley to compensate the city or town in an amount that does not exceed the full appraised value of the area vacated.” Staff recommends that a condition of approval be that the applicant pay the cost of a City appraisal and purchase the property from the City.
RECOMMENDATION

Staff recommends the City Council approve this street vacation, by adopting Ordinance No. 06-225, vacating a portion of right-of-way known as 80th Street East and 82nd Street East from 184th Avenue East subject to the following conditions:

1. The applicant shall dedicate a 15 foot easement on the north side of, and parallel to 80th Street East.

2. The applicant will pay for the City appraisal.

3. The applicant shall purchase the right-of-way at a price established in the appraisal.
RESOLUTION NO. 1613

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, SETTING A PUBLIC HEARING REGARDING A PETITION FOR VACATION OF A CITY STREET.

WHEREAS, a petition has been filed requesting vacation of approximately 145 feet of 82nd Street East and 145 feet of 80th Street East, each abutting 184th Avenue East to the west; and

WHEREAS, the petition has been signed by the owners of more than two-thirds of the property abutting upon the above-described portion of such street; and

WHEREAS, RCW 35.79.010 requires that Council by resolution fix a time when the petition will be heard and determined by Council or by a committee thereof, which time shall not be more than sixty days nor less than twenty days after the date of passage of such resolution;

WHEREAS, there was insufficient public notice of the original hearing date approved by Resolution No. 1600 and scheduled for September 12, 2006;

NOW THEREFORE, the City Council of the City of Bonney Lake, Washington, does hereby resolve that a public hearing shall be held before Council on the following date: October 10, 2006.

Pursuant to RCW 35.79.020, the City Clerk shall give twenty days’ notice of the pendency of the petition by a written notice posted in three of the most public places in the City and a like notice in a conspicuous place on 82nd Street East, and another such notice on 80th Street East, near the area to be vacated. The said notice shall contain a copy of the petition for vacation and state the time and place fixed for the hearing.

DATED this 12th day of September, 2006.

____________________________
Neil Johnson, Jr., Mayor

ATTEST:

____________________________
Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

____________________________
James Dionne, City Attorney
ORDINANCE NO. 06-225

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON, VACATING A PORTION OF 80th STREET EAST AND 82nd STREET EAST ADJACENT AND INTERSECTING 184th AVENUE EAST IN THE NW 1/4, OF SECTION 33, TOWNSHIP 20 N, RANGE 5 E, W.M., SUBJECT TO CONDITIONS.

WHEREAS, a petition has been filed in accordance with RCW 35.79.010 by the property owners adjacent to the proposed vacated rights-of-way, to vacate a portion of 80th Street East and 82nd Street East; and

WHEREAS, the Bonney Lake City Council directed by resolution a public hearing on the petition be conducted before the Council and that notice of the hearing be given as required by law; and

WHEREAS, a public hearing was duly conducted by the Council on October 10, 2006 and the council fully considered all information and testimony offered and presented regarding the proposed street vacation; and

WHEREAS, the Council on the basis of evidence received at the public hearing including staff’s recommendation, has concluded that a portion of said street is not needed to serve the purpose of public travel or related purposes; and that vacation of the same will not adversely affect any public interest;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON AS FOLLOWS:

SECTION 1: The property proposed for vacation is those portions of 80th Avenue East and 82nd Avenue East dedicated to the City of Bonney Lake for right-of-way purposes, described as follows:

(Legal description to be provided by applicant)

The City shall obtain a fair market value appraisal of such property by a qualified appraiser. Upon payment by the proponent of the vacation to the City of the fair market value determined by the appraiser, along with the cost of the appraisal, such property shall be vacated. Should the proponent fail or refuse to make such payment, the proposed vacation shall be deemed denied.

SECTION 2: Upon vacation, title to the entire width of vacated 80th Street East shall vest in the abutting property owner of Lot 4 of Short Plat 80-42, Tax Parcel No. 5640000414; the north half of vacated 82nd Street East shall vest to the abutting property owner of Lot 3 of Short Plat 80-42, Tax Parcel No. 5640000413; and the south half of vacated 82nd Street East shall vest to the abutting property owner of Lot 2 of Short Plat 80-42, Tax Parcel No. 5640000435.

SECTION 3: From the property vacated, the City shall retain an easement for public utility purposes, legally described as follows:
SECTION 4: This Ordinance concerning powers vested solely in the Council, it is not subject to referendum, and shall take effect five (5) days after its passage, approval and publication as required by law.

PASSED BY THE COUNCIL OF THE CITY OF BONNEY LAKE AND APPROVED BY THE MAYOR, this _____ day of ______________, 2006.

_____________________________
Neil Johnson Jr., Mayor

ATTEST:

_____________________________
Harwood Edvalson, City Clerk

APPROVED AS TO FORM:

_____________________________
James Dionne, City Attorney

PUBLICATION DATE:____________

EFFECTIVE DATE:_____________
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

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<td>October 24, 2006</td>
<td>AB06-341</td>
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**BUDGET INFORMATION**

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**Explanation:** Not Applicable

**Agenda Subject:** Recommend approval of Ordinance 06-341 to confirm the final assessment roll for Local Improvement District No. 05-13 and levy assessments.

**Administrative Recommendation:** Recommend City Council approve final assessment roll for LID No. 05-13 without modification and levy assessments.

**Background Summary:**

A public hearing was held on October 10, 2006 for LID No. 05-13. A written protest was received from Mr. David Halvorson. Mr. Halvorson’s did not request an adjustment to his assessment in his protest.

**Council Committee Dates:**

Finance Committee: October 10, 2006
Public Safety Committee:
Community Development & Planning Committee:
Council Workshop:

**Agency/Commission Dates:**

Planning Agency:
Design Commission:
Civil Service Commission:

**Board/Hearing Examiner Dates:**

Park Board:
Hearing Examiner:

**Council Action:**

Council Call for Hearing: Council Hearings Date: 10/4/06
Council Referred Back to: Workshop: Council Meeting Dates:
Council Tabled Until: Committee

**Signatures:**

Dept/Director: [Signature]
Mayor: [Signature]
Date City Attorney reviewed: [Date]

G:/users/everyone/ag-bl/AGBL1
DATE: 10-06-06

ORIGINATOR: Beth Anne Wroe TITLE: Chief Financial Officer

SUBJECT/DISCUSSION: Local Improvement District (LID) No. 05-13 Final Assessment Roll

ORDINANCE/RESOLUTION Ordinance #D06-341

REQUEST OR RECOMMENDATION BY ORIGINATOR:
Recommend completing the assessment roll after the public hearing and authorize the city to provide financing for this LID project.

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE

| MAYOR | OK |
| FINANCE DIRECTOR | OK |
| CITY ATTORNEY | OK |

BUDGET INFORMATION

| BUDGETED ITEM: | TOTAL COST: Not to exceed $11,000 |
| (Note: If budgeted item, attach copy of budget page and identify) |

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Explanation: N/A

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

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<th>DATE</th>
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<tr>
<td>Dan Swatman, Chair, Finance</td>
<td>10-10-06</td>
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<tr>
<td>Phil DeLeo, Chair, Public Safety</td>
<td>10-10-06</td>
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<td>James Rackley, Chair, CDC</td>
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COMMITTEE COMMENTS: ________________________________

COMMITTEE’S RECOMMENDATION TO FORWARD TO:

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<tr>
<th>CITY CLERK</th>
<th>FINANCE DIRECTOR</th>
<th>CITY ATTORNEY</th>
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Include on the Consent Agenda for Council Meeting date of: October 10, 2006

□ Yes. □ No.
CITY OF BONNEY LAKE, WASHINGTON

ORDINANCE NO. 06-341


WHEREAS, the Assessment Roll levying the special assessments against the property located in Local Improvement District No. 05-13 ("LID No. 05-13") in the City of Bonney Lake, Washington (the "City") has been filed with the City Clerk as mandated by law; and

WHEREAS, notice of the time and place of hearing and making objections and protests to the Roll was published at and for the time and in the manner provided by law fixing the time and place of hearing for the 10th day of October, 2006 at the hour of 7:00 P.M. at Bonney Lake City Hall in Bonney Lake, Washington, and further notice thereof was mailed by the City Clerk to each property owner shown on the Roll; and

WHEREAS, at the time and place fixed and designated in the Notice, the hearing was held for the purpose of considering the Roll and the special benefits to be received by each lot, parcel, and tract of land shown upon such Roll, including the increase and enhancement of the fair market value of each such parcel of land by reason of the improvement, and written protests were received and persons appeared at the hearing to provide testimony in support of their protests; and

WHEREAS, the City Council gave due consideration to said Roll and to all written and oral objections received and to all persons appearing at said hearing, and to all exhibits presented at the hearing, and being fully advised with respect thereto; now, therefore

THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. The City Council, sitting as a board of equalization, and having made all revisions to the Roll as it deems necessary, hereby finds and determines that the final Assessment Roll for LID No. 05-13, which has been created and established for the purpose of constructing
and installing street and storm water improvements along a portion of 95th Street East in the City, is just and equitable and that no assessment against property within LID No. 05-13 is greater than the special benefits to be derived from the improvements. Accordingly, the final Assessment Roll, a copy of which is attached hereto as Exhibit A and incorporated by this reference, is hereby approved and confirmed, and the assessments set forth therein are hereby levied against each lot, tract, or parcel of land and other property appearing upon the Roll.

Section 2. The Assessment Roll as approved and confirmed shall be filed with the City Chief Financial Officer for collection and the City Chief Financial Officer is authorized and directed to publish notice as required by law stating that the Roll is in her hands for collection and that payment of any assessment thereon or any portion of such assessment can be made at anytime within thirty (30) days from the date of first publication of such notice without penalty, interest or cost, and thereafter that the sum remaining unpaid may be paid in 10 equal annual installments. The interest rate on unpaid assessments is stated to be 5.25 percent per annum.

Section 3. Upon placement of the Roll in the hands of the City Chief Financial Officer, the amount of each assessment set forth in the Roll, together with any interest or penalty imposed from time to time, shall become a lien against the property so assessed. The lien shall be paramount and superior to any other lien or encumbrance whatsoever, theretofore or thereafter created, except a lien for general taxes.

Section 4. The first installment of assessments on the Assessment Roll shall become due and payable during the 30-day period following the date of first publication of the notice described in Section 2 hereof and annually thereafter each succeeding installment shall become due and payable in like manner. If the whole or any portion of the assessment remains unpaid after the first thirty (30) day period, interest upon the whole unpaid sum shall be charged at the rate as determined above, and each year thereafter one of the installments, together with interest upon the unpaid balance, shall be collected. Annual installments, including interest and any penalty, shall be paid in full when due, and no partial payment shall be accepted by the City Chief Financial Officer.

Section 5. Any installment not paid prior to expiration of the thirty (30) day period during which such installment is due and payable shall thereof become delinquent. Each delinquent installment shall be subject at the time of the delinquency to a penalty equal to twelve percent (12%) per annum of the amount of the installment, including both principal and interest, from the date of the delinquency until paid. The collection of such delinquent installments shall be enforced in the manner provided by law; provided, the City may commence foreclosure proceedings as described in RCW 35.50.030 on or before November 1st.

Section 6. Upon a property owner’s failure to pay any installment due, the City may require that the entire assessment shall become due and payable, and the collection thereof enforced by foreclosure; provided, that the payment of all delinquent installments together with interest, penalty, and administrative costs at any time before entry of judgment in foreclosure
shall extend the time of payment on the remainder of the assessments as if there had been no delinquency.

Section 7. The lien of any assessment may be discharged at any time after the 30-day prepayment period by payment of the entire principal amount of the assessment remaining unpaid together with interest thereon to the due date of the next installment.

Section 8. Each and every provision of this ordinance shall be deemed severable. In the event that any portion of this ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof, provided the intent of this ordinance can still be furthered without the invalid provision.

Section 9. This ordinance shall be in full force and effect five days publication as required by law. A summary of this ordinance may be published in lieu of the entire ordinance, as authorized by state law.

Introduced on the 10th day of October, 2006.

Passed by the City Council on the 24th day of October, 2006.

APPROVED:

__________________________
Neil Johnson, Jr., Mayor

ATTEST/AUTHENTICATED:

__________________________
Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

By ___________________________
BOND COUNSEL

City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

Department/Staff Contact: Admin Svcs/Edvalson
Council Meeting Date: October 17, 2006
Agenda Item Number: AB06-346

Ordinance D06-346
Resolution Number:
Councilmember Sponsor:

BUDGET INFORMATION

2006 Budget Amount
Not Applicable
Explanation:

Required Expenditure
Impact
Remaining Balance

Agenda Subject: A Proposed Ordinance providing for a rotation in the call-out of tow truck operators for situations where an official of the City orders a vehicle towed.

Administrative Recommendation: Adopt the proposed ordinance.

Background Summary:

Some months ago, a tow truck operator with facilities just outside the Bonney Lake City limits asked to be considered as the City’s official tow truck operator. The Council Public Safety Committee has considered the issue and recommends use of qualified tow truck operators on a rotating basis.

The City Council discussed the proposed ordinance at the October 17th Council Workshop. There was a majority consensus to move the item onto the October 24th Council Meeting for possible action.

Council Committee Dates:
Finance Committee: 9/12/06
Public Safety Committee: Community Development & Planning Committee:
Council Workshop: 10/17/06

Commission Dates:
Planning Commission:
Civil Service Commission:

Board/Hearing Examiner Dates:
Park Board:
Hearing Examiner:

Council Action:
Council Call for Hearing: Council Hearings Date:
Council Referred Back to: Workshop: Committee
Council Tabled Until:
Council Meeting Dates: 10/24/06

Signatures:
Dept. Dir. Mayor Date City Attorney reviewed

[Signatures]
August 24, 2006
ORDINANCE NO. D06-346

AN ORDINANCE OF THE CITY OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING ORDINANCE NO. 785 AND CHAPTER 10.32 OF THE BONNEY LAKE MUNICIPAL CODE, RELATED TO VEHICLE IMPOUNDMENT AND TOW TRUCK OPERATORS.

WHEREAS, it is necessary for the City to utilize tow truck operators to assist in the prompt and proper removal and storage of abandoned, junk, unauthorized, and inoperable vehicles; and

WHEREAS, the City Council wishes to clarify the requirements and expectations for tow truck operators who serve the City of Bonney Lake.

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

Section 1. Bonney Lake Municipal Code Chapter 10.32 and the corresponding portions of Ordinance No. 785 are hereby amended to read as follows:

CHAPTER 10.32

VEHICLE IMPOUNDMENT AND TOW TRUCK OPERATORS

10.32.010 Definitions

(1) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in the operator's possession for one hundred twenty consecutive hours.

(2) "Impound" means to take and hold a vehicle in legal custody.

(3) "Junk vehicle" means a vehicle certified under RCW 46.55.230 and defined by BLMC 8.12.020 as meeting at least three of the following requirements:

   (a) Is three years old or older;

   (b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, or missing wheels, tires, motor, or transmission;

   (c) Is apparently inoperable;

   (d) Has an approximate fair market value equal only to the approximate value of the scrap in it.
(4) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.

(5) "Residential property" means property that has no more than four living units located on it.

(6) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the state patrol.

(7) "Tow truck service" means the transporting upon the public streets and highways of this state of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

(8) "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:
(a) Immediately if the vehicle constitutes an accident or traffic hazard in a public location, is parked in violation of postings at a publicly owned or controlled parking facility, is parked on residential property without the property owner's consent, or is parked on private non-residential property in violation of postings without the property owner's consent;

(b) After twenty-four hours if the vehicle is on a public highway and tagged by a law enforcement officer, as per RCW 46.55.085, or is parked on private non-residential property with no postings without the property owner's consent.

10.32.010    10.32.020 Adoption by reference—Authority to impound vehicles.

The City of Bonney Lake may utilize tow truck services to tow and impound abandoned, junk, unauthorized, or inoperable vehicles. As authority for and procedure governing impounds, the following statutes are adopted by reference as set forth in full herein: RCW 46.55.010, 46.55.020, 46.55.035, 46.55.070 through 46.55.113, and 46.55.120 through 46.55.130. (Ord. 785 § 1, 1998). This Chapter is intended to work in conjunction with BLMC §§ 8.12.010 through .070.

10.32.020    10.32.030 Written form of authorization for impound.

Any impound authorization issued by any agent of the city shall be upon a written form which sets out the authority for such impound. (Ord. 785 § 2, 1998).

10.32.030    10.32.040 Release of impounded vehicle.

Notwithstanding the requirements of RCW 46.55.120(1)(a) relating to impoundment of vehicles following an arrest for violation of RCW 46.20.342, a vehicle so impounded may
be ordered released by the agency authorizing the impoundment upon a showing of economic or personal hardship to the spouse of the operator of the vehicle, taking into consideration public safety factors, including the operator’s criminal history and driving record. Vehicles upon which police holds have been placed may be released to the registered owner only after the tow truck operator has received written authorization from the Bonney Lake Police Department. (Ord. 785 § 3, 1998).

10.32.050  Requirements for tow truck operators.

All tow truck operators serving the City of Bonney Lake must meet all requirements set forth in Chapter 46.55 RCW and WAC 308-61, as well as the following requirements:

(1) Use equipment that complies with WAC 204.91A.170 and Chapter 46.37 RCW;

(2) Be able to tow semi-trucks;

(3) Maintain their storage facilities and impound lots in compliance with WAC 308-61-026 and Bonney Lake building and zoning codes;

(4) Provide adequate shelter for motorcycles, open convertibles, and other vehicles that could be damaged by inclement weather;

(5) Provide sufficient floor space for inside storage of all vehicles the City of Bonney Lake has ordered to be held for investigative, evidentiary, or other purposes;

(6) Maintain impound lots in a condition that is graded, drained, lighted, and free of obstacles, so that persons redeeming vehicles have safe and convenient access to their vehicles;

(7) Maintain adequate security at impound lots to prevent loss or damage to impounded vehicles;

(8) Keep impound lots screened and fenced at all times, in accordance with Bonney Lake zoning codes, and keep the gate securely locked when an attendant is not on duty.

(9) Impound all vehicles towed from the City of Bonney Lake in impound lots within five miles of the corporate city limits of Bonney Lake.

10.32.060  Staffing and response time.

Tow truck operators serving the City of Bonney Lake must have on staff at least four operators, with at least two on-call at any time, as well as a dispatcher who is capable of receiving requests for service and dispatching tow trucks twenty-four hours a day, seven days a week. In addition, an impound lot attendant must be on duty, or readily available for duty, twenty-four hours a day, seven days a week. Tow truck operators must respond to
requests for service from the City of Bonney Lake as soon as safely possible, preferably within 15 minutes of the request. Repeated failure to respond promptly to requests for service may constitute grounds to remove the tow truck operator from the rotation described in BLMC § 10.32.070. If a tow truck operator fails to respond promptly to any given request for service, the City official making the request may terminate the request for service and contact another operator. In such event, the tow truck operator shall not be reimbursed for its late response.

10.32.070 Selection of tow truck operators.

The City shall have one open period for tow truck rotation application each year from November 1 through November 30. All tow truck operators who are interested in serving the City of Bonney Lake should contact the Bonney Lake Police Department and submit the license numbers of all licensed drivers in their employment. In determining which tow truck operator to contact with requests for service, the City official making the request will rotate through the license numbers that have been submitted. Specific operators may be requested to service out of rotation if they possess skills or equipment that are necessary to accomplish a certain job. The City may remove an operator from the rotation list after three demonstrations that the operator lacks the necessary skills, equipment, or personnel to perform the requested tasks.

10.32.080 Fees – Police impound, storage, and after hours release.

All tow truck operators serving the City of Bonney Lake shall abide by the Washington State Patrol fees schedule for the Pierce County area with regard to the accident/incident hourly rate, storage per day fee, and after hours release fee.

10.32.090 Private requests for towing services.

This section is not intended to abridge the ability of private parties to request towing services as needed. Bonney Lake police officers may request that private parties call for towing services when a vehicle is disabled on a right-of-way, but in the judgment of the officer at the scene, the circumstances do not warrant immediate removal of the vehicle.

Section 2. Severability

If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective date

This ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.
PASSED by the City Council and approved by the Mayor this _____ day of ___________, 2006.

__________________________

Neil Johnson, Jr., Mayor

ATTEST:

__________________________

Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

__________________________

James J. Dionne, City Attorney

Passed:
Valid:
Published:
Effective Date:
City of Bonney Lake, Washington  
Council Agenda Bill (C.A.B.) Approval Form

**Department/Staff Contact:** P&C/CD/Bob Leedy  
**Council/Wrkshp Mtg Date:** 10/24/06  
**Agenda Item Number:** AB 06-332

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**BUDGET INFORMATION**

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**Explanation:**

**Agenda Subject:** Approve Resolution 1621 authorizing filing Notice of Intent to Commence Annexation of Area 3 with the Pierce Co. Boundary Review Board.

**Administrative Recommendation:** Approve Resolution 1621.

**Background Summary:** On 8/22/06 City Council authorized circulation of the official 60% petitions to Annexation Area 3. Petitions exceeding the requisite 60% assessed value necessary for an annexation were received; the 60% Petitions were certified (sufficient per RCW) by Pierce Co. Assessor-Treasurer on 10/3/06. City Council and the Planning Commission held a joint public hearing on 10/10/06, Council discussed testimony from the hearing 10/17/06. The Planning Commission discussed the hearing testimony at their 10/18/06 meeting and made a motion to recommend annexing Area 3 and applying R-1 zoning. CDC reviewed/conducted a 1st reading of Resolution 1621 at their 10/16/06 meeting. Council is now being asked to consider approving Resolution 1621 authorizing the NOI to be filed with the BRB.

**Proposed Next Steps (subject to change):**
10/26/06: NOI filed with BRB (45 day review period begins)  
12/19/06 Council to adopt ordinance making annexation effective  
1/23/07 Annexation effective date

**Attachments:**
Resolution 1621 (Exhibit A-legal description, Exhibit B-map)  
Staff report (10/3/06)  
Timeline for processing annexation

**Council Committee Dates:**
- Finance Committee:  
- Public Safety Committee:  
- Community Development & Planning Committee: 8/14/06, 10/16/06 (1st reading – Res. 1621)  
- Council Meeting: 8/22/06, 9/26/06 (set hearing date), 10/10/06 (hearing), 10/17/06 (testimony discussion)

**Agency/Commission Dates:**
- Planning Commission: 9/20/06, 10/18/06 (recommendation)
- Design Commission:  
- Civil Service Commission:  

**Board/Hearing Examiner Dates:**
- Park Board:  
- Hearing Examiner:  

**Council Action:**
- Council Call for Hearing:  
- Council Hearings Date:  
- Council Referred Back to: Workshop: Committee  
- Council Tabled Until: Council Meeting Dates:  

**Signatures:**
- Dept Dr.  
- Mayor  
- Date City Attorney reviewed Res. 1621-10/6/06
COMMUNITY DEVELOPMENT COMMITTEE

DATE: October 16, 2006

ORIGINATOR: Bob Leedy TITLE: Director, P&CD

SUBJECT: Resolution 1621 re: “Annexation Area 3”
On 8/22/06 City Council authorized circulation of the official 60% petitions to Annexation Area 3. Petitions exceeding the requisite 60% assessed value necessary for an annexation were received; the 60% Petitions were certified (sufficient per RCW) by Pierce Co. Assessor-Treasurer on 10/3/06. City Council and the Planning Commission held a joint public hearing on 10/10/06, Council will discuss testimony from the hearing 10/17/06. The Planning Commission will discuss the hearing testimony at their 10/18/06 meeting and a motion to recommend annexing Area 3 and applying R-1 zoning is expected and will be forwarded to Council for their 10/24/06 meeting. Council is now being asked to approve Resolution 1621 authorizing the filing of the Notice of Intent to Commence Annexation Proceedings with the Pierce Co. Boundary Review Board.

Proposed Next Steps (subject to change):
10/24/06: Council to approve Res. 1621
10/26/06: NOI filed with BRB (45 day review period begins)
12/19/06 Council to adopt ordinance making annexation effective
1/23/07 Annexation effective date

Attachments:
Resolution 1621 (Ex. A-legal description, Ex. B-map)
Staff report (10/3/06)
Timeline for processing annexation

ORDINANCE/RESOLUTION # Resolution 1621

REQUEST OR RECOMMENDATION BY ORIGINATOR: Recommend to the City Council to approve Resolution 1621 authorizing filing of the Notice of Intent to Commence Annexation Proceedings for Area 3 with the Pierce Co. Boundary Review Board.

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE
FINANCE DIRECTOR
CITY ATTORNEY

BUDGETED ITEM: N/A Budget Impact: $ 0

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

DATE APPROVED DISAPPROVED
James Rackley, Chairman 10-16-06
Mark Hamilton 10-16-06
David Bowen 10-16-06

COMMITTEE COMMENTS:

COMMITTEE’S RECOMMENDATION TO FORWARD TO:
CITY CLERK
CITY ATTORNEY

Please schedule for City Council Meeting date of: 10/24/06 – 2nd reading/approval of Resolution 1621
Consent Agenda: □ Yes □ No
RESOLUTION NO. 1621

A RESOLUTION OF THE CITY COUNCIL OF CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, FORMALLY EXPRESSING ITS INTENT TO ANNEX “AREA 3”, A TERRITORY OF APPROXIMATELY 107.16 ACRES LOCATED ADJACENT TO THE CURRENT CITY LIMITS.

WHEREAS, the City of Bonney Lake seeks to annex territory to the adjoining City of Bonney Lake corporate limits for the purpose of fulfilling Policies 3-3b and 3-3c, from the Comprehensive Plan Land Use Element to “Require properties within its UGA to annex prior to providing them with services” and “Strive for regular City boundaries”, respectively; and

WHEREAS, the annexation is being processed by the petition method provided for in RCW 35A.14.120; and

WHEREAS, proposed “Annexation Area 3” is located in Sections 22 and 27, Township 20N, R5E W.M. and is bordered by existing city limits on the south, north and west sides and bordered on the east by the Urban Growth Boundary; and

WHEREAS, the legal description for the area was approved by the Pierce Co. Boundary Review Board on September 7, 2006; and

WHEREAS, the City of Bonney Lake adopted its Comprehensive Plan and Urban Growth Area (UGA) by Ordinance 721 on May 28, 1996, and adopted amendments to the Comprehensive Plan’s UGA by Ordinance 721A on September 10, 1996; and

WHEREAS, the annexation area is entirely within the Pierce County Urban Growth Area and such incorporation-annexation is authorized by RCW 35A.14.120; and

WHEREAS, the proposed annexation represents a logical extension of the corporate limits of the City of Bonney Lake into its established UGA; and

WHEREAS, the proposed zoning classification for “Annexation Area 3” is R-1 (BLMC 18.14), the appropriate zone to implement the previously adopted Single Family Residential land use designation; and

WHEREAS; upon annexation approval, all property within the proposed annexation area shall be assessed and taxed at the same rate and on the same basis as other property within the City of Bonney Lake, including all indebtedness existing as of the effective date of the annexation; and
WHEREAS, the 60% Petitions for the annexation were deemed sufficient pursuant to the requirements of RCW 35A.01.040 by the Pierce County Assessor-Treasurer’s office on October 3, 3006; and

WHEREAS, RCW 35A.14.130 requires the Bonney Lake City Council to hold a public hearing for the purpose of hearing testimony from residents of the proposed annexation area and Bonney Lake Municipal Code 14.140.080 requires the Bonney Lake Planning Commission to hold a public hearing to hear testimony on the proposed zoning of the annexation area; and

WHEREAS, the Bonney Lake City Council and Planning Commission held a joint public hearing to receive testimony on the annexation and proposed R-1 zoning on October 10, 2006; and

WHEREAS, the Bonney Lake City Council has determined that the interests of the people of the City of Bonney Lake will be best served if said territory is annexed to and becomes part of the City of Bonney Lake;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON THAT:

Section 1. The City Council of the City of Bonney Lake hereby declares its intent to annex, via the 60% petition method, the real property described on Exhibit ‘A’ and depicted on Exhibit ‘B’ attached hereto and incorporated by reference, subject to the following requirements:

Proper City of Bonney Lake zoning shall be established for said territory by ordinance concurrent with approval of annexation.

Section 2. The City Council refers the matter to staff to file a Notice of Intention to Annex with the Pierce County Boundary Review Board for approval pursuant to the provisions of RCW 36.93. Following Board action, staff shall bring the matter back to Council for further action consistent with the provisions of RCW 35A.14.120.

Section 3. The City Council hereby conditionally approves the annexation of “Area 3” by petition method, pending review by the Pierce Co. Boundary Review Board.
PASSED by the City Council this _____ day of October, 2006.

______________________________
Neil Johnson Jr., Mayor

ATTEST:

______________________________
Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

______________________________
James Dionne, City Attorney
BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 20 NORTH, RANGE 5 EAST, W.M., PIERCE COUNTY, WASHINGTON; THENCE SOUTH ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 80 FEET, MORE OR LESS, TO A POINT OPPOSITE THE SOUTHEAST CORNER OF LOT 7, LAKE TAPPS CEDAR ADDITION ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 18 OF PLATS, PAGE 88, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 7 AND THE EASTERLY PRODUCTION THEREOF, A DISTANCE OF 1040 FEET, MORE OR LESS, TO THE WEST RIGHT-OF-WAY LINE OF VANDERMARK ROAD EAST; THENCE NORTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF VANDERMARK ROAD A DISTANCE OF 2300 FEET, MORE OR LESS, TO THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF VANDERMARK ROAD, EAST AND THE 545 FOOT CONTOUR LINE OF THE LAKE TAPPS RESERVOIR AS SHOWN ON LOT 1, CHURCH LAKE WATERFRONT TRACTS DIVISION NO. 2 AS RECORDED IN VOLUME 22, PAGE 16, RECORDS OF PIERCE COUNTY, WASHINGTON IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 20 NORTH, RANGE 5 EAST; THENCE SOUTHEASTERLY, TO THE BRIDGE SHOWN ON SAID PLAT; THENCE NORTHEASTERLY ALONG SAID BRIDGE TO THE NORTHERLY RIGHT-OF-WAY LINE OF VANDERMARK ROAD EAST AT THE MOST SOUTHERLY CORNER OF LOT 1, MAPLE POINT ADDITION TO INLET ISLAND AS RECORDED IN VOLUME 24, PAGE 60, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE NORTHEASTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF VANDERMARK ROAD EAST A DISTANCE OF 160 FEET, MORE OR LESS, TO THE WESTERLY RIGHT-OF-WAY LINE OF 207TH AVENUE EAST (FORMERLY Y.M.C.A. COUNTY ROAD); THENCE NORTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF 207TH AVENUE EAST A DISTANCE OF 324 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF SECTION 22, TOWNSHIP 20 NORTH, RANGE 5 EAST, W.M.; THENCE EAST ALONG SAID SOUTH LINE A DISTANCE OF 31 FEET, MORE OR LESS, TO THE CENTERLINE OF 207TH AVENUE EAST; THENCE NORTHERLY AND NORTHEASTERLY ALONG THE CENTERLINE OF 207TH AVENUE EAST A DISTANCE OF 1460 FEET, MORE OR LESS, TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 20 NORTH, RANGE 5 EAST, W.M.; THENCE EAST ALONG SAID NORTH LINE A DISTANCE OF 1070 FEET, MORE OR LESS, TO SAID 545 FOOT CONTOUR ON THE LAKE TAPPS RESERVOIR; THENCE SOUTHEASTERLY ALONG SAID 545 FOOT CONTOUR A DISTANCE OF 240 FEET, MORE OR LESS, TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 20 NORTH, RANGE 5 EAST, W.M.; THENCE SOUTH A DISTANCE OF 1130 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID SECTION 22; THENCE SOUTH A DISTANCE OF 2640 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 20 NORTH, RANGE 5 EAST, W.M. AND POINT OF BEGINNING.

EXCEPT THAT PORTION OF 218TH AVENUE EAST LYING SOUTHERLY OF THE NORTHERLY RIGHT-OF-WAY LINE IDENTIFIED IN PIERCE COUNTY ORDINANCE NO. 91-27.
TOGETHER WITH VANDERMARK ROAD IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 20 NORTH, RANGE 5 EAST LYING WESERLY OF A LINE 30 FEET WESTERLY OF AND PARALLEL WITH THE EAST LINE OF SAID SUBDIVISION.
City Council Staff Report
Annexation Area 3 PLN 59100063
October 3, 2006

Applicant: City of Bonney Lake

Annexation method: Petition Method – RCW 35A.14.120

Location: Sections 22 and 27, Township 20N, R5E W.M. The annexation area borders existing city limits on the south, north and west sides. The southern border is the south edge of parcel 5040000072; the northern border is the north edge of parcel 0520224011. The western border is generally the west side of Vandermark Rd. E. The eastern border is the Urban Growth Boundary (generally a northerly extension of 214th Ave. E.). The area contains the preliminary plat of Bohemian Estates and a non-contiguous segment of Vandermark Rd. E. to the south of the main annexation area. The segment extends in an NW direction from 214th Ave. E. toward Church Lake Dr. E. The eastern border is the west side of 214th Ave. E. This segment of road is currently maintained by the City of Bonney Lake but was erroneously omitted from prior annexation legal descriptions. The addition of this segment will correct the mapping error.

Staff Contact: Shannon Mayfield-Porter, 253-447-4354

APPLICATION SUMMARY

The City of Bonney Lake attempted to annex “Area 3” (less the Vandermark Rd. segment) in 2001 using the election method of annexation. Voters in the area rejected the annexation. In late 2003, the then-owner of the Bohemian Estates Plat (Euro-Way Homes) approached the City requesting to annex their 30 acre parcel. After lengthy discussions, Council generally preferred to annex the entire “Annexation Area 3” rather than piecemeal annexation of just one parcel. After much consideration and review of assessed valuation data from the parcels in the area, it was determined that a successful annexation was not likely. Until the 30 acre parcel is developed, the land value is too low to guarantee a successful annexation. The applicant withdrew their annexation application and instead entered into an Annexation Utility Agreement with the City. The City’s intention was to wait until Bohemian Estates was finalized and its assessed value increased before beginning another annexation effort.

A second development is now in process (Tapps Hideaway), located just south of the Bohemian Estates and PSE properties. Tapps Hideaway will consist of 8 parcels, all of which have recorded Annexation Utilities Agreements with the City of Bonney Lake. The developer for Tapps Hideaway (tentatively 115 lots) intends to wait until after annexation to file their plat application with the City, providing the annexation is successful within a reasonable period of time. With the addition of the eight Tapps Hideaway parcels and one proposed short plat, the City was able to secure the requisite 60% petitions (signatures representing 60% of the total assessed value of the area). The petitions were verified by Pierce Co. Assessor-Treasurer, per RCW, on 10/3/06.

Existing Comprehensive Plan Land Use Designation
The annexation territory is located within the City of Bonney Lake’s approved Urban Growth Area created under RCW 36.70A.110. By RCW 35A.14.005, only territories within urban growth areas may be annexed by code cities. Pierce County has not completed a community plan for the area due to the annexation area’s location within the City’s approved UGA. The current Pierce County Comprehensive Plan designation for the annexation territory is MSF, Moderate Density Single Family. The City’s Comprehensive Plan designates this property as Single Family Residential.

Proposed Comprehensive Plan Land Use Designation
The City of Bonney Lake has contemplated and planned for future growth within this portion of its UGA. The Comprehensive Plan for the City of Bonney Lake was adopted on May 30, 1995 with amendments approved in 1996.

“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.”

Page 1 of 2
City of Bonney Lake Planning & Community Development Department  
City Council Staff Report  
Annexation Area 3 PLN 59100063  
August 1, 2006


Existing Zoning
The subject property is currently located in the City’s UGA within unincorporated Pierce County, and is zoned Moderate Density Single Family (MSF) by Pierce Co. A portion of the proposed annexation area abuts the city limits/Clarks Cove plat on the western side, the majority of which is zoned R-1, Low-Density Residential. The property abuts city limits/Maple Point Addition plat to the north, which is zoned R-2, Medium-Density Residential. The unincorporated rural property to the east is outside the city limits and urban growth boundary and is zoned R5 (Rural 5).

Proposed Zoning
To implement the adopted land use designation assigned by the city’s Comprehensive Plan, the proposed zoning for the annexation area is R-1, Low-Density Residential. The R-1 zone classification is consistent with the Comprehensive Plan Land Use Designation of Single-Family Residential.

REQUIREMENTS OF RCW 35A.14.120:
1.) Decide whether to accept, reject or geographically modify proposed boundaries of annexation area.
   The boundary of the proposed annexation area is the most logical geographic area possible given the circumstances. City Council previously stated that their desire was to annex all of this UGA rather than piecemeal annexation. Pierce Co. is requesting that the City also include the Vandermark Rd. segment to “clean up” legal description errors from prior years. The City and County have both treated this segment of road as if it was all in the City (as it should have been); the addition of this segment in the legal description for Annexation Area 3 will authorize the map correction.

2.) Decide whether to require simultaneous adoption of a proposed zoning regulation, if such a proposal has been prepared and filed for the area to be annexed as provided for in RCW 35A.14.330 and 35A.14.340
   BLMC 18.52.030 (F) The assignment of zoning to an annexation area shall be deemed a form of rezone, to be processed as a Type 6 permit or area-wide rezone depending on whether the annexation is site-specific or area-wide.
   The City did not establish “preannexation zoning” for this area but it did adopt land use designations for its urban growth areas when the Comprehensive Plan was adopted. The adopted comprehensive plan land use designation for this parcel is low-density residential. The implementing zoning classification is R-1 low-density zoning. In accordance with the City’s adopted Comprehensive Plan and Municipal Code, the proposed zoning for this annexation area is therefore R-1 low-density residential. Staff recommends the simultaneous adoption of zoning, concurrent with annexation effectiveness.

3.) Decide whether to require assumption of all or any portion of existing city indebtedness by area to be annexed.
   Council opted previously to require annexed residents to assume current city indebtedness (only outstanding bond is for Public Safety Building –2011). Even with assumption of current city indebtedness, residents will experience a slight decrease in their property tax rate over what they currently pay to the County road fund.

OTHER CONSIDERATIONS
If the annexation progresses to the point of adoption, Council will need to concurrently adopt an ordinance revising Council Ward 5 boundary to assign council representation to the newly annexed area.

STAFF RECOMMENDATION
Receive testimony on proposed Annexation Area 3 and related zoning (R-1).
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| August 14     | CDC MEETING: Formal presentation of 10% petition and request to authorize circulation of official 60% petitions. MOTION shall include:  
1.) accepting/rejecting/geographically modifying proposed annex. boundaries;  
2.) proposed zoning  
3.) whether to require assumption of current city indebtedness  
4.) authorization to circulate official 60% petition  
(Exact verbiage/quotiation from approved minutes must be included on the face of the official 60% petitions - including reference to indebtedness and planned zoning) | 8/14/06    |
| August 22     | COUNCIL MEETING: Action required: formal motion authorizing circulation of 60% petitions | 8/22/06    |
| September 12  | COUNCIL MEETING: approval of 8/22 minutes (must have signed approved copy of minutes for 60% petition) | 9/12/06    |
| September 14  | Mailing to property owners (Lamonts) with petition requesting signatures  
City Clerk to sign 60% petition for Bohemian Estates, Tapps Hideaway, Thorsteinson shortplat | 9/14/06    |
| September 26  | Goal for obtaining 60% signatures | 9/19/06    |
| September 20  | PLANNING COMMISSION MEETING: Set joint hearing date (zoning) for annexation area per BLMC 14.140.080 – 10/10/06 | 9/20/06    |
| September     | SEPA checklist/review/determination issued | 9/25/06    |
| September 26  | COUNCIL MEETING: Set joint public hearing date (with Planning Commission) on annexation and zoning | 9/26/06    |
| October 10    | JOINT CC/PC MEETING: Joint public hearing on proposed annexation AND zoning (AG-BL 06-331) |            |
| October 16    | CDC MEETING: 1st reading of Resolution 1621 authorizing filing of NOI with BRB (AG-BL 06-332) |            |
| October 24    | COUNCIL MEETING: 2nd reading of Resolution 1621 authorizing filing of NOI with BRB (AG-BL 06-332) |            |
| October 28    | • File certified copy of resolution with Pierce Co. Council, Auditor, ATR  
• Certified copy of resolution and NOI filed with BRB (assumption is 45-day review will begin 10/27/06) |            |
| December 12   | CITY COUNCIL MEETING: 1st reading of (AG-BL 06-337)  
1.) Resolution 1623 with interlocal Agreement between City and PC for post-annexation permit processing;  
2.) Ordinance D06-340 making annexation effective no less than 30 days from adoption (30 days required by RCW 35A.14.801 – need to provide 30 days notice to ATR for proper tax distribution) include assumption of indebtedness;  
3.) Ordinance D06-338 assigning zoning to annexation area  
4.) Ordinance D06-339 revising Council Ward 5 boundaries. |            |
| December 13   | BRB 45-day review period ends (assuming jurisdiction was not invoked) |            |
| December 19   | CITY COUNCIL WORKSHOP: Adopt Resolution and 3 Ordinances:  
RES 1623 - Interlocal Agreement for post-annexation permit processing  
ORD D06-340 - Changes ward boundaries for Ward 5 to include annex. area  
ORD D06-338 - Makes annexation effective (30-days)  
ORD D06-339 Assigns R1 zoning to annexation area |            |
| January 23, 2007 | **Annexation effective date** |            |
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

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**Explanation:** Not Applicable

**Agenda Subject:** Set public hearing date of November 14, 2006 for setting the amount of the annual ad valorem tax levy necessary for fiscal year 2007.

**Administrative Recommendation:** Recommend public hearing of November 7, 2006 for setting the amount of the annual ad valorem tax levy for fiscal year 2007.

**Background Summary:**

This public hearing is required to set the ad valorem tax levy. The City’s legislative body is required to certify and submit an ordinance certifying the City’s property tax levy to Pierce County by November 30, 2006.

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**Council Action:**

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**Signatures:**

Dept. Dir.

Mayor

Date City Attorney reviewed
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

**Department/Staff Contact:**  Jerry E. Hight C.B.O.  
**Council/Wrkshp Mtg Date:**  October 24, 2006  
**Agenda Bill Number:**  AB06-350

**Ordinance Number:**  
**Resolution Number:**  1629  
**Councilmember Sponsor:**

**BUDGET INFORMATION**

**2006 Budget Amount**

**Required Expenditure**  
**Impact**  
**Remaining Balance**

**Explanation:**

**Agenda Subject:**
On the job training for Adam McFayden

**Administrative Recommendation:** Staff recommends council approval.

**Background Summary:** The building division has been contacted by Barbara Berndt of Industrial Rehabilitation Consultants and has requested an internship for her client Adam McFayden. Mr. McFayden was previously a construction worker that was injured on the job and desires to receive on the job training as a building inspector. Labor and Industry is providing all related expenses for Mr. McFayden as part of his claim. Mr. McFayden will not be operating any city vehicles or equipment, nor will he be approving any permits. This internship is observation only.

I have interviewed Mr. McFayden with staff and we believe he will be an appropriate addition to the building division.

**Council Committee Dates:**  
**Commission Dates:**  
**Board/Hearing Examiner Dates:**

Finance Committee:  
Public Safety Committee:  
Community Development & Planning Committee:  
Council Workshops:  
Planning Commission:  
Civil Service Commission:  
Park Board:  
Hearing Examiner:

**Council Action:**  
Council Call for Hearing:  
Council Hearings Date:  
Council Referred Back to:  
Workshop:  
Committee  
Council Tabled Until:  
Council Meeting Dates:

**Signatures:**  
Dir. Authorization  
Mayor  
Date City Attorney Reviewed:  
Not Yet Reviewed
RESOLUTION NO. 1629

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING AN AGREEMENT WITH INDUSTRIAL REHABILITATION CONSULTANTS REGARDING ON-THE-JOB TRAINING FOR ADAM MCFAYDEN.

The City Council of the City of Bonney Lake, Washington, does hereby resolve that the Mayor is authorized to sign an On-the-Job Training Agreement for Adam McFayden with Industrial Rehabilitation Consultants.

PASSED by the City Council this 24th day of October, 2006.

______________________________
Neil Johnson Jr., Mayor

ATTEST:

______________________________
Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

______________________________
James Dionne, City Attorney
Date: October 18, 2006

To: Council members

From: Jerry E. Hight, Building Official

Re: Internship for Adam McFayden

Attached is the preliminary on the job training agreement we received from Industrial Rehabilitation Consultants for your review. Woody has forwarded this agreement to our attorneys and they have requested a few minor verbiage changes. I have informed Barbara Berndt from Industrial Rehabilitation Consultants of these changes.
On The Job Training Agreement
City of ____________
October 2006

This On The Job Training Agreement is intended to delineate responsibilities of all parties in order to facilitate learning and skill acquisition of Adam McFayden to become a Building Inspector. The responsibilities and monthly training listed below are intended as a general guideline. Training opportunities and job demands may arise at different times and/or work demands. Thus, this schedule may be flexible and change in order to promote new learning.

Monthly Training for Adam McFayden:

Month One:
- Become familiar with City policy, protocol, and guidelines.
- Become familiar and study materials, reference books, and functioning, roles & responsibilities in Building/Planning Department.
- Assist at permit counter, learn forms and process.
- Begin independent study on Residential Building Inspector course.

Month Two:
- Continue to develop knowledge in Building/Planning Department. Accept minor assignments that may include research, filing, and code review, etc.
- Develop knowledge of commonly asked questions in Building Department and become familiar with intra-office communications between City departments.
- Be knowledgeable about permit counter, and able to step in/fill in if necessary.
- If possible, accompany Building Inspector in on-site inspection. Become familiar with internal process of on-site inspection protocol, paperwork, and reporting requirements.
- Review building plans as a study opportunity.
- Continue independent study of Residential Building Inspector, and be ready to take exam.

Month Three:
- Augment knowledge of Building/Planning Department requirements, including developing technical knowledge in one or more areas. Carry out job tasks and assignments with some supervision.
• Accompany Building Inspector for on-site inspection, and help facilitate required internal paperwork documentation.
• Review building plans, study these plans, and use as a learning opportunity within the office.
• Take and pass Residential Building Inspector exam.
• Begin study of _______ Inspector or _______ Plans Examiner.

Month Four:
• Be knowledgeable about inter and intra City departments and resources. Know roles and resources within this municipality. Carry out job assignments with minimal supervision.
• Be assigned to perform on-site Building Inspection within scope of experience and knowledge. Be able to function independently with some assistance or supervision.
• Be knowledgeable about filing and paperwork requirements in department.
• Continue to search out learning opportunities, demonstrating desire and motivation to self-learn and self-study.
• Continue study of _______, and prepare to take exam.

Month Five:
• Be independent in ability to interface and utilize Building/Planning Department resources. Be able to perform basic job assignments with no supervision. Accept and carry out increasingly responsible job tasks with minimal supervision.
• Continue to perform on-site Building Inspection assignments within scope of experience, and perform with minimal assistance.
• Be assigned tasks and duties commensurate with knowledge and skill level. Be able to perform with minimal supervision.
• Work on searching out new learning opportunities, demonstrating self-determination for increasing own skill, knowledge and experience.
• Finish study of ______, take exam, and sign up for _______ inspector/plans examiner course and begin study.

Month Six:
• Continue to accept increasingly responsible job tasks and assignments. Ask questions, ensure understanding, and be able to function independently in job duties with minimal supervision.
• Continue to perform additional on-site Building Inspection assignments as assigned. Perform work in a timely manner with minimal errors. Begin to exercise judgement calls, but with supervisor oversight.
• Be able to perform in an independent manner for assigned work, and for seeking out new learning within the City.
• Continue study of ____, take exam.

Month Seven:
• Continue to accept increasingly complex assignments and complete within designated time. Work to develop skill set in order to increase efficiency and meeting deadlines.
• Perform on-site Building Inspection with minimal to no errors. Increase assignments as projects allow.
• Be familiar with and able to exercise independent thinking and judgement in most situations.
• Begin study of ____.
• Discuss if work opportunities may exist within this municipality. If not, begin work search within other municipalities. Request time off for interviews in a timely manner so as not to interfere with job responsibilities.

Month Eight:
• Be able to function independently in most all job assignments with minimal supervision.
• Perform on-site Building Inspections as assigned.
• Be knowledgeable, timely and sufficiently prepared to complete any assignment by the deadline requested.
• Continue job search and interviewing such that it does not interfere with job duties and assignments.
• Finish study of ____ and take exam. Enroll in new class.

Month Nine:
• Be able to function independently in all assigned job duties and inspections.
• Perform on-site Building Inspections and complete work in a timely manner.
• Continue job search.
• Study and determine additional ______ inspector/examiner course. Sign up and study diligently.

Month Ten:
• Work independently in all job assignments as a Building Inspector.
• If no work is available, complete all job duties and assignments in a professional manner. Exist this training with good relations, good rapport, and appropriate departure.
• Continue job search.
• Finish or come to near completion with ____ inspector/examiner exam.
Responsibilities:

City of ______:

- Offer training as delineated in OJT Agreement. It is acknowledged that job duties and tasks may vary from the Agreement in that work demands may fluctuate. Within reason and staffing abilities, the training will occur to introduce, train and assist Mr. McFayden to become knowledgeable and skilled within this 10-month training as a Building Inspector.

- Training is to occur between ___ a.m. and ___ p.m. at the City of ________.

- It is acknowledged that Mr. McFayden is studying for various inspection/plans examiner tests and these will be done on his own time. In certain exceptions, this study time may occur at work.

- Mr. McFayden will remain on Department of Labor & Industries time loss benefits, and he will not be paid a wage or salary for his time. He will have a Preferred Worker Status which will cover him for any job-related injury.

- The City of ______ will determine other insurance needs and requirements, including auto liability due to travel requirements, and this will require: ________

- There is no implied or intended job at the completion of this 10-month training. If one is available, Mr. McFayden may apply. It is acknowledged that he will be allowed time to attend scheduled interviews for jobs, and he will have given adequate notice to the supervisor.

- The City of ______ acknowledges that Mr. McFayden was injured and has recuperated. He is released to perform Building Inspector work duties and tasks by his physician, but he does have the following medical restriction: ________

Supervisor: ____________________________ Date: ______________
Responsibilities:

Adam McFayden:

- This On-The-Job Training will be considered as a job in that attendance will be maintained as agreed upon, and reporting to the supervisor, ____________, will occur as if in regular employment.

- Confidentiality and personal responsibility will be performed as if in regular employment.

- The training outline will be followed as closely as possible, and within assigned job duties and tasks, both for the OJT and for the independent study to become skilled as a Building Inspector.

- Documentation of tasks and assignments will occur to demonstrate skills acquired. This will be given to Barbara Berndt in generic form, and will be in accordance with any City guidelines and/or regulations.

- Should any problems or difficulties arise in any job duties, tasks or assignments, then immediate notification will be made to the supervisor.

- Should any problems arise that pose difficulty in completing this OJT and/or independent study, then Barbara Berndt will be notified. All reasonable efforts will be made to solve any issues.

- Should any physical issues arise, then Barbara Berndt will be immediately notified. All reasonable efforts will be made to comply with known physical restrictions so that no physical issues are barriers to the success of this training.

- There is no job guarantee with the City of ______. Near the end of the training program job search will be necessary. All reasonable efforts to schedule interviews will be made so as not to conflict with training expectations, and the supervisor will be given adequate notice of outside appointments.

Adam McFayden: ___________________________ Date: ____________

Page 5 of 6
Responsibilities:
Barbara Berndt:

• As the assigned vocational rehabilitation counselor, all necessary and reasonable monitoring of this plan will occur to ensure success for both Mr. McFayden and the City of _____________. Monitoring will occur with the supervisor on a monthly basis, and will be in writing, on the phone, or in person, as the supervisor’s time and schedule permit.

• Funding for the independent study and Mr. McFayden’s financial needs will be monitored and resolved so that these issues do not interfere with the OJT.

• Should any issues whatsoever arise in this OJT, then immediate action will be taken to resolve.

• Job search assistance will be provided near the completion of the training, but will not interfere with this OJT at the City of _____________.


Barbara Berndt____________________________________________________ Date ____________________
M.Ed, CRC, CCM, CDMS, ABVE
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

Department/Staff Contact: Admin Svcs/Edvalson
Council/Wrkshp Mtg Date: October 24, 2006
Ordinance Number: Resolution Number: 1627
Agenda Bill Number: AB06-347
Councilmember Sponsor:

BUDGET INFORMATION

2006 Budget Amount Required Expenditure Impact Remaining Balance

Explanation

Agenda Subject: Resolution proclaiming the week of October 30th to November 3rd as Youth Voting Awareness Week in the City of Bonney Lake.

Administrative Recommendation: Adopt the proposed resolution.

Background Summary: Similar resolutions are being adopted by other cities and Pierce County to encourage voter awareness among the youth in our communities. As elected officials, the Mayor and Council wish to promote the continued success of the democratic process in Bonney Lake by encouraging the education of future voters.

The “Voting is Cool” program sponsored by the Pierce County Auditor’s Office is a K-6 program which is used by several schools in the Bonney Lake area. Program information accompanies this agenda bill.

Council Committee Dates: Commission Dates: Board/Hearing Examiner Dates:
Finance Committee: Planning Commission: Park Board:
Public Safety Committee: Civil Service Commission: Hearing Examiner:
Community Development & Planning Committee: Council Workshops:
Council Workshops:

Council Action:
Council Call for Hearing: Council Hearings Date:
Council Referred Back to: Workshop: Committee:
Council Tabled Until: Council Meeting Dates: 10/24/06

Signatures:
Dir. Authorization: Mayor: Date City Attorney Reviewed:

[Signatures]

[Signatures]
Resolution No. 1627

A RESOLUTION OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, JOINING MAYOR NEIL JOHNSON IN PROCLAMING THE WEEK OF OCTOBER 30 THROUGH NOVEMBER 3, 2006 AS YOUTH VOTING AWARENESS WEEK, ENCOURAGING THE YOUTH OF BONNEY LAKE TO PARTICIPATE IN THE “VOTING IS COOL” PROGRAM IN PIERCE COUNTY, WASHINGTON.

WHEREAS, the youth of our City represent the future for generations to come; and
WHEREAS, the awareness of the process, privilege and responsibility of voting is vital to the future of our youth and to the future of the democratic process; and
WHEREAS, it is the responsibility of the community, its educators, the government and the families of our youth to educate the future voters.

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

Section 1. On behalf of all citizens of the City of Bonney Lake, the Bonney Lake City Council and Mayor wish to declare October 30th through November 3rd as Voting Awareness Week in Bonney Lake.

Section 2. The Bonney Lake City Council and Mayor encourage all educators and families to teach the youth of the City of Bonney Lake about the process, privilege and responsibility of voting, and recognize the Pierce County Auditor’s Office “Voting is Cool” program as an available teaching resource for the community.

PASSED by the City Council this 24th day of October, 2006.

______________________________  ______________________________
Neil Johnson, Jr., Mayor          Daniel Swatman, Deputy Mayor

______________________________  ______________________________
David Bowen, Councilmember       Phil DeLeo, Councilmember

______________________________  ______________________________
Mark Hamilton, Councilmember     David King, Councilmember

______________________________  ______________________________
Cheryle Noble, Councilmember     James Rackley, Councilmember
Attest:

______________________________  ______________________________
Harwood T. Edvalson, City Clerk  James Dionne, City Attorney
SUGGESTIONS FOR THE TEACHER

Depending on your grade level you may want to extend this lesson plan throughout Youth Voting Awareness Week, October 30-November 3, 2006.

5 DAY PLAN

- Day 1 - Talk about issues and campaigning in general, and some issues that may be voted on in November
- Day 2 - Voter registration and register the students to vote
- Day 3 - Make campaign signs/Post throughout the school
- Day 4 - Give campaign speeches to other students on the issue they are for or against
- Day 5 - Vote/announce class results/compile school results

VOTING BOOTHs

Use 3 sides of a cardboard box and decorate with star/stripes

LEARNING STATION

Making a voting booth. Have your voter registration at the learning station. Make a ballot box. Make campaign signs. Use the learning station for the students to vote at all day on Election Day.
November 2006

Dear Parents:

Your child recently learned about voting through a program provided by the Auditor's Office to local schools. The program is called "Voting is Cool." Curriculum is provided for children from kindergarten through grade six. As a parent myself and the person in charge of carrying out elections for Pierce County, I am proud of this collaborative countywide program that teaches our children about the voting process.

I encourage you to involve your child the next time you vote whether it is sitting at your kitchen table filling out your absentee ballot or voting at your polling location. Studies show that children who were exposed to voting by their parents were more likely to exercise their right to vote as adults. By taking the time to share your voting experience with your child, you are helping to build the foundation for future voters in our democracy.

If you need to update your voter registration record because you have moved or changed your name, please contact my office at 253-798-7430. If you are not currently registered to vote in Pierce County you can do so by picking up a form in your local elementary school office, library or fire station. You can also download the form from the Pierce County Auditor's website at www.piercecountwa.org/auditor. Once you have completed the form you will need to mail it in. You will receive a voter registration card in the mail within approximately two weeks.

I hope your child enjoyed the many activities of the "Voting is Cool Program" and their voting experience. You will the see the ballot that your child voted on displayed on the right. Take a moment to discover what your child learned this past week about voting and the voting process.

Sincerely,

Pat McCarthy
Pierce County Auditor
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

<table>
<thead>
<tr>
<th>Department/Staff Contact:</th>
<th>Council/Wrkshp Mtg Date:</th>
<th>Agenda Bill Number:</th>
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<tr>
<td>Admin Svcs/Edvalson</td>
<td>October 24, 2006</td>
<td>AB06-348</td>
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<tr>
<td>Ordinance Number:</td>
<td>Resolution Number:</td>
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**BUDGET INFORMATION**

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<th>2006 Budget Amount</th>
<th>Required Expenditure</th>
<th>Impact</th>
<th>Remaining Balance</th>
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</table>

**Explanation**

**Agenda Subject:** Resolution Opposing Initiative Measure No. 933: “An Act Relating To Providing Fairness In Government Regulation Of Property”.

**Administrative Recommendation:** Adopt attached resolution.

**Background Summary:** The City Council considered a report outlining the fiscal impacts to the City of Bonney Lake and its taxpayers from I-933. By Council majority, the Council requested that a resolution in opposition to the adoption of I-933 be prepared for consideration at the Council meeting of October 24, 2006.

**Council Committee Dates:**
- Finance Committee:
- Public Safety Committee:
- Community Development & Planning Committee:
- Council Workshops: 10/17/06

**Commission Dates:**
- Planning Commission:
- Civil Service Commission:

**Board/Hearing Examiner Dates:**
- Park Board:
- Hearing Examiner:

**Council Action:**
- Council Call for Hearing:
- Council Hearings Date:
- Council Referred Back to: Workshop:
- Committee:
- Council Tabled Until: Council Meeting Dates:

**Signatures:**
- Dir. Authorization
- Mayor
- Date City Attorney Reviewed:
RESOLUTION NO. 1628

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, OPPOSING INITIATIVE 933, ENTITLED "AN ACT RELATING TO PROVIDING FAIRNESS IN GOVERNMENT REGULATION OF PROPERTY"

WHEREAS, Initiative 933 (I-933) will be presented to the voters of the State of Washington at the general election on November 7, 2006, with the following official Ballot Title and Description:

Statement of the Subject: Initiative Measure 933 concerns government regulation of private property.

Description: This measure would require compensation when government regulation damages the use or value of private property, would forbid regulations that prohibit existing legal uses of private property, and would provide exceptions or payments. Should this measure be enacted into law? Yes __ No__

WHEREAS, I-933 would require agencies such as the City of Bonney Lake to undergo a lengthy and costly pre-enactment process to document potential impacts of new regulations upon the use and value of private property; and

WHEREAS, I-933 would require the City (if it “decided” to “enforce or apply” any “ordinance, regulation or rule” to private property which would result in “damaging the use or value of private property”) to first “pay compensation,” as those phrases are defined and used in I-933; and

WHEREAS, I-933’s definition of “private property” includes virtually all interests in real as well as personal property; and

WHEREAS, because of the breadth of I-933’s definition of private property, and because its definition of “damaging the use or value” of private property includes no minimum standards for measuring “use” or “value,” I-933 would dramatically lower the threshold for compensation far below constitutional limits. Virtually any limitation on the use of any kind of private property could give rise to a claim for compensation for “damages” within the meaning of I-933, regardless of the importance of the public protection achieved by such limitation or the uses or values remaining to the property owner; and

WHEREAS, the length and complexity of the aforementioned and required pre-enactment process would shift resources and staff time away from reviewing and processing all other permits, thus forcing the City to concentrate primarily on I-933 claims, pre-enactment analysis and mitigating the City’s liability, to the detriment of the City’s existing permitting obligations; and
WHEREAS, because the broad definition of "damaging the use or value" includes, but is not limited to, prohibiting or restricting any use or size, scope, or intensity of any use legally existing or permitted as of January 1, 1996, I-933 would render ineffectual all post-1996 regulations, including but not limited to development regulations and critical area regulations adopted pursuant to the detailed public participation process required by the Growth Management Act; and

WHEREAS, I-933 would deprive the Bonney Lake City Council of its constitutional authority to adopt and enforce reasonable land use development standards to mitigate traffic impacts, assure appropriate building height and lot coverage restrictions, provide for the preservation of open spaces and protection of environmentally sensitive areas, and other general development regulations necessary to promote the public health, safety and welfare, thereby supplanting the will of the local community and curtailng the police power authority granted to the City Council by the Washington Constitution (Article XI, Section XI) to adopt and enforce land use, zoning, growth management and planning, critical area, water quality and shoreline management and other measures through an open public process; and

WHEREAS, the sweeping and detrimental regulatory and fiscal impacts of I-933 would be borne by citizens who reside in each of the state’s 39 counties, and

WHEREAS, the exceptions listed in Section (2)(c) do not list nuisance uses that typically would be prohibited in residential neighborhoods, and thus I-933 would authorize claims for payment or waiver of city regulations that prohibit a wide variety of obnoxious land uses and activities that would seriously degrade property values of such residential neighborhoods; and

WHEREAS, the only alternative to payment of compensation provided by I-933 is to issue site-specific waivers from regulations, which may give rise to lawsuits and claims for compensation from adjacent property owners, and

WHEREAS, local governments may not have the legal authority to waive certain regulations on a case-by-case basis; and

WHEREAS, I-933 will lead to incompatible growth, which would potentially adversely affect the value and use of adjacent properties and detrimentally affect the City’s ability to provide needed infrastructure, and public services and protect public safety; and

WHEREAS, the City supports the benefits of balancing public good and private property rights, and

WHEREAS, I-933 conflicts with the City’s and its citizens’ core values related to smart growth and does so in a manner that will benefit only a few; and

WHEREAS, the waive or pay provision would jeopardize the City’s ability to fund public services and public infrastructure; and
WHEREAS, on October 24, 2006, Initiative Measure 933 was discussed at a regular meeting of the Bonney Lake City Council pursuant to RCW 42.17.130(1), which permits a City Council to adopt a resolution in support of or in opposition to a ballot proposition so long as there is notice of the meeting and the public is afforded the opportunity to express opposing views.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Bonney Lake, Washington, that the City of Bonney Lake opposes adoption of Initiative Measure 933, and urges voters to consider rejecting I-993 due to the sweeping and detrimental impacts outlined above.

PASSED BY BONNEY LAKE CITY COUNCIL this 24th day of October 2006.

____________________________________________
Neil Johnson Jr., Mayor

ATTEST:

____________________________________________
Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

____________________________________________
Jim Dionne, City Attorney
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

Department/Staff Contact: Doug Budzynski - Utilities Engineer
Council/Wkshp Meeting Date: 10/24/06
Agenda Item Number: AB06-352

Ordinance Number: Resolution Number: 1630
Councilmember Sponsor: CDC

BUDGET INFORMATION

2006 Budget Amount: 401,999,594.26
Required Expenditure: $250,000
Impact: 32,000
Remaining Balance: 218,000

Explanation:
Study for future water options

Agenda Subject:
Scope of work for screening future water supply options

Administrative Recommendation:

Background Summary: This Scope of Work addresses the first phase in a process to secure future water supply that will support Bonney Lake's future water supply requirements. The scope for Phase 1 will provide an initial screening level assessment of the three main water supply options currently known to be available to the City of Bonney Lake. These options are:
1. Tacoma Water;
2. Lakewood Water District; and
3. Cascade Water Alliance.

Council Committee Dates:
Finance Committee:
Public Safety Committee:
Community Development & Planning Committee: 10/16/06
Council Workshop:

Commission Dates:
Planning Commission:
Civil Service Commission:

Board/Hearing Examiner Dates:
Park Board:
Hearing Examiner:

Council Action:
Council Call for Hearing:
Council Referred Back to: Workshop:
Council Tabled Until: Council Meeting Dates: 10/24/06

Signatures:
Dept. Dir.
Mayor
Date City Attorney reviewed
N/A
RESOLUTION NO. 1630

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING AN AGREEMENT WITH RH2 ENGINEERING TO STUDY FUTURE WATER SUPPLY OPTIONS.

The City Council of the City of Bonney Lake, Washington, does hereby resolve that the Mayor is authorized to sign the contract attached hereto and incorporated herein by this reference.

PASSED and adopted by the City Council this 24th day of October 2006.

______________________________
Neil Johnson , Mayor

ATTEST:

______________________________
Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

______________________________
James Dionne, City Attorney
PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT, made and entered into on this _____ day of _____________, ________, by and between the City of Bonney Lake, A MUNICIPAL CORPORATION HEREAFTER CALLED THE "CLIENT", and the consulting firm RH2 Engineering, Inc. whose address is, 12100 NE 195th Street, Bothell, Washington 98011 at which work will be available for inspection, hereinafter called the "CONSULTANT."

PROJECT NAME: 2006 Water Supply Options

WHEREAS, the Client deems it advisable to engage the professional services and assistance of a qualified professional consulting firm to do the necessary engineering work for the project.

WHEREAS, the Consultant has represented and by entering into this Agreement now represents, that he is in full compliance with the statutes of the State of Washington for registration of professional engineers, has a current valid corporate certificate from the State of Washington or has a valid assumed name filing with the Secretary of State and that all personnel to be assigned to the work required under this Agreement are fully qualified to perform the work to which they will be assigned in a competent and professional manner, and that sufficient qualified personnel are on staff or readily available to Consultant to staff this Agreement.

WHEREAS, the Consultant has indicated that he desires to do the work set forth in the Agreement upon the terms and conditions set forth below and in the following Exhibits:

Exhibit A Scope of Work and Fee Estimate
Exhibit B Schedule of Hourly Rates and Charges

NOW THEREFORE, in consideration of the terms, conditions, covenants and performances contained herein below, the parties hereto agree as follows:

SCOPE OF WORK
The Consultant shall furnish, and hereby warrants that it has, the necessary equipment, materials, and professionally trained and experienced personnel to facilitate completion of the work described in Exhibit A, Scope of Work, which is attached hereto and incorporated into this Agreement. The Consultant shall perform all work described in this Agreement in accordance with the latest edition and amendments to local and state regulations, guidelines and policies. The Consultant shall prepare information and perform studies as it may deem pertinent and necessary, in order to pass judgment in a sound engineering manner on the features of the work. The Consultant shall make minor changes, amendments or revisions in the detail of the work as may be required by the Client. This item does not constitute "Extra Work" item as related to the "Extra Work" section of the Agreement.

The work shall be verified for accuracy by a check by the Consultant and shall be certified by the Consultant. The Consultant will be held responsible for the accuracy of the work, even though the work has been accepted by the Client.

DESIGN CRITERIA
The Client will designate the basic premises and criteria for the work needed. Reports and plans, to the extent feasible, shall be developed in accordance with the latest edition and amendments of local and State regulations, guidelines, and specifications.

ITEMS TO BE FURNISHED TO THE CONSULTANT BY THE CLIENT
The Client will furnish the Consultant copies of documents which are available to the Client that will facilitate the preparation of the plans, studies, specifications, and estimates within the limits of the assigned work. All other records needed for the work must be obtained by the Consultant. The Consultant will coordinate with other available sources to obtain data or records available to those agencies. The Consultant shall be responsible for this data collection. The Consultant shall be responsible for the verification of existing records to insure they represent the accurate and current field conditions.

OWNERSHIP OF PRODUCTS AND DOCUMENTS TO BE FURNISHED BY THE CONSULTANT
Ownership of the source files of any reports, data, studies, surveys, charts, maps, drawings, specifications, figures, photographs, memoranda, and any other documents which are developed, compiled, or produced by the Consultant as a result of this Agreement, whether or not completed, shall remain with the Consultant. Upon completion of the project, the Consultant shall provide the Client with tangible copies of the project documents in accordance with Exhibit A. The Consultant shall retain ownership of the source files and information developed by the Consultant in preparing the project documents. The Consultant shall provide the Client with electronic copies of the project documents, in accordance with Exhibit A, in any of the following formats: Adobe Portable Document Format (PDF), AutoCAD® Drawing Web Format (DWF) or JPEG (JPG). Any reuse of the project documents that is beyond the scope of the project is prohibited without written authorization from the Consultant.

The Client acknowledges the Consultant's plans and specifications are instruments of professional service. The Client agrees to hold harmless and indemnify Consultant against all claims made against Consultant for damage or injury, including defense costs arising out of any reuse of such plans and specifications by any third party without the written authorization of the Consultant.
Methodology, materials, software, logic, and systems developed under said Contract are the property of the Consultant, and may be used as the Consultant sees fit, including the right to revise or publish the same without limitation.

**TIME OF BEGINNING AND COMPLETION**

The Consultant shall not begin work under the terms of this Agreement until authorized in writing by the Client. If, after receiving Notice to Proceed, the Consultant is delayed in the performance of its services by factors that are beyond its control, the Consultant shall notify the Client of the delay and shall prepare a revised estimate of the time and cost needed to complete the Project and submit the revision to the Client for its approval. Time schedules are subject to mutual agreement for any revision unless specifically described as otherwise herein.

Delays attributable to or caused by one of the parties hereto amounting to 30 days or more affecting the completion of the work may be considered a cause for re-negotiation or termination of this Agreement by the other party.

**PAYMENT**

The Consultant shall be paid by the Client for completed work for services rendered under this Agreement as provided hereinafter and as specified in Exhibit A, Scope of Work and Fee Estimate and Exhibit B, Schedule of Hourly Rates and Charges. Such payment shall be full compensation for work performed or services rendered and for all labor, materials, supplies, equipment, and incidentals necessary to complete the work. All billings for compensation for work performed under this Agreement will list actual time (days and/or hours) and dates during which the work was performed and the compensation shall be figured using the rates in Exhibit B. Payment for the work shown in Exhibit A shall not exceed $32,000 without a written amendment to this contract, agreed to and signed by both parties. Payment for work stated in Exhibit A will be calculated based on Consultant's hourly rates stated in Exhibit B.

Payment for extra work performed under this Agreement shall be paid as agreed to by the parties in writing at the time the extra work is authorized. (see "EXTRA WORK").

Finance charges, computed by a “Periodic Rate” of 1% per month, which is an annual percentage rate of 12% (applied to the previous month’s balance after deducting payments and credits for the current month), will be charged on all past-due amounts unless otherwise provided by law or by contract. Invoices not paid within 30 days will be considered past-due.

Acceptance of final payment by the Consultant shall constitute a release of all claims, related to payment under this Agreement, which the Consultant may have against the Client unless such claims are specifically reserved in writing and transmitted to the Client by the Consultant prior to its acceptance. Final payment shall not, however, be a bar to any claims that the Client may have against the Consultant or to any remedies the Client may pursue with respect to such claims.

The Consultant and its subconsultants shall keep available for inspection, by the Client, for a period of three years after final payment, the cost records and accounts pertaining to this Agreement and all items related to, or bearing upon, these records. If any litigation, claim or audit is started before the expiration of the three-year retention period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved. The three-year retention period starts when the Consultant receives final payment.

**CHANGES IN WORK**

The Consultant shall make all revisions and changes in the completed work of this Agreement as are necessary to correct errors, when required to do so by the Client, without additional compensation.

Should the Client find it desirable for its own purposes to have previously completed work or parts thereof revised, the Consultant shall make revisions, if requested and as directed by the Client in writing. This work shall be considered as "Extra Work" and will be paid for as provided in Section “Extra Work”.

**EXTRA WORK**

The Client may desire to have the Consultant perform work or render services in connection with the Project in addition to or other than work provided for by the expressed intent of the Scope of Work. Such work will be considered as Extra Work and will be specified in a written supplement which will set forth the nature and scope thereof. Work under a supplement shall not proceed until authorized in writing by the Client. Any dispute as to whether work is Extra Work or work already covered under this Agreement shall be resolved before the work is undertaken. Performance of the work by the Consultant prior to resolution of any such dispute shall waive any claim by the Consultant for compensation as Extra Work.

**EMPLOYMENT**

The Consultant warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the Consultant, to solicit or secure this contract and that he has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the Consultant, any fee, commission, percentage, brokerage fee, gifts or any other consideration, contingent upon or resulting from the award or making of this contract. For breach or violation of this warranty, the Client shall have the right to annul this Agreement without liability, or in its discretion to deduct from the Agreement price or consideration or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.
Any and all employees of the Consultant, while engaged in the performance of any work or services required by the Consultant under this Agreement, shall be considered employees of the Consultant only and not of the Client and any and all claims that may or might arise under the Workman's Compensation Act on behalf of said employees, while so engaged and any and all claims made by a third party as a consequence of any negligent act or omission on the part of the Consultant's employees, which so engaged on any of the work or services provided to be rendered herein, shall be the sole obligation and responsibility of the Consultant.

The Consultant shall not engage, on a full or part-time basis, or other basis, during the period of the contract, any professional or technical personnel who are, or have been at any time during the period of this contract, in the employ of the Client except regularly retired employees, without written consent of the Client.

If during the time period of this Agreement, the Consultant finds it necessary to increase its professional, technical, or clerical staff as a result of this work, the consultant will actively solicit minorities through their advertisement and interview process.

**Nondiscrimination**

The Consultant agrees not to discriminate against any client, employee or applicant for employment or for services because of race, creed, color, national origin, marital status, sex, age or handicap except for a bona fide occupational qualification with regard to, but not limited to the following: employment upgrading; demotion or transfer; recruitment or any recruitment advertising; layoff or terminations; rates of pay or other forms of compensation; selection for training; rendition of services. The Consultant understands and agrees that if it violates this Non-Discrimination provision, this Agreement may be terminated by the Client and further that the Consultant shall be barred from performing any services for the Client now or in the future, unless a showing is made satisfactory to the Client that discriminatory practices have terminated and that recurrence of such action is unlikely.

**Termination of Agreement**

The Client reserves the right to terminate this Agreement at any time upon not less than ten (10) days written notice to the Consultant, subject to the Client's obligation to pay Consultant in accordance with subparagraphs C and D below.

A. In the event this Agreement is terminated by the Client other than for fault on the part of the Consultant, a final payment shall be made to the Consultant for actual cost for the work complete at the time of termination of the Agreement. In addition, the Consultant shall be paid on the same basis as above for any authorized extra work completed. No payment shall be made for any work completed after ten (10) days following receipt by the Consultant of the Notice to Terminate. If the accumulated payment made to the Consultant prior to Notice of Termination exceeds the total amount that would be due as set forth herein above, then no final payment shall be due and the Consultant shall immediately reimburse the Client for any excess paid.

B. In the event the services of the Consultant are terminated by the Client for fault on the part of the Consultant, the above stated formula for payment shall not apply. In such an event the amount to be paid shall be determined by the Client with consideration given to the actual costs incurred by the Consultant in performing the work to the date of termination, the amount of work originally required which was satisfactorily completed to date of termination, whether that work is in a form or of a type which is usable to the Client at the time of termination, the cost to the Client of employing another firm to complete the work required and the time which may be required to do so, and other factors which affect the value to the Client of the work performed at the time of termination. Under no circumstances shall payment made under this subsection exceed the amount which would have been made if the formula set forth in subsection A had been applied.

C. In the event this Agreement is terminated prior to completion of the work, the Consultant shall retain ownership of the source files for all plans, reports, and documents prepared by the Consultant prior to termination. The Client shall be provided with tangible and electronic copies of the documents in accordance with the "Ownership Of Products And Documents To Be Furnished By The Consultant" section of the Agreement herein.

D. Payment for any part of the work by the Client shall not constitute a waiver by the Client of any remedies of any type it may have against the Consultant for breach of this Agreement by the Consultant, or for failure of the Consultant to perform work required of it by the Client. Forbearance of any rights under the Agreement will not constitute waiver of entitlement to exercise those rights with respect to any future act or omission by the Consultant.

**Disputes**

Any dispute concerning questions of facts in connection with work not disposed of by agreement between the Consultant and the Client shall be referred for determination to the Client, whose decision in the matter shall be final and conclusive on the parties to this Agreement. In the event that either party is required to institute legal action or proceedings to enforce any of its rights in this Agreement, both parties agree that any such action shall be brought in the Superior Court of the State of Washington, situated in King County.

**Legal Relations**

The Consultant shall comply with all Federal Government, State and local laws and ordinances applicable to the work to be done under this Agreement. This contract shall be interpreted and construed in accordance with the laws of Washington.

The Consultant agrees to indemnify, defend and hold the Client and its officers and employees harmless from and shall process and defend at
its own expense all claims, demands or suits at law or equity arising in whole or part from the Consultant's negligence or breach of any of its obligations under this Agreement provided that nothing herein shall require the Consultant to indemnify the Client against and hold harmless the Client from claims, demands or suits based upon the conduct of the Client, its officers or employees and provided further that if the claims or suits are caused by or result from the concurrent negligence of (a) the Consultant's agents or employees and (b) the Client, its agents, officers and employees, this provision with respect to claims or suits based upon such concurrent negligence shall be valid and enforceable only to the extent of the Consultant's negligence or the negligence of the Consultant's agents or employees except as limited below.

The Consultant shall secure general liability, property damage, auto liability, and professional liability coverage in the amount of $1.0 million, with a General Aggregate in the amount of $2 million, unless waived or reduced by the Client. The Consultant shall submit a completed Insurance Information Form, and the Standard ACORD Certification Form prior to the execution of the contract. The Consultant shall also submit copies of the declarations pages of relevant insurance policies to the Client within 30 days of contract acceptance. The Certification and Declaration page(s) shall be in a form as approved by the Client. If the Client's Risk Manager has the Declaration page(s) on file from a previous contract and no changes in insurance coverage has occurred, only the Certification Form will be required. The limits of said insurance shall not, however, limit the liability of Consultant hereunder.

All coverages provided by the Consultant shall be in a form, and underwritten by a company acceptable to the Client. The Client will normally require carriers to have minimum A.M. Best rating of A XII. The Consultant shall keep all required coverages in full force and effect during the life of this project, an a minimum of thirty days' notice shall be given to the Client prior to the cancellation of any policy.

The Consultant shall verify, when submitting first payment invoice and annually thereafter, possession of a current business license while conducting work for the Client. The consultant shall require, and provide verification upon request, that all subconsultants participating in a Client project possess a current business license.

The Consultant's relation to the Client shall be at all times as an independent contractor.

**SUBLETTING OR ASSIGNING OF CONTRACTS**

The consultant shall not sublet or assign any of the work covered by this Agreement without the express consent of the Client.

**ENDORSEMENT OF PLANS**

The Consultant shall place their certification on all plans, specifications, estimates or any other engineering data furnished by them in accordance with RCW 18.43.070.

**COMPLETE AGREEMENT**

This document and referenced attachments contain all covenants, stipulations, and provisions agreed upon by the parties. Any supplements to this Agreement will be in writing and executed and will become part of this Agreement. No agent, or representative of either party has authority to make, and the parties shall not be bound by or be liable for, any statement, representations, promise, or agreement not set forth herein. No changes, amendments, or modifications of the terms hereof shall be valid unless reduced to writing and signed by the parties as an amendment or "Extra Work" authorization to this Agreement.

The invalidity or unenforceability of any provision in this Agreement shall not affect the other provisions hereof, and this agreement shall be construed in all respects as if such invalid or unenforceable provision were omitted.

**EXECUTION AND ACCEPTANCE**

This Agreement may be simultaneously executed in several counterparts, each of which shall be deemed to be an original having identical legal effect. The Consultant does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in the supporting materials submitted by the Consultant, and does hereby accept the Agreement and agrees to all of the terms and conditions thereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

**APPROVED**

Tony V. Riedl
Vice President

**APPROVED**

TITLE

DATE

10/12/06

RM2 Engineering, Inc., 12100 NE 195th Street, Ste 100, Bothell, WA 98011

City of Bonney Lake, PO Box 7380, Bonney Lake, WA 98390
EXHIBIT A  
SCOPE OF WORK and FEE ESTIMATE  
CITY OF BONNEY LAKE  
2006 Water Supply Options  
Phase 1 – Screening Report

Bonney Lake Project Manager:    Doug Budzynski  
RH2 Project Manager:       Geoff Dillard

I. Background

The City of Bonney Lake has forecast water demands that exceed its current capacity to supply water. Because of this, the City is actively pursuing additional supplies of potable water. The work proposed by this project will assist City decision-makers in making their choices between the current known supply options.

This Scope of Work addresses the first phase of a multi-phase effort to secure Bonney Lake’s water supply requirements. As currently envisioned the complete effort will span multiple years and involve about six phases that incorporate both iterative and concurrent tasks.

- Phase 1: Supply Options Screening Report  
- Phase 2: Detailed Supply Options Comparative Analysis  
- Phase 3: Preliminary Design, Environmental Compliance and Permitting  
- Phase 4: Final Design  
- Phase 5: Construction  
- Phase 6: Start-up and Project Close-out

The scope for Phase 1 will provide an initial screening level assessment of the three main water supply options currently known to be available to the City of Bonney Lake. These options are:

1. Tacoma Water;  
2. Lakewood Water District; and  
3. Cascade Water Alliance.

Within this array of three options there is one permutation. That is procuring water either directly from Tacoma Water, or procuring Tacoma Water via the Cascade Water Alliance.

The products provided from the initial Options Screening Report will provide the basis for eliminating or screening out one or more of the currently known supply options. This screening report will be based on evaluation of currently available data, reports, documents, maps and other existing sources. Extensive original research, field work and data collection will not be conducted during this Phase 1 effort. At the end of Phase 1 it is expected that two supply options will remain and be subjected to more in-depth analysis by the City in subsequent phases of work.
Objective and Goal

This Scope of Work addresses the first phase of selecting another water supply option for the City of Bonney Lake. Completion of this phase will achieve at least two objectives. First, it will produce summary descriptions of the supply options available to the City. Second, it will provide recommendations that reduce the array of supply options to two. This will allow for a more detailed and in-depth side-by-side comparison for City decision-makers in Phase 2.

II. Scope of Work

Phase 1 – Water Supply Options Screening Report

Phase 1 has been broken down into three tasks that will screen the City’s supply options. The work conducted in this phase includes initial screening level evaluation, assessment and comparison of technical, financial and timing factors. The timeline for completion of Phase 1 is 60 days from authorization to proceed by the City.

The screening criteria discussed in Task 102 will be applied to each of the three primary supply options. The alternative of acquiring water from Tacoma through the Cascade Water Alliance (CWA) will be treated as a subset of either the Tacoma supply option, or the CWA supply option, depending on which treatment makes the final report easier to understand.

TASK 101 – Data Collection, Assembly and Organization

The CONSULTANT will compile readily available information regarding each of Bonney Lake’s current supply and demand situations, as well as each potential supply option. The CONSULTANT will contact each potential supplier by telephone and/or email to confirm the major features and components of each supply option. The CONSULTANT will assemble available information and data and compose a summary description of each supply option and permutation. The CONSULTANT will prepare simple graphics that illustrate the geographic relationship of each supply option to the City of Bonney Lake.

Task 101 – Deliverables

The CONSULTANT will provide the following.

- Compilation of readily available information and data regarding each supply option.
- Simple graphic(s) illustrating the geography of each option.
- Oversight, coordination and communication within the consultant team.
- Coordination, scheduling and record keeping for meetings, data sources and work product.

Task 101 – Hours/Expense Estimate:  

| Principal VII | 6 Hours |
| Professional V | 20 Hours |
| Professional II | 8 Hours |
| Expenses | $400 |

Task 101 – Estimated Cost: $5,000
TASK 102 – Initial Supply Option Screening

The CONSULTANT will meet once with City staff (three hours assumed) to develop a criteria matrix to be applied to the option screening analysis. The screening criteria matrix will be limited to three considerations. One set of screening criteria will be technical in nature and be limited to technical factors for which relatively reliable assessments can be made without the need for additional scientific or engineering studies. The second set of screening criteria will be financial. Consideration of financial factors will be limited to costs provided by each potential water supplier and costs that can be simply estimated (e.g. transmission main – “x” feet at “$y” per foot). The final set of criteria will be related to timing; that is estimates of how long it may take to implement a particular supply option. Each of these three sets of criteria will be applied to each of the supply options and permutations.

The initial set of technical criteria includes the following\(^1\):

- Infrastructure requirements such as\(^2\):
  - Right-of-way and property acquisition needs;
  - Water mains;
  - Booster pump station(s);
  - Treatment plant; and
  - Storage.

- Demand responsiveness (e.g. availability during peak periods).

- Water Quality:
  - Blending issues;
  - Surface water quality issues;
  - Groundwater water quality issues; and
  - Aesthetic issues.

- Reliability\(^3\):
  - Renewable supply versus non-renewable supply versus supply in perpetuity; and
  - Sustainability of supply source.

The initial set of financial screening criteria includes\(^4\) the following:

- Known upfront costs will include elements such as latecomer, membership or latecomer charges as provided by each potential supplier\(^5\).

\(^1\) During consultation with City staff some of these initial technical screening criteria may be adjusted or refined. A significant expansion of these technical screening criteria will require an adjustment to the fee estimate included with this Scope of Work.

\(^2\) This scope assumes that no new supply wells will be required for any of the options assessed. To the extent that groundwater is a component of any supply option, it is assumed that existing well will be sufficient to provide the quantities evaluated in that option.

\(^3\) For purposes of this assessment consideration of reliability will be limited to physical factors. No assessment of legal risks is proposed as part of this phase’s assessment.

\(^4\) During consultation with City staff some of these initial technical screening criteria may be adjusted or refined. A significant expansion of these technical screening criteria will require an adjustment to the fee estimate included with this Scope of Work.
- Project costs include:
  - The estimated cost of planning and designing an option; and
  - Estimated construction costs.

- Continuing costs include:
  - Estimated operation and maintenance costs;
  - Estimated treatment costs; and
  - Estimated monitoring costs.

- Life-Cycle Costs (in current dollars) will be computed for each supply alternative for a life cycle to be determined in consultation with City staff.

Consideration of the timing of each potential supply option will include estimates of the time it may take to:

- Execute agreements;
- Secure approvals; and
- Construct any required facilities.

**Task 102 – Deliverables**

The CONSULTANT will provide the following:

- Development of a screening matrix with criteria to be applied to each potential supply option.
- Completed initial screening matrix of each supply option against the three categories of criteria.
- Oversight, coordination and communication within the consultant team.
- Coordination, scheduling and record keeping for meetings, data sources and work product.

**Task 102 – Hours/Expense Estimate:**

<table>
<thead>
<tr>
<th>Role</th>
<th>Hours</th>
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</thead>
<tbody>
<tr>
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<tr>
<td>Professional V</td>
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<td>Administrative I</td>
<td>40 Hours</td>
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<tr>
<td>Expenses</td>
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</table>

**Task 102 – Estimated Cost:** $20,000

5 Estimates of legal and other such costs associated with developing and consummating a supply agreement are not included in this phase.

6 Except at the grossest level, estimates of the cost of completing permitting and approval processes, the cost of securing permits, approvals and certifications, and mitigation costs are not included in this phase. Discussion of the issue of timing of a supply option will indirectly address some of these considerations.
TASK 103—Financial Factors

This Task will integrate the products from Tasks 101 and 102 into draft and final products. Work within this task will include the following.

- The CONSULTANT will develop a draft report assembling the results of Tasks 101 and 102 with recommendations regarding which potential supply options should be carried forward for more detailed analysis. The CONSULTANT will prepare a brief report to be circulated in draft form to City staff for review.

- Based on comments from City staff, the CONSULTANT will prepare final report for submission to the City of Bonney Lake.

- The CONSULTANT will prepare a limited set of presentation graphics summarizing the findings of the final report for presentation to elected officials at the City of Bonney Lake.

- The CONSULTANT will schedule, organize and attend up to two meetings with City elected officials to discuss the Water Supply Options Screening Report.

Task 103 – Deliverables

The CONSULTANT will provide the following.

- Four copies of a draft Water Supply Options Screening Report.
- Oversight, coordination and communication within the consultant team.
- Coordination, scheduling and record keeping for meetings and work product.
- One set of presentation graphics summarizing the work product for use during presentations to City elected officials in digital version on a CD as well as in original form and as portable document format© (PDF).
- Fifteen copies of the final 2006 Water Supply Options Screening Report.

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Task 103 – Estimated Cost: $7,000

Water Supply Options Screening Report Total Estimated Cost = $32,000
# EXHIBIT B
RBA Engineering
SCHEDULE OF RATES AND CHARGES

## HOURLY RATES

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## IN-HOUSE SERVICES

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<td>Digital Camera</td>
<td>Per Month</td>
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*Note: All project completion all digital photos can be supplied to the client on CD, upon request.

## PURCHASED SERVICES

All purchased printing, copying, miscellaneous and subconsultant services are billed at cost plus 15%.

## CHANGES IN RATES

Rates listed here are adjusted annually. The current, most recent schedule of hourly rates are used for billing purposes. Payment for work accomplished shall be on the basis of hourly rates in effect at the time of billing plus direct expenses and outside services as stated in this Exhibit.
City of Bonney Lake, Washington  
Council Agenda Bill (C.A.B.) Approval Form

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**BUDGET INFORMATION**

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<th>Impact</th>
<th>Remaining Balance</th>
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**Explanation:**

**Agenda Subject:**

Final Plat of Indigo Ridge

**Administrative Recommendation:** Approval

**Background Summary:** The applicant seeks final plat approval for Indigo Ridge Final Plat, located at 18505 84th St. E. The proposal is to subdivide 5.23 acres, zoned R-1, into 15 single-family residential lots. This proposal received preliminary plat recommendation for approval, with conditions, by the Bonney Lake Hearing Examiner on February 28, 2005. Final plat is in conformance with the approved preliminary plat. **Note: this is a closed record item.**

<table>
<thead>
<tr>
<th>Council Committee Dates:</th>
<th>Commission Dates:</th>
<th>Board/Hearing Examiner Dates:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finance Committee:</td>
<td>Planning Commission:</td>
<td>Park Board:</td>
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<td>Public Safety Committee:</td>
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<td>City Council Meeting:</td>
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<td>Public Meeting:</td>
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<td>Community Development &amp; Planning Committee:</td>
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<td></td>
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<tr>
<td>Council Workshop:</td>
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</table>

**Council Action:**

Council Call for Hearing:  Council Hearings Date: 
Council Referred Back to:  Workshop: Committee  
Council Tabled Until:  Council Meeting Dates:

**Signatures:**

Dept. Dir.  Mayor  Date City Attorney reviewed Standard
PROJECT DESCRIPTION:
The applicant seeks final plat approval for Indigo Ridge. Indigo Ridge contains 15-lots that received approval from
the City of Bonney Lake Hearing Examiner on February 28, 2005. The site also contains a public road system and
one tract containing stormdrainage infrastructure.

APPLICANT:
Reich Land Incorporated
29409 39th Ave. South
Roy, WA 98580
(253) 202-3680

AGENT:
LeRoy Surveyors & Engineers, Inc.
1103 Shaw Rd.
Puyallup, WA 98372
(253) 848-6608

SITE LOCATION:
The site is located on the south side of 84th St. E, approximately 335 feet west of Locust Avenue. It is within the
corporate limits of the City of Bonney Lake situated in the Northeast Quadrant of Section 33, Township 20 North,
Range 5 East, Willamette Meridian.

DATE APPLICATION DEEMED COMPLETE:
The Department of Planning and Community Development deemed the final plat application complete on January
12, 2006.

ATTACHMENTS:
1. Final Plat Print
2. Hearing Examiner Decision and Conditions of Approval from February 28th, 2005

STAFF FINDINGS:
1. The proposed final plat and PUD of Brookside satisfies the subdivision criteria set forth in Section 17.16
BLMC. The proposed plat makes appropriate provision for the public health, safety, and welfare for open
spaces, drainage ways, streets, roads, other public ways, transit stops, potable water supplies, sanitary waste,
parks and recreation, playgrounds, schools and school grounds, and safe walking conditions.

ADHERENCE WITH CONDITIONS OF APPROVAL:
The following is based on the conditions of approval of the hearing examiner report dated February 28, 2005:

1. The proposal shall conform to the following City of Bonney Lake regulations and standards in effect on the date
that the application was deemed complete, September 21, 2004:

   - BLMC Title 12 Streets, Sidewalks and Public Places
   - BLMC Title 13 Public Services
   - BLMC Title 14 Development Code Administration
   - BLMC Title 15 Buildings and Construction
   - BLMC Title 16 Environmental Protection
   - BLMC Title 17 Subdivisions
   - BLMC Title 18 Zoning
   - BLMC Title 19 Concurrency Management

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planning and by providing accountable, accessible and efficient local government services."

Page 1
Finding: The preliminary plat application was deemed complete on September 21, 2004. The proposed final plat meets the requirements of the above mentioned portions of the Bonney Lake Municipal Code.

2. The applicant shall comply with the conditions of the MDNS issued on December 7, 2004.

Conditions of the Mitigated Determination of Non-significance:

EARTH
1. Only clean fill should be used for the project and any other material, such as waste concrete and asphalt, are considered solid waste and would require a permit through the Tacoma-Pierce County Health Department before use.

2. The applicant shall submit an Erosion and Sedimentation Control Plan to the City Engineer for approval. Temporary erosion and sedimentation control measures shall include, but not be limited to, silt fencing or other Best Management Practices (BMPs). There shall be a designated construction entrance for all vehicles to limit tracking of mud onto the streets. If sediment is deposited, it shall be cleaned up at the end of every day during construction utilizing sweeping or shoveling. Water cleaning shall only be used after the area has been swept or shoveled.

3. Per the Department of Ecology letter dated October 19, 2004, any discharge of sediment laden runoff or other pollutant to waters of the state is in violation of Chapter 90.48, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington. All releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials during construction must be contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills should take precedence over other work on the site.

4. Coverage under the National Pollution Discharge Elimination system (NPDES) and State Waster Discharge General Permit for Stormwater Discharges Associated with Construction Activities is required for construction sites which disturb an area of five acres of more and which have or will have a discharge of stormwater to surface water of a storm sewer.

SURFACE WATER:
1. All storm drains within the development should be stenciled “Dump No Waste, Drains to ______.”

NOISE:
1. To mitigate noise impacts associated with the proposal, all construction shall occur between the hours of 7:00 a.m. and 9:00 p.m., unless otherwise authorized by the Department of Planning and Community Development.

HISTORIC AND CULTURAL PRESERVATION:
1. If during construction any artifacts are uncovered, work should be temporarily suspended and the Puyallup and Muckleshoot Tribes and the Washington State Historic Preservation Office in Olympia shall be notified at (360) 407-0752.

TRANSPORTATION:
To mitigate traffic impacts to off-site intersection and roadways associated with the subject proposal and pursuant to the City’s traffic consultant review letter dated October 25, 2004, the proponent shall provide the following improvements prior to issuance of building permits:

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1. **Site Access & Frontage Improvements**
The project will be required to meet minimum site distance requirements. Per Bonney Lake Road Standards, the sight distance should be 260 feet for the posted speed limit of 25 mph. The developer shall field verify sight distance and provide the City Engineer with verification documentation prior to site development approval.

2. **Off-Site Improvements**
A City-wide Traffic Study, August 2002, identified system-wide impacts created as a direct result of new development. The applicant shall be responsible to mitigate off-site traffic impacts created by the new PM peak hour trips generated by the project. The proposed project generates 13 net new PM peak hour trips to the transportation system. The applicant shall pay the single family land use trip rate of $2701.00 per dwelling unit per the City of Bonney Lake Transportation Impact Fee Ordinance or the adopted fee at the time of building permit issuance.

3. **Other Mitigation**
The affected intersections in Pierce County are those through which 25 or more of the project trips travel. No intersections in Pierce County are considered to be affected by new PM peak hour trips generated by the Indigo Ridge development.

**PUBLIC SERVICES:**
1. The Sumner School District commented in regards to the impacts that the proposed development will have on the capital facilities of the Sumner School District per the letter from William Noland dated October 8, 2004. The applicant shall pay a mitigation fee equal to the applicable fee under the Pierce County School Impact Fee Ordinance in effect at the time of application for a building permit within the City of Bonney Lake; provided, however, in the event that the City of Bonney Lake adopts a school impact fee and upon the effective date of such school impact fee ordinance, the applicant will comply with the said ordinance.

**WATER:**
1. The applicant shall connect to the City of Bonney Lake water system. All water connection fees are due at time of building permit issuance.

**SEWER:**
1. The applicant shall connect to the City sewer system. All sewer connection fees are due at the time of building permit issuance.

**PARKING:**
1. Parking shall be provided as required by BLMC Chapter 18.31.

**LANDSCAPING**
1. Approval for land clearing and tree removal is required per BLMC Chapter 16.12, including adherence to all regulatory requirements of the Chapter.
2. The Department of Natural Resources provided comments dated October 19, 2004 stating a forest practices permit may be required for the harvest of timber associated with this project.
3. The applicant shall submit a landscape and irrigation plan, pursuant to BLMC Chapter 16.12, to the Planning & Community Development Department for review and approval.
4. Landscaping shall be installed and approved by the Planning & Community Development Department prior to building occupancy.
5. The applicant shall submit a maintenance bond for all required landscaping areas and replacement trees for a period of one year after installation.

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FIRE:
1. Fire hydrants and mains capable of providing the required fire flow shall be provided in accordance with IFC, Appendix B Fire Flow Requirements for Buildings and the City of Bonney Lake, Public Works Design Standards. Fire hydrant location shall be approved by the Fire Marshal.

TACOMA-PIERCE COUNTY HEALTH DEPARTMENT
1. Asbestos containing material must be removed prior to demolition and disposed in accordance with the requirements of the Puget Sound Clean Air Agency, Washington State Department of Labor and Industries, and the TPCHD.
2. All demolition material, including but not limited to, wood waste, sheetrock, roofing material, and concrete, must go to a licensed solid waste handling or disposal facility.

Finding: All mitigation measures included within the MDNS have been complied with or will be complied with at time of building permit issuance. All site work has been completed in accordance with the approved plans.

3. Utility easements shall be provided on the face of the final plat, which are necessary to the provision of water, power, sewer, natural gas, and mail delivery to the lots within the subdivision.

Finding: All utility easements are provided on the face of the final plat.

4. All plat roads shall be public and dedicated to and maintained by the City of Bonney Lake.

Finding: All lots access off internal plat roads per the approved final plat map dated September 27, 2006.

5. The maintenance of street trees and street lights shall be the responsibility of the Homeowners Association.

Finding: The CCR's for this plat include language that assigns the responsibilities for maintenance of street trees and street lights to the Homeowners Association.

6. The tract containing the public storm drainage shall be dedicated to and maintained by the City of Bonney Lake.

Finding: This will occur after final plat approval.

7. A landscaping plan shall be required showing street trees and place for the plat entrances as outlined in BLMC Chapter 16.12. A final landscape plan shall be approved prior to the installation of landscape materials and final plat approval.

Finding: A final landscape plan has been approved by the City of Bonney Lake on September 27, 2006.

8. All landscape areas shall be fully installed prior to final plat approval unless approved for bonding by the City of Bonney Lake.
9. A storm drainage plan shall be submitted to the City of Bonney Lake as part of the site development plans. The drainage plan shall adhere to the Public Works Design Standards.

Finding: The storm drainage plan and all storm drainage facilities adhere to the City of Bonney Lake's Public Works Design Standards as shown on the plans signed on January 30, 2006.

10. All storm drains within the development shall be stenciled "Dump NO Waste, Drains to ________" (groundwater, wetlands, or lake, etc. as appropriate.)

Findings: All storm drains within the development are stenciled with the appropriate language.

11. A Department of Ecology General Baseline Permit and NPDES coverage shall be required prior to the issuance of site development permits if more than five acres will be disturbed.

Findings: A Department of Ecology General Baseline Permit was deemed unnecessary by the Department of Ecology.

12. The applicant shall submit an Erosion and Sedimentation Control Plan to the City Engineer for approval. All erosion control facilities shall be properly maintained during all phases of site development to prevent debris, dust, and mud from accumulating on the right-of-way and/or adjacent properties.

Findings: This condition was satisfied with the approval of the Clearing, Grading, and Erosion Control Plans.

13. The operation of heavy equipment and associated materials in the construction of this project has the potential to result in fugitive dust being generated from the site. Impacts to the neighboring properties shall be controlled by the use of watering trucks to water frequently used roads and associated areas as necessary to prevent the travel of dust.

Findings: Watering trucks were used to control fugitive dust during the grading of the site.

14. To mitigate noise impacts associated with the proposal, all construction shall occur between the hours of 7:00 am to 9:00 pm unless otherwise authorized by the Department of Planning and Community Development.

Findings: This condition was satisfied during grading of the site and will be met during construction of homes as monitored by the City of Bonney Lake Planning and Community Development Department.

15. If cleared, the City right-of-way shall be seeded, mulched, and stabilized as required by the City.

Findings:

16. The project shall adhere to the recommendations of the geotechnical report, prepared by E3RA, Inc. dated December 6, 2004.

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Findings: The project adhered to the recommendations of the geotechnical report evidenced by the issuance of the Grading permit on January 9, 2006.

17. The intent of the erosion control facilities is to protect downstream property owners from landslides, sediment buildup, and downstream channel scouring. If the intent of the requirement is not met, then all building and construction activity on site shall be discontinued and construction activity shall be directed to meeting the intent of the requirement.

Findings: This condition will be met at building inspection time.

18. All grading and filling shall utilize only clean fill, such as dirt and gravel. All other materials, including waste concrete and asphalt, are considered solid waste and permit approval shall be obtained through the Tacoma-Pierce County Health department prior to filling.

Findings: This condition was met as evidenced by the issuance of a Grading permit on January 9, 2006.

19. All clearing, grading, and other site development on the project shall be performed in accordance with approved site development plans. The construction of the project shall comply with applicable City and State regulations, including contacting the Army Corps of Engineers and the Washington State Department of Ecology if required prior to commencing clearing and grading activities.

Finding: Site development plans were approved on January 30, 2006 and a Grading permit was issued on January 9, 2006.

20. Prior to final plat approval, fire hydrants and mains capable of providing the required fire flow shall be provided in accordance with IFC and the City of Bonney lake, Public Works Design Standards. Fire hydrant location shall be approved by the Fire Marshal.

Findings: Fire hydrants and mains were provided for this final plat as evidenced by the site inspection approval dated August 15, 2006.

21. Hydrant flow test results and water “As Built” plans shall be submitted to and approved by the Fire Marshal prior to final plat/plan approval.

Findings: As-builts were approved on January 30, 2006.

22. Prior to approval of the water supply for this development, a Certificate of Water Availability shall be required as per WAC 246-290 and the Public Works Design Standards. The final plat portion of the Certification of Water Availability shall be signed by the water purveyor prior to final subdivision approval.

Findings: The applicant obtained water availability from the City of Bonney Lake. Water mains and hydrants have been installed to provide the required fire flow.

23. Asbestos containing material shall be removed prior to demolition and disposed in accordance with the requirements of the Puget Sound Clean Air Agency, Washington State Department of Labor and Industries, and the Tacoma-Pierce County Health Department (TPCHD).
Findings: Demolition was done through the City of Bonney Lake.

24. All demolition material, including but not limited to, wood waste, sheet rock, roofing material, and concrete, shall go to a licensed solid waste handling or disposal facility.

Findings: All demolition material was properly disposed of properly.

25. Any abandoned well (as defined by WAC 173-160) shall be properly “decommissioned” prior to final plat approval. The TPCHD shall be contacted prior to any decommissioning activity at the site. Contact Rich Dickerson at 253-798-2885, TPCHD for further information regarding abandoned wells.

Findings: There was no abandoned well on the property.

26. Buildings constructed within the plat shall meet applicable City of Bonney Lake building code requirements. This includes the payment of any utility connection charges and impact fees.

Findings: This condition will be met at time of building permit issuance.

27. Timber harvested from the site will be subject to a Forest Practice Permit from the Department of Natural Resources. Forest Practices approval shall be obtained prior to site clearing, grading, or logging the site.

Findings: A Forest Practice Permit was obtained on January 19, 2006.

28. The applicant shall pay a mitigation fee consistent with the Pierce County School Impact Fee Ordinance upon issuance of a building permit per the Sumner School District’s letter of October 8, 2004. In the event that the City of Bonney Lake adopts a school impact fee and upon the effective date of such school impact fee ordinance, the applicant will comply with the said ordinance.

Findings: This condition will be met at building permit issuance.

29. All water lines will be designed and constructed in accordance with Bonney Lake Development Policies and Public Works Standards.

Findings: The water lines were approved on August 15, 2006.

30. All sewer lines will be designed and constructed in accordance with Bonney Lake Development Policies and Public Works Standards.

Findings: The project sewer lines were approved on August 15, 2006.

31. All roads will be designed and constructed in accordance with Bonney Lake Development Policies and Public Works Standards.

Findings: The plans for the roads associated with this project were approved on January 30, 2006 and the constructed roads were approved on August 15, 2006.

32. The decision set forth herein is based upon representations made and exhibits, including plans and proposals submitted at the hearing conducted by the hearing examiner. Any substantial change(s) or deviation(s) in such
plans, proposals, or conditions of approval imposed shall be subject to the approval of the hearing examiner and may require further and additional hearings.

Findings: Site distance requirements caused a change in the design of the plat from the preliminary plat to the final plat.

33. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition precedent to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.

Findings: The site development work has been accordance with the approved plans dated January 30, 2006 which conform to the requirements of the Bonney Lake Municipal Code and the Public Works Standards. The applicant has complied with the conditions of approval set forth by the Hearing Examiner as well as the mitigation established by the approved Mitigation Determination of Nonsignificance.

ADHERENCE WITH BONNEY LAKE REQUIREMENTS FOR FINAL PLAT (BLMC 17.16):

17.16.010 Time for filing
   A. Within five years after approval of the preliminary plat by the hearing examiner, a final plat shall be filed with the director of planning and community development.

Finding: The preliminary plat was approved on September 21, 2004. Therefore, the final plat application deemed complete on January 12, 2006 complies with the requirements of BLMC 17.16.020 – Time for filing.

17.16.020 Application requirements.
The person applying for final plat approval shall furnish the following when the final plat is submitted:
   A. Final plat drawings clearly and legibly drawn on 18- by 24-inch sheets of stable base mylar polyester film or equivalent approved material, which generally conform to the approved preliminary plat and include:
      1. All township, range, section lines and municipal boundaries lying within or adjacent to the subdivision;
      2. The location of survey monuments or other evidence used as ties to establish the subdivision’s boundaries;
      3. The location of all permanent control monuments found and established within and adjacent to the subdivision;
      4. The boundary of the subdivision, depicted in heavier lines than appear elsewhere on the plat, with complete bearings and lineal dimensions with ties to monumentation;
      5. The boundaries of all lots and blocks and rights-of-way, including the length and bearings of all straight lines and the radii, arc lengths, semitangents and delta angle of all curves, with radial bearings at the beginning and ending of all non-tangent curves;
      6. The width, centerline, and name or number of all streets within and adjoining the subdivision;
      7. The width, disposition, and description of all easements with the location shown with broken lines;

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8. Numbers assigned to all lots and letters assigned to all tracts;
9. All dedications of streets or other areas to the public or other organization. Roads not dedicated to the public must be clearly marked on the face of the plat as “private”;
10. Location and disposition of any wells, creeks, drainage courses, septic tank drain fields, wetlands and 100-year floodplain within the subdivision;
11. Minimum building setback lines from property lines, wetlands, streams or steep slopes;
B. A surveyor’s seal and signature and certification that monuments have been set and that the lots and streets can be properly located on the ground;
C. A title report showing ownership and certification that the person(s) applying for the plat can convey title to land within the plat;
D. Certification that all lots meet minimum zoning requirements;
E. Certification that roads, utilities, drainage facilities, and related infrastructure have been built or provided for;
F. If the plat is subject to a dedication, a certificate containing the dedication of all streets and other areas, signed and acknowledged before a notary public by all parties having an ownership interest in the lands subdivided;
G. A statement of approval by the city engineer;
H. A statement of approval by the fire marshal of Pierce County Fire Protection District No. 22;
I. A statement of approval by the director of planning and community development;
J. Space for the signature of the mayor, signing for the city council, to accept the public rights-of-way and approve the plat;
K. Certification by the Pierce County treasurer that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been paid, satisfied or discharged;
L. An itemized bill of sale showing value of infrastructure improvement;
M. A guarantee and maintenance bond for infrastructure;
N. A fee in the amount set by city council.

Finding: The final plat document meets the requirements of BLMC Section 17.16.020.

PROPOSED CONDITIONS OF FINAL PLAT APPROVAL:

1. The applicant shall record the final plat once signed by the Mayor.
2. The applicant shall transmit an original, signed copy of the Covenants, Conditions, and Restrictions (CC&Rs) for the plat for concurrent recording with the final plat.
3. The applicant shall submit one mylar copy and one paper copy of the recorded final plat to the Department of Planning and Community Development.

Staff Report prepared by: Heather Stinson, Associate Planner

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February 28, 2005

Reich Land Incorporated
29409 39th Avenue South
Roy, WA 98580

RE: PRELIMINARY PLAT OF INDIGO RIDGE

Dear Applicant:

Transmitted herewith is the Report and Decision of the City of Bonney Lake Hearing Examiner relating to the above-entitled matter.

Very truly yours,

[Signature]

STEPHEN K. CAUSSEXAUX, JR.
Hearing Examiner

SKC/cka
cc: Parties of Record
    City of Bonney Lake
OFFICE OF THE HEARING EXAMINER

CITY OF BONNEY LAKE

REPORT AND DECISION

CASE NO.: PRELIMINARY PLAT OF INDIGO RIDGE

APPLICANT: Reich Land Incorporated
29409 39th Avenue South
Roy, WA 98580

SUMMARY OF REQUEST:

The applicant is requesting preliminary plat approval to allow development of Indigo Ridge, a residential subdivision consisting of 15 single family residential lots on approximately 5.23 acres. The site is located at 18505 – 84th Avenue East, Bonney Lake, Washington.

SUMMARY OF DECISION:

Request granted, subject to conditions.

PUBLIC HEARING:

After reviewing Planning and Community Development Staff Report and examining available information on file with the application, the Examiner conducted a public hearing on the request as follows:

The hearing was opened on February 14, 2005, at 9:00 a.m.

Parties wishing to testify were sworn in by the Examiner.

The following exhibits were submitted and made a part of the record as follows:

EXHIBIT "1" - Planning and Community Development Staff Report and Attachments

EXHIBIT "2" - Aerial Photographs

ELIZABETH CHAMBERLAIN appeared, presented the Planning and Community Development Department Staff Report, and testified that the project proposes a minimum lot size of 10,000 square feet which complies with the R1 zoning. Lot sizes vary between
10,000 and 14,700 square feet and the subdivision will net 14 additional homes. The plat map shows 20 foot rear yard setbacks. Surrounding zones include R1 and R3 to the east, which parcels are developed with apartments and four-plexes. Commercial zoning is to the south, but the parcels are improved with homes. The future land use map shows the parcel as R2 and the applicant could request a rezone and a minimum lot size of 8,600 square feet. To the east the zoning remains R3 and to the south it will become Mixed Use. The project proposes no parks, but will pay $1,500 per lot for support of the City’s park system. The Traffic Impact Analysis shows 13 new p.m. peak hour trips, and both the Department of Transportation and Pierce County had no comment. They will pay a traffic impact fee of $2,701 per lot. The internal plat road will consist of a public street and will have a public stormwater tract.

PAUL GREEN, professional engineer, appeared on behalf of the request, and testified that the applicant agrees with all conditions of approval. They have already submitted the road and stormwater plans and propose a bioswale and detention pond. They will release the stormwater to a dispersal trench along the low portion of the site. The soils will infiltrate much of the stormwater, but not all.

No one spoke further in this matter and so the Examiner took the request under advisement and the hearing was concluded at 9:09 a.m.

NOTE: A complete record of this hearing is available in the City of Bonney Lake Planning and Community Development.

FINDINGS, CONCLUSIONS AND DECISION:

FINDINGS:

1. The Hearing Examiner has admitted documentary evidence into the record, heard testimony, and taken this matter under advisement.

2. Public notice was provided on January 28, 2005.

3. Pursuant to the State Environmental Policy Act (SEPA) and the City of Bonney Lake Environmental Regulations, as codified in BLMC Title 16-Environmental Protection, the SEPA Responsible Official has reviewed this project and issued a Mitigated Determination of Nonsignificance on December 7, 2004. The comment period ended December 21, 2004, making the determination final. The appeal deadline ended on January 5, 2004. The City did not receive any appeals.

4. The applicant has a possessory ownership interest in a rectangular, 5.23 acre parcel of property abutting the south side of 84th Avenue E. between its intersections with 184th Avenue E. and Locust Avenue, north of the Old Sumner Buckley Highway
within the City of Bonney Lake. Improvements on the site include a single family residential dwelling and outbuilding. The applicant requests preliminary plat approval to allow subdivision of the site into 15 single family residential lots and a 40,787 square foot storm drainage tract abutting the south property line. The home will remain on lot 15 and all other buildings will be removed. The parcel abuts 84th St. E. for 324 feet and measures 695 feet in depth.

5. The preliminary plat map shows access to all lots provided via a public street extending south from 84th St. E. and terminating in a cul-de-sac. Lot sizes vary between 10,000 square feet and 14,742 square feet, and all measure at least 63 feet in width. A pipe stem extends south from the cul-de-sac to the rectangular storm drainage tract along the south property line. The site contains no wetlands or other critical areas.

6. The applicant submitted a completed application for preliminary plat approval on September 21, 2004, and in accordance with RCW 58.17.033, vested the preliminary plat for consideration under the comprehensive plan, zoning ordinance, and development regulations in effect on said date. On said date the parcel was located in the Low Density Residential (R1) zone classification of the Bonney Lake Municipal Code (BLMC). The Bonney Lake future land use map designates the site as Medium Intensity Residential (R2), and while the applicant could request a zone reclassification to the more dense classification, it has elected to proceed under the R1 classification. The abutting zone to the south is commercial, but the parcels to the south which separates the site from the Old Sumner Buckley Highway are presently improved with single family residential dwellings. To the east the zoning is High Density Residential and those parcels are improved with apartments. To the west and north across 84th St. E. parcels are located in the R1 zone classification and improved with single family residential homes. The proposal for a 15 lot, conventional subdivision is consistent with abutting uses and zone classifications.

7. Section 18.14.060 BLMC sets forth the bulk regulations for the R1 zone classification. Said section requires a minimum lot area of 10,000 square feet, a minimum lot width of 65 feet, setbacks from both the internal plat road and 84th St. E. of 20 feet, side yard setbacks of five feet with a total of 15 feet required for both side yards, and a minimum 20 foot rear yard setback. The preliminary plat map shows a minimum lot size of 10,000 square feet and minimum lot widths exceed 63 feet. All lots have a sufficient building envelope to accommodate a reasonably sized single family residential dwelling and meet all required setbacks. Section 18.14.020 BLMC authorizes single family residential dwellings as outright permitted uses in the R1 classification. The proposed plat satisfies the bulk regulations of the R1 classification.

8. Development of the site with a single family residential subdivision satisfies many
policies of the Bonney Lake Comprehensive Plan as set forth on page four of the staff report. Of particular note, all public facilities and services are available to serve the site and the applicant will construct the internal plat street to City public standards. The applicant will also meet requirements for off-street parking and landscaping.

9. Section 17.12.060 BLMC authorizes the Examiner to accept, modify, or reject applications for preliminary plats in accordance with the provisions of Section 2.18.150 BLMC. Section 2.18.090(A) BLMC authorizes the Examiner to issue decisions approving or disapproving preliminary plats. According to Section 14.40.031 BLMC, preliminary plats are considered under Type 2 review, and Section 14.40.050 BLMC sets forth the criteria for Type 2 review. Findings on each such criteria are hereby made as follows:

A. As previously found, the proposed subdivision is consistent with the comprehensive plan, and as found hereinafter will meet all requirements and the intent of the BLMC.

B. The project makes appropriate provision for open spaces, drainage ways, streets, other public ways, transit stops, water supplies, sanitary waste, utility services and facilities, parks and recreational facilities, playgrounds, connection to schools, safe passage for students and adequate schools. The BLMC does not require the applicant to provide open space, parks and recreation, or playgrounds, but the lot sizes themselves will provide the opportunity for meaningful on-site recreation. Furthermore, the applicant must make a per lot payment for support of the City’s public parks. Facilities installed in the storm drainage tract will treat all storm water, infiltrate some stormwater, and release the balance in dispersal trenches along the low portion of the site in accordance with City ordinance requirements. A public street to City standards will provide internal access to all lots. Pierce Transit does not currently serve 84th St. E. and therefore the applicant need not construct a transit stop. However, the internal sidewalks and sidewalks along the south side of 84th St. E. will help provide a connection to transit facilities and to the Sumner School District’s transportation system. The City will supply potable water and fire flow to the site, and sanitary sewer service to each lot. Mitigating measures in the MDNS require the payment of $2,701 per dwelling unit to off-set impacts of plat traffic on City streets. The MDNS also requires the payment of school impact fees equivalent to the Pierce County School Impact Fee Ordinance or a Bonney Lake ordinance if such is adopted.

C. The applicant has adequately mitigated significant adverse environmental impacts identified by the City environmental official during SEPA review. The
environmental official issued an MDNS on December 7, 2004, and received no appeals. SEPA review is therefore final.

D. The proposed preliminary plat will benefit the public health, safety, and welfare and therefore the public interest by providing an attractive location for a single family residential subdivision convenient to shopping areas and schools.

E. The preliminary plat will not lower the level of service of existing park facilities and mitigating measures will ensure the project will not lower the transportation level of service requirements.

F. The area, location, and features of land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of the development, and are proportionate to the impacts created by the development. The applicant will dedicate the storm drainage facilities and internal plat street to the City following construction to City standards.

10. The project also satisfies all applicable criteria set forth in Titles 14-19 BLMC as the applicant will submit an erosion and sediment control plan and must also receive final approval of the storm drainage plan prior to final plat approval. The Public Works Department has reduced the pavement width requirement from 28 feet to 26 feet, and the applicant must ensure construction of the road to City standards. The applicant will construct sidewalks five feet in width and the cul-de-sac will have a 45 foot, paved, turning radius. The applicant must also establish that entering sight distance is available at the intersection of the internal plat road and 84th St. E.

CONCLUSIONS:

1. The Hearing Examiner has jurisdiction to consider and decide the issues presented by this request.

2. The proposed preliminary plat is consistent with the Low Density Residential designation of the Bonney Lake Comprehensive Plan and satisfies all bulk requirements of the Low Density Residential zone classification. The proposed preliminary plat satisfies all criteria for Type 2 reviews as found in Section 14.40.050 BLMC as well as all requirements of Title 14-19 BLMC. Therefore, the proposed preliminary plat of Indigo Ridge should be approved subject to the following conditions:

1. The proposal shall conform to the following City of Bonney Lake regulations and standards:
2. Mitigation measures as outlined in the Mitigated Determination of Nonsignificance (MDNS) dated December 7, 2004 shall be completed prior to final plat approval.

3. Utility easements shall be provided on the face of the final plat, which are necessary to the provision of water, power, sewer, natural gas, and mail delivery to the lots within the subdivision.

4. All plat roads shall be public and dedicated to and maintained by the City of Bonney Lake.

5. Bulk and dimensional standards shall be noted on the final plat mylar as shown below:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>10,000 square feet</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>65 feet</td>
</tr>
<tr>
<td>Minimum Front Setback</td>
<td>20 feet</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td>5 feet minimum with combined total of 15 feet</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>20 feet</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>35 feet</td>
</tr>
<tr>
<td>Maximum lot coverage by impervious surfaces</td>
<td>60%</td>
</tr>
</tbody>
</table>

6. The maintenance of street trees and street lights shall be the responsibility of the Homeowners Association.

7. The tract containing the public storm drainage shall be dedicated to and maintained by the City of Bonney Lake.

8. A landscape plan shall be required showing street trees and place for the plat entrances as outlined in BLMC Chapter 16.12. A final landscape plan
shall be approved prior to installation of landscape materials and final plat approval.

9. All landscape areas shall be fully installed prior to final plat approval unless approved for bonding by the City of Bonney Lake.

10. A storm drainage plan shall be submitted to the City of Bonney Lake as part of the site development plans. The drainage plan shall adhere to the Public Works Design Standards.

11. All storm drains within the development shall be stenciled "Dump NO Waste, Drains to ________" (groundwater, wetlands, or lake, etc. as appropriate).

12. A Department of Ecology General Baseline Permit and NPDES coverage shall be required prior to the issuance of site development permits if more than five acres will be disturbed.

13. The applicant shall submit an Erosion and Sedimentation Control Plan to the City Engineer for approval. All erosion control facilities shall be properly maintained during all phases of site development to prevent debris, dust, and mud from accumulating on the city right-of-way and/or adjacent properties.

14. The operation of heavy equipment and associated materials in the construction of this project has the potential to result in fugitive dust being generated from the site. Impacts to neighboring properties shall be controlled by the use of watering trucks to water frequently used roads and associated areas as necessary to prevent the travel of dust.

15. To mitigate noise impacts associate with the proposal, all construction shall occur between the hours of 7:00 a.m. to 9:00 p.m., unless otherwise authorized by the Department of Planning and Community Development.

16. If cleared, the City right-of-way shall be seeded, mulched, and stabilized as required by the City.

17. The project shall adhere to the recommendations of the geotechnical report, prepared by E3RA, Inc. dated December 6, 2004.

18. The intent of the erosion control facilities is to protect downstream property owners from landslides, sediment buildup, and downstream channel scouring. If the intent of the requirement is not met, then all
building and construction activity on site shall be discontinued and
collection activity shall be directed to meeting the intent of the
requirement.

19. All grading and filling shall utilize only clean fill, such as dirt and gravel.
All other materials, including waste concrete and asphalt, are considered
solid waste and permit approval shall be obtained through the Tacoma-
Pierce County Health department prior to filling.

20. All clearing, grading, and other site development on the project shall be
performed in accordance with approved site development plans. The
construction of the project shall comply with applicable City and State
regulations, including contacting the Army Corps of Engineers and the
Washington State Department of Ecology if required prior to commencing
clearing and grading activities.

21. Prior to final plat approval fire hydrants and mains capable of providing
the required fire flow shall be provided in accordance with IFC and the
City of Bonney Lake, Public Works Design Standards. Fire hydrant
location shall be approved by the Fire Marshal.

22. Hydrant flow test results and water "As Built" plans shall be submitted to
and approved by the Fire Marshal prior to final plat/plan approval.

23. Prior to approval of the water supply for this development, a Certificate of
Water Availability shall be required as per WAC 246-290 and the Public
Works Design Standards. The final plat portion of the Certification of
Water Availability shall be signed by the water purveyor prior to final
subdivision approval.

24. Asbestos containing material shall be removed prior to demolition and
disposed in accordance with the requirements of the Puget Sound Clean
Air Agency, Washington State Department of Labor and Industries, and
the Tacoma-Pierce County Health Department (TPCHD).

25. All demolition material, including but not limited to, wood waste, sheet
rock, roofing material, and concrete, shall go to a licensed solid waste
handling or disposal facility.

26. Any abandoned well (as defined by WAC 173-160) shall be properly
"Decommissioned" prior to final plat approval. The TPCHD shall be
contacted 48 hours prior to any decommissioning activity at the site.
Contact Rich Dickerson at 253-798-2885, TPCHD for further information
regarding abandoned wells.

27. Buildings constructed within the plat shall meet applicable City of Bonney Lake building code requirements. This includes the payment of any utility connection charges and impact fees.

28. Timber harvested from the site will be subject to a Forest Practice Permit from the Department of Natural Resources. Forest Practices approval shall be obtained prior to site clearing, grading, or logging the site.

29. The applicant shall pay a mitigation fee consistent with the Pierce County School Impact Fee Ordinance upon issuance of a building permit per the Sumner School District's letter of October 8, 2004. In the event that the City of Bonney Lake adopts a school impact fee and upon the effective date of such school impact fee ordinance, the applicant will comply with the said ordinance.

30. All water lines will be designed and constructed in accordance with Bonney Lake Development Policies and Public Works Standards.

31. All sewer lines will be designed and constructed in accordance with Bonney Lake Development Policies and Public Works Standards.

32. All roads will be designed and constructed in accordance with Bonney Lake Development Policies and Public Works Standards.

33. The decision set forth herein is based upon representations made and exhibits, including plans and proposals submitted at the hearing conducted by the hearing examiner. Any substantial change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to the approval of the hearing examiner and may require further and additional hearings.

34. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition precedent to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.
DECISION:

The request for preliminary plat approval of Indigo Ridge is hereby granted subject to the conditions contained in the conclusions above.

ORDERED this 28th day of February, 2005.

[Signature]

STEPHEN K. CAUSSEAX, JR.
Hearing Examiner

TRANSMITTED this 28th day of February, 2005, to the following:

APPLICANT: Reich Land Incorporated
29409 39th Avenue South
Roy, WA 98580

AGENT: LeRoy Surveyors and Engineers, Inc.
P.O. Box 740
Puyallup, WA 98371

OTHERS:

Tana M. Latterell
18301 84th St. E.
Bonney Lake, WA 98390

Rod and Paige Brady
P.O. Box 7153
Bonney Lake, WA 98390

Lee Hagen
18601 84th St. E.
Bonney Lake, WA 98390

CITY OF BONNEY LAKE
Planning and Community Development Department
P.O. BOX 7380
19306 BONNEY LAKE BLVD.
BONNEY LAKE, WA 98390-0944
CASE NO.  PRELIMINARY PLAT OF INDIGO RIDGE

NOTICE

Pursuant to City of Bonney Lake, this decision becomes final and conclusive on March 18, 2005, unless:

1. **RECONSIDERATION**: Any aggrieved person feeling that the decision of the Examiner is based on errors of procedure or errors of misinterpretation of fact may make a written request for review by the Examiner in writing and filed not later than 5:00 p.m. on March 9, 2005, with the Planning and Community Development Department. This request shall set forth the alleged errors or misinterpretations, and the Examiner may, after review of the record, take such further action as he deems proper and may render a revised decision.

2. **APPEAL OF EXAMINER’S DECISION**: The final decision by the Examiner on any land use matter within his jurisdiction may be appealed to the City Council by any aggrieved person directly affected by the Examiner’s decision. Said appeal procedure is as follows:

   (a) The appellant must file written notice of appeal with the Planning Department in writing with an appeal fee as required by the Department not later than 5:00 p.m. on March 18, 2005.

   (b) Provided that if the Examiner was requested to reconsider the decision, then the appeal must be filed within fourteen (14) days of the mailing of the Examiner’s final order or decision on the reconsideration report. The notice of appeal shall concisely specify such
error and/or issue which the City Council is asked to consider an appeal.

NOTE: In an effort to avoid confusion at the time of filing a request for reconsideration or an appeal, please attach this page to the request or appeal.
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

<table>
<thead>
<tr>
<th>Department/Staff Contact:</th>
<th>Council/Wrksrhp Mtg Date:</th>
<th>Agenda Item Number:</th>
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<tr>
<td>P&amp;CD/Bob Leedy</td>
<td>10/17/06</td>
<td>ABO6-345</td>
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<tr>
<th>Ordinance Number:</th>
<th>Resolution Number:</th>
<th>Councilmember Sponsor:</th>
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### BUDGET INFORMATION

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**Explanation:**

**Agenda Subject:** “Wilderness Ridge” – Petition method (RCW 35A.14.120)

**Administrative Recommendation:** Recommendation is that Council accept the Petition to Commence Annexation Proceedings and authorize circulation of the official 60% petitions for the “Wilderness Ridge Annexation”.

**Background Summary:** In order to commence a petition-method of annexation (RCW 35A.14.120), an applicant must submit a 10% Petition to the City. Upon acceptance, they shall be granted a meeting with City Council to discuss the proposed annexation within 60 days. Attached is a copy of the 10% Petitions, signed by residents within Wilderness Ridge Divisions 1-3. The Applicant is requesting to proceed with this annexation. If Council agrees, it must make a motion stating:

1. Whether to accept, reject or geographically modify proposed annexation area boundaries;
2. Whether to require assumption of current city indebtedness;
3. Whether to approve/modify proposed zoning of annexation area (R-1);
4. Whether to authorize circulation of 60% petition.

**Suggested language for Motion:**

I/we propose a Motion to:
1. Accept the 10% Petition to Commence Annexation Proceedings for “Wilderness Ridge Annexation”, as described in Exhibit A and as identified in Exhibit B of the Petition;
2. Upon annexation, all property within the proposed annexation area shall be assessed and taxed at the same rate and on the same basis as other property within the City of Bonney Lake, including all indebtedness existing as of the effective date of the annexation;
3. The proposed zoning for the annexation area shall be R-1; and
4. Authorize staff to begin circulation of the official 60% Petitions pursuant to RCW 35A.14.120.

**Attachments:**

- Staff report – Wilderness Ridge
- 10% Petition – Notice of Intention to Commence Annexation Proceedings with:
  - Map
  - Exhibit B: Legal Description
- Tax parcel data for Wilderness Ridge

**Council Committee Dates:**
- Finance Committee:
- Public Safety Committee:
- Community Development & Planning Committee:
- Council Workshop:

**Agency/Commission Dates:**
- Planning Commission: 7/19/06
- Design Commission:
- Civil Service Commission:

**Board/Hearing Examiner Dates:**
- Park Board:
- Hearing Examiner:

**Council Action:**
- Council Call for Hearing:
- Council Hearings Date:
- Council Referred Back to:
- Workshop:
- Council Meeting Dates:
- Council Tabled Until:
- Committee

**Signatures:**
- Mayor
- Date City Attorney reviewed
Staff Report
Wilderness Ridge Annexation - PLN 2006-00765, Project #59100061
City Council Workshop: 10/17/06

Date: October 17, 2006
Applicant(s): City of Bonney Lake
Annexation method: Petition Method – RCW 35A.14.120 (60% assessed value)
Location: Section 03, Township 19N, R5E W.M.
The annexation area is surrounded on three sides (North, West, South) by existing city
limits. The eastern border is the eastern recorded plat boundary for Divisions 1 and 3. The
annexation area (recorded Divisions 1, 2 and 3 of Wilderness Ridge) is adjacent and west of
Ponderosa Estates Div. #4. The entire annexation area is located in the Comprehensive
Urban Growth Area (CUGA), not in the City UGA.

Staff Contact: Shannon Mayfield-Porter, 253-447-4354

SUMMARY
Over the past year or two, the City has been contacted several times by the HOA of Wilderness Ridge expressing an
interest in annexation. City staff prepared a legal description for the proposed annexation area (approved by Pierce
Co. 7/24/06, approved by DOT 9/5/06) and 10% Petitions were circulated to Wilderness Ridge residents in
September/October 2006. Signed petitions totaling 10% of the assessed value for the proposed annexation area were
received and verified by City Staff on 10/17/06.

Wilderness Ridge is a single-family subdivision, fully built-out, and is surrounded on three sides by existing city
limits. It is in the City’s water service area and is identified in the sewer service area of the Sewer Comp Plan
updated in 2006. It makes sense geographically to annex the property to “square up” existing city limits. Pierce Co.
has indicated that they will not object to the annexation but the City must still meet the criteria established in the
RCW’s and Boundary Review guidelines for an annexation area.

**ANNEXATION SIZE:** 41.40 acres (parcels= 33.01 acres, 1.28=wetlands/inter, roads and right-of-way=8.39 acres).
**TOTAL PARCELS:** Wilderness Ridge Div. 1, 2, and 3 – 89 parcels total
**LOT SIZE:** Range= 0.27 ac-0.68 acres; Average=0.36 acres

Existing comprehensive plan land use designation
The site is located within the Comprehensive Urban Growth Area (CUGA) created under RCW 36.70A.110. Per
RCW 35A.14.005, only territories within urban growth areas may be annexed by code cities. The current Pierce
County Comprehensive Plan designation for the site is MSF, Moderate Density Single Family.

Proposed Comprehensive Plan Land Use Designation
Unlike all previous City annexations, this proposed annexation area is in the CUGA. Cities are permitted to annex
land into their City from a CUGA, but Bonney Lake has not adopted a land use designation for the CUGA. The City
can annex the area and apply zoning, but it must follow up with a comp plan amendment during the next cycle
(2007) to assign a comparable land use designation to the area (Single-Family Residential).

Existing Zoning
The subject property is currently located in the CUGA within unincorporated Pierce County, and is zoned Moderate
Density Single Family (MSF) by Pierce Co.

"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."
Proposed Zoning
Proposed zoning is R-1, which is consistent with a residential plat with a Pierce Co. MSF zoning classification.

OTHER CONSIDERATIONS
If the annexation progresses to the point of adoption, Council will need to concurrently adopt an ordinance revising Council Ward 4 boundary to assign council representation to the newly annexed area.

STAFF RECOMMENDATION
Make the following motion to authorize circulation of the official 60% petitions:
I/we propose a Motion to:
1.) Accept the 10% Petition to Commence Annexation Proceedings for “Wilderness Ridge Annexation”, as described in Exhibit A and as identified in Exhibit B of the Petition;
2.) Upon annexation, all property within the proposed annexation area shall be assessed and taxed at the same rate and on the same basis as other property within the City of Bonney Lake, including all indebtedness existing as of the effective date of the annexation;
3.) The proposed zoning for the annexation area shall be R-1; and
4.) Authorize staff to begin circulation of the official 60% Petitions pursuant to RCW 35A.14.120.
CITY OF BONNEY LAKE
"WILDERNESS RIDGE"
ANNEXATION LEGAL DESCRIPTION
PREPARED 9/5/06

A PORTION OF THE NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 3, TOWNSHIP 19 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS:

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 19 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN.

EXCEPT THE FOLLOWING:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 233 OF PONDEROSA ESTATES, DIVISION 4, AS RECORDED IN VOLUME 32 OF PLATS, PAGES 26 AND 27, PIERCE COUNTY AUDITOR'S FEE NO. 2173016, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE NORTH 87° 19' 00" WEST, 30 FEET; THENCE NORTH 2°41' 00" EAST 100.00 FEET; THENCE NORTH 33°38'50" EAST, 58.31 FEET TO THE NORTHWEST CORNER OF LOT 234 OF SAID PONDEROSA ESTATES; THENCE SOUTH 2°41' 00" WEST, 150.00 FEET TO THE POINT OF BEGINNING, CONVEYED TO JAMES W. TOSH AND ROBIN TOSH, HUSBAND AND WIFE, BY WARRANTY DEED RECORDED APRIL 20, 1989, UNDER RECORDING NUMBER 8904200421.

ALSO EXCEPT THAT PORTION ANNEXED TO THE CITY OF BONNEY LAKE PER ORDINANCE NO. 647, DATED DECEMBER 10, 1991.

TOGETHER WITH THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 19, NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN.

EXCEPT THAT PORTION ANNEXED TO THE CITY OF BONNEY LAKE PER ORDINANCE NO. 810, DATED APRIL 27, 1999.
### WILDERNESS RIDGE DIVS. 1-3 TAX PARCEL DATA 6/27/06

<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Taxpayer</th>
<th>Delivery</th>
<th>Site Address</th>
<th>City/State</th>
<th>Zip</th>
<th>Acres</th>
<th>2007 Assessed Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>BROWN DWAIN &amp; GINETTE M</td>
<td>PO BOX 8188</td>
<td>20001 104TH ST E</td>
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<tr>
<td>2</td>
<td>FEROY GLENN B &amp; SHARI L</td>
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<td>20005 104TH ST E</td>
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<td>DULIN DENISE R</td>
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33.01 $ 23,824,890 TOTAL AV
$ 2,382,480 10%
$ 14,294,890 60%

Data obtained from Pierce Co. ATR/Countyview
City of Bonney Lake, Washington  
Council Agenda Bill (C.A.B.) Approval Form

| Department/Staff Contact: P&CD/Bob Leedy |
| Council/Wrkshp Mtg Date: 10/24/06 |
| Agenda Item Number: AB 06-351 |

| Ordinance Number: | Resolution Number: |
| Councilmember Sponsor: |

**BUDGET INFORMATION**

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**Explanation:**

**Agenda Subject:** "Annexation Area 1-B" set public hearing date (RCW 35A.14.120)

**Administrative Recommendation:** Recommend Council set a joint public hearing date of 11/14/06 at 6:30 p.m. with the Planning Commission to receive testimony on Annexation 1-B and related zoning.

**Background Summary:** On 8/8/06 City Council authorized circulation of the official 60% petitions to Annexation Area 1-B. Petitions were mailed and signed petitions have been received exceeding the requisite 60% assessed value necessary for an annexation. Staff expects the petitions to be officially certified by the Assessor's office by 10/31/06. Upon certification, Council must hold a hearing to receive testimony on the proposed annexation. The Planning Commission must hold a hearing on the proposed zoning of the annexation area. **Staff recommends setting a joint public hearing date for Tues 11/14/06 at 6:30 p.m.** Upon completion of the hearing, Council can continue with their regularly scheduled meeting.

**Next Steps (subject to change):**
11/14/06 Public Hearing
11/21/06 Council to approve Resolution authorizing staff to file Notice of Intent to Annex with the BRB
11/22/06 NOI filed with BRB (45 day review period begins)
1/23/07 Council to adopt ordinance making annexation effective
2/27/07 Annexation effective date

**Council Committee Dates:**
- Finance Committee: 7/17/06
- Public Safety Committee: 7/17/06
- Community Development & Planning Committee: 7/17/06
- Council Meeting: 8/8/06

**Agency/Commission Dates:**
- Planning Commission: 7/19/06
- Design Commission: 7/19/06
- Civil Service Commission: 7/19/06

**Board/Hearing Examiner Dates:**
- Park Board:
- Hearing Examiner:

**Council Action:**
- Council Call for Hearing: ______
- Council Hearings Date: ______
- Council Referred Back to: Workshop: Council Meeting Dates:
- Council Tabled Until: ______

**Signatures:**
- Dept. Dir: [Signature]
- Mayor: [Signature]
- Date City Attorney reviewed: n/a
Date: October 19, 2006
Applicant(s): City of Bonney Lake
Annexation method: Petition Method – RCW 35A.14.120
Location: Sections 27 and 34, Township 20N, R5E W.M.
The annexation area borders existing city limits on the north and east sides. The southern border is the south edge of Kelly Lake Rd. E., which is also the Urban Growth Boundary. The western border is generally Church Lake Rd. E. The area contains the existing plats of Kelly Glen and Foxglove and four proposed/preliminary plats (Hemminger Plat, Highland Ridge, Ptarmigan Ridge, Kelly Lake Park).

Staff Contact: Shannon Mayfield-Porter, 253-447-4354

SUMMARY
The City of Bonney Lake attempted to annex the entirety of “Annexation Area I” (260 acres) in 2004/early 2005 using the alternative petition method (50% acreage, 50% voters). Staff was unable to secure the requisite number of signatures before the petitions expired (6 months); the annexation effort failed. Staff then recommended, and Council agreed, to break the 260 acre UGA into three smaller sub-areas to increase the possibility for a successful annexation.

Sub-Area 1-A The City is currently pursuing this annexation by “island method” (RCW 35A.14.295-297).

Sub-Area 1-B The City is concurrently pursuing annexation of Sub-Area 1-B by petition method (60% valuation). At the June 5, 2006 CDC meeting, Council members indicated that the City should proceed with annexing 1-A and 1-B now, and since there is little to no current interest from the property owners of 1-C, wait until a later date to annex 1-C.

Sub-Area 1-C No action at this time.

Annexation Area 1-B is approximately 104.02 acres – (88.67 acres from parcels, the rest from right-of-way). There are 71 residential parcels total, some of which are in the existing Kelly Glen and Foxglove plats. Highland Ridge and Ptarmigan Ridge have preliminary plat approval. Hemminger Plat has been filed with Pierce Co. and expects preliminary plat approval by late 2006/early 2007. Kelly Lake Park withdrew their initial application to Pierce Co. and is waiting until after annexation to apply with the City of Bonney Lake.

Existing Residential lots: 71 (57 presumed occupied) – 56 SFR, 1 MH
Estimated current population: 169
Hemminger preliminary plat: 67 lots (expected build-out – ½ the lots in 2007, ½ in 2008)
Highland Ridge preliminary plat: 88 lots (expected build-out – all lots built by end of 2007)
Ptarmigan Ridge preliminary plat: 67 lots (expected build-out – all lots built by end of 2007)
Kelly Lake Park shortplat: 9 lots

"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."
The majority of the development in this particular UGA is occurring in Sub-Area B and the three vested plats have formally requested water and sewer from the City. Over the past few months, the City entered into Annexation Utilities Agreements with all four proposed/preliminary plats.

On August 8, 2006, City Council authorized circulation of the official 60% petitions. Signatures exceeding the requisite 60% were gathered and certification is expected by Pierce Co. Assessor-Treasurer by the end of October. Pending certification of the petitions, the annexation statute mandates that City Council hold a public hearing to receive testimony on the proposed annexation, and the Bonney Lake Municipal Code requires the Planning Commission to hold a hearing and make a recommendation to Council on the proposed zoning. Staff suggests holding a joint public hearing to increase efficiency and expedite the annexation process.

Existing comprehensive plan land use designation
The site is located within the City of Bonney Lake's approved Urban Growth Area created under RCW 36.70A.110. Per RCW 35A.14.005, only territories within urban growth areas may be annexed by code cities. Pierce County has not completed a community plan for the area due to the area's location within the City's approved UGA. The current Pierce County Comprehensive Plan designation for the site is MSF, Moderate Density Single Family. The City's Comprehensive Plan designates this property as Single Family Residential.

Proposed Comprehensive Plan Land Use Designation

Existing Zoning
The subject property is currently located in the City's UGA within unincorporated Pierce County, and is zoned Moderate Density Single Family (MSF) by Pierce Co.

Proposed Zoning
To implement the adopted land use designation assigned by the city's Comprehensive Plan, the proposed zoning for the annexation area is R-1, Low-Density Residential. The R-1 zone classification is consistent with the Comprehensive Plan Land Use Designation of Low-Density Residential. The proposed City zoning for the area is also consistent with current County zoning. Future buildout under City zoning has been analyzed in its environmental documents and comprehensive land use plans.

OTHER CONSIDERATIONS
If the annexation progresses to the point of adoption, Council will need to concurrently adopt an ordinance revising Council Ward 5 boundary to assign council representation to the newly annexed area.

STAFF RECOMMENDATION
Schedule a joint public hearing with Planning Commission to receive testimony on the proposed annexation and zoning for Area 1-B. Suggested hearing date: Tues, November 14, 2006 at 6:30 p.m.
## CITY OF BONNEY LAKE - PROPOSED “ANNEXATION AREA 1 - SUBAREA 1-B” PETITION-METHOD ANNEXATION – RCW 35A.14.120-150

### PROJECT TIMELINE

<table>
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<tr>
<th>DATE DUE</th>
<th>TASK</th>
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| July 17  | **CDC MEETING:** Formal presentation of 10% petition and request to authorize circulation of official 60% petitions. MOTION shall include:  
1.) accepting/rejecting/geographically modifying proposed annex. boundaries;  
2.) proposed zoning  
3.) whether to require assumption of current city indebtedness  
4.) authorization to circulate official 60% petition | 7/17/06   |
| July 19  | **PLANNING COMMISSION:** Staff report with background, status, discussion of annexation and zoning; agree to joint Council/PC meeting date for hearing | 7/19/06   |
| August 8 | **COUNCIL MEETING:** Action required: formal motion authorizing circulation of 60% petitions (see above under 7/17 CDC MEETING) | 8/8/06    |
| August 22| **COUNCIL MEETING:** Approval of 8/8 minutes (must have signed approved copy of minutes for 60% petition) | 8/22/06   |
| August 24| Mailing to property owners with petition enclosured – requesting signatures - *Signatures expire after 6 mos from first signature* | 8/24/06   |
| October 24| **COUNCIL MEETING:** Set joint public hearing date (with Planning Commission) on annexation and zoning |           |
| October 26| Original 60% petitions submitted to BRB (originals) and copies to Pierce Co. ATR for determination of sufficiency |           |
| November 1| **PLANNING COMMISSION MEETING:** Set joint public hearing date (zoning) for annexation area per BLMC 14.140.080 |           |
| November 14| **JOINT CC/PC WORKSHOP:** Joint public hearing on proposed annexation AND zoning |           |
| November 20| **CDC:** 1st reading of Resolution #______, authorizing filing of NOI with BRB |           |
| November 21| **COUNCIL WORKSHOP:** 2nd reading of Resolution #______, authorizing filing of NOI with BRB |           |
| November 22| • File certified copy of resolution with Pierce Co. Council, Auditor, ATR  
• Certified copy of resolution and NOI filed with BRB (assumption is 45-day review will begin 9/20/06) |           |
| 1/10/07  | **BRB 45-day review period ends (assuming jurisdiction was not invoked)** |           |
| 1/16/07  | **CITY COUNCIL WORKSHOP:** 1st reading of:  
1.) Resolution with Interlocal Agreement between City and PC for post-annexation permit processing;  
2.) Ordinance making annexation effective no less than 30-days from adoption (30 days required by RCW 35A.14.801 – need to provide 30 days notice to ATR before effective date to receive proper tax distribution) include assumption of indebtedness; and  
3.) Ordinance assigning zoning to annexation area |           |
| 1/23/07  | **CITY COUNCIL MTG.:** Adopt Resolution and 3 Ordinances:  
**RES** ____ - Interlocal Agreement for post-annexation permit processing  
**ORD** ____ - Makes annexation effective (30-days)  
**ORD** ____ - Assigns R1 zoning to annexation area |           |
| 2/27/07  | **Annexation effective date** |           |

M:\Planning\Annexations\Annexation Area 1\Sub Area B\Timeline-1-B-petition method-2006 ABBREVIATED.doc
Bonney Lake Annexation Legal Description (Revised 20060518)

Commencing at the Northwest Corner of the Northeast Quarter of the Northwest Quarter of Section 34, Township 20 North, Range 5 East of the Willamette Meridian; thence along the north line of said subdivision South 89°22'15" East a distance of 330.00 feet to the True Point of Beginning; thence North 01°08'27" East a distance of 666.50 feet; thence South 89°26'36" East a distance of 519.95 feet to the west line of a tract of land conveyed to R.H. Carnakan and Emma Carnakan, husband and wife, by deed recorded March 12, 1928 under Recording No. 892764; thence along said west line South 01°02'14" West a distance of 667.15 feet to the north line of aforesaid Northeast Quarter of the Northwest Quarter of Section 34; thence along said line South 89°21'30" East a distance of 49.21 feet to the west line of the east 445.00 feet of the Southeast Quarter of the Southwest Quarter of Section 27, Township 20 North, Range 5 East of the Willamette Meridian; thence along said west line North 01°01'32" East a distance of 792.02 feet to the north line of the south 792.00 feet of said subdivision; thence along said north line South 89°22'15" East a distance of 445.01 feet to the east line of said subdivision; thence along said east line North 01°01'32" East a distance of 204.68 feet to the Southwest Corner of Tract A plat of Winterhaven as recorded under Pierce County Auditor Fee No. 200302195002; thence along the south line of said plat of Winterhaven South 89°46'23" East a distance of 1346.39 feet to the Southeast Corner of said plat of Winterhaven and the west line of Lot 145 plat of Springhaven as recorded under Pierce County Auditor Fee No. 200204255008; thence along the west line of said plat of Springhaven South 01°00'40" West a distance of 994.89 feet to the Southwest Corner of Tract R of said plat of Springhaven; thence along the south line of said Tract R South 89°37'55" East a distance of 52.45 feet to the west line of Tract J of said plat of Springhaven; thence along said west line of Tract J and continuing along the west line of said plat of Springhaven South 00°29'36" West a distance of 1297.64 feet to the north right of way of Kelly Lake Road East; thence along said right of way South 89°41'34" East a distance of 1242.76 feet to the west right of way of 214th Avenue East; thence along said right of way South 01°24'45" West a distance of 30.01 feet to the south line of the Northeast Quarter of the Northeast Quarter of Section 34, Township 20 North, Range 5 East of the Willamette Meridian; thence continuing along aforesaid west line of 214th Avenue East right of way South 01°24'24" West a distance of 30.01 feet; thence North 89°41'34" West a distance of 20.39 feet to a point of cusp for a return curve in the northeast corner of Lot 2 Short Plat 76-252 also being the Northeast Corner of Kelly Creek Garden Tracts and the south right of way of aforesaid Kelly Lake Road East; thence along said south right of way and said north line of Kelly Creek Garden Tracts North 89°41'34" West a distance of 1177.55 feet to Northeast Corner of Short Plat 8602260216; thence along the east line of said short plat South 0°54'52" West a distance of 5.00 feet to the south line of a 5.00 foot wide quit claim deed to Pierce County for right of way per Auditor's Fee Number 8602190320; thence along said south line North 89°41'34" West a distance of 130.42 feet to an angle point on said south line; thence North 89°42'14" West a
distance of 29.50 feet to the West line of said Short Plat 8602260216; thence along said west line North 0°55'07" East a distance of 5.00 feet to the Northwest Corner of said Short Plat 8602260216; thence continuing along said right of way North 89°42'14" West a distance of 853.07 feet to the beginning of a curve tangent to said line; thence westerly and northwesterly a distance of 206.69 feet along the curve concave to the north, having a radius of 533.00 feet and a central angle of 22°13'06" to the Northeast Corner of Lot 3 of Pierce County Short Plat 8365050332 and the beginning of the south right of way of Church Lake Road; thence continuing along said curve and said line a distance of 46.92 feet having a radius of 533.00 feet and a central angle of 05°02'36"; thence continuing along said right of way North 62°26'32" West tangent to said curve a distance of 236.98 feet; thence North 69°38'49" West a distance of 356.48 feet to the beginning of a non-tangent curve whose radius point bears South 74°51'48" West; thence northerly and northwesterly along said curve concave to the southwest, a distance of 217.76 feet having a radius of 718.54 feet and a central angle of 17°21'50" to a point of reverse curvature; thence northwesterly and northerly a distance of 219.72 feet along the arc of said curve concave to the east having a radius of 567.66 feet and a central angle of 22°10'36" to a point of compound curvature; thence northerly and northeastwesterly a distance of 226.83 feet along the arc of said curve concave to the east having a radius of 836.14 feet and a central angle of 15°32'36"; thence North 05°13'10" East tangent to said curve a distance of 163.39 feet to the beginning of a curve tangent to said line; thence northerly a distance of 190.64 feet along the curve concave to the west, having a radius of 705.91 feet and a central angle of 15°28'23" to a point of compound curvature; thence northerly, northwesterly and westerly a distance of 101.80 feet along the arc of said curve concave to the southwest having a radius of 85.71 feet and a central angle of 68°03'00"; thence on a line non-tangent to said curve North 89°22'15" West a distance of 193.44 feet; thence South 00°37'10" West a distance of 10.00 feet; thence North 89°22'15" West a distance of 60.00 feet; thence North 00°37'10" East a distance of 10.00 feet; thence North 89°22'15" West a distance of 168.29 feet; thence South 00°37'10" West a distance of 10.00 feet; thence North 89°22'15" West a distance of 6.81 feet; thence North 01°08'27" East a distance of 30.01 feet to the Point of Beginning.
City of Bonney Lake, Washington  
Council Agenda Bill (C.A.B.) Approval Form

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<th>Council/Wrksph Mtg Date:</th>
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<td>Don Morrison</td>
<td>October 24, 2006</td>
<td>AB06-355</td>
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**BUDGET INFORMATION**

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<td></td>
<td>$2,500,000</td>
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**Explanation:** Closing is scheduled for 7/1/07. Funds are budgeted in the 2007 General Government CIP. The source of funding is General Fund ending balances (previously unallocated general funds).

**Agenda Subject:** Ratifying The Purchase And Sale Agreement With Jack Simmons And Sherri Dewitt For The Purchase Of Real Property At 18426 Sr 410 And 9320 Angeline Road.

**Administrative Recommendation:** Approve

**Background Summary:** The City entered into a contingent purchase and sale agreement with Jack Simmons and Sherri Dewitt for the acquisition of 4.55 acres of real property in the Downtown area of Bonney Lake located at 18426 SR 410 and 9320 Angeline Road. The purchase and sale agreement provided that the City would have until November 1, 2006 to investigate, satisfy, or reject all contingencies contained in said agreement; and. The agreement is dependent upon the City Council’s ratification of the terms of the agreement and verification of the value of the property. The MAI appraisal came in at $2,500,000. The sales comp. method estimated the value at approximately $2,480,000. This acquisition is necessary and desirable to facilitate the implementation of the downtown plan and for the development of a new civic center for the City.

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**Council Action:**

- Council Call for Hearing:
- Council Hearings Date:
- Council Referred Back to:
- Workshop:
- Committee
- Council Tabled Until:
- Council Meeting Dates:

**Signatures:**

- Dr. Authorization: [Signature]
- Mayor: [Signature]
- Date City Attorney Reviewed: [Date]
RESOLUTION NO. 1632

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, RATIFYING THE PURCHASE AND SALE AGREEMENT WITH JACK SIMMONS AND SHERRI DEWITT FOR THE PURCHASE OF REAL PROPERTY AT 18426 SR 410 AND 9320 ANGELINE ROAD.

WHEREAS, the City entered into a contingent purchase and sale agreement with Jack Simmons and Sherri Dewitt for the acquisition of 4.55 acres of real property in the Downtown area of Bonney Lake located at 18426 SR 410 and 9320 Angeline Road; and

WHEREAS, said purchase and sale agreement provided that the City would have until November 1, 2006 to investigate, satisfy, or reject all contingencies contained in said agreement; and,

WHEREAS, said purchase and sale agreement provides that the sale is dependent upon the City Council’s ratification of the terms of the agreement and verification of the value of the property; and

WHEREAS, the Council is satisfied, based upon an MAI appraisal of the property, that the proposed sale price is consistent with the value of the property; and

WHEREAS, the acquisition of said property is desirable and necessary to facilitate the implementation of the downtown plan and for the development of a new civic center for the City;

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

The City Council hereby ratifies the purchase and sale agreement with Jack Simmons and Sherri Dewitt, attached hereto as Exhibit “A”, for the acquisition of 4.55 acres of real property in the Downtown area of Bonney Lake located at 18426 SR 410 and 9320 Angeline Road. The City Council accepts all contingencies, and hereby authorizes and directs the Mayor to complete the transaction as outlined in the purchase and sale agreement.

PASSED by the City Council this 26th day of October 2006.

__________________________________________
Neil Johnson, Mayor

ATTEST:

__________________________________________
Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

__________________________________________
James Dionne, City Attorney
Exhibit A to Res. 1632

REAL ESTATE PURCHASE AND SALE AGREEMENT

This PURCHASE AND SALE AGREEMENT ("Agreement") is made between the City of Bonney Lake, Washington ("City") and Jack Simmons and Sherri Dewitt, husband and wife ("Sellers").

RECITALS

1. Sellers are the owners of certain parcels of land located at 18426 State Route 410 and 9320 Angeline Road, Bonney Lake, Pierce County, Washington, a description of which is attached hereto as Exhibit A (the "Property").

2. The City desires to purchase the Property for the construction of City buildings.

3. Sellers agree to sell the Property upon the terms and conditions set forth in this Agreement.

AGREEMENT

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

1. **Sale of the Property.** Sellers shall sell and convey to the City, and the City shall purchase and acquire from Sellers, all of Sellers’ interest in the Property, which shall include the land, together with any easements, appurtenances, rights, privileges, and reversionary rights; all timber and plants; all right, title and interest of Sellers in and to all alleys, strips, or gores of land lying adjacent to the Property; and all utilities serving the Property.

2. **Purchase Price.** The purchase price shall be two million five hundred thousand dollars ($2,500,000.00). The City’s obligation to purchase the property is contingent upon the City approving the purchase price prior to Closing, after it has had the opportunity to obtain and review an appraisal or market study performed by the appraiser or real estate professional of the City’s choosing. If in the City’s sole and absolute discretion the City’s approved appraisal or market study does not support the Purchase Price, the City shall have the right to terminate its obligations under this Agreement by sending written notice to Sellers.

The Sellers elect the following method of payment (check one):

- [X] Full cash payment. On the Closing Date, the City shall deposit with the Escrow Agent the entire amount of the Purchase Price owing to Seller.
Installment payments. The City will pay $1,000,000.00 (one million dollars) down, including Earnest Money, at Closing and the balance of the Purchase Price owing to Seller in two installments of $1,000,000.00 (one million dollars) and $500,000.00 (five hundred thousand dollars) on November 1, 2007, and June 1, 2008, respectively. Interest will accrue on the two installments at five percent (5%).

3. **Closing.** The Closing shall be held at the offices of Pacific Northwest Escrow. The Closing shall occur on a date chosen by the City, with ten days advance written notice to the Sellers, on or before November 1, 2006. The Closing shall occur when all deeds and other documents necessary for transfer of the Property to the City are recorded and the purchase price is delivered to the Escrow Agent for delivery to Sellers.

4. **Earnest Money.** Within ten (10) days of this Agreement, the City shall deposit with the Escrow Agent a promissory note for Earnest Money in the amount of fifty thousand dollars ($50,000.00).

5. **Documents to be Delivered by Sellers.** As a condition precedent to the payment to Sellers of any of the purchase price, Sellers shall deliver to the City at the Closing the following documents (all of which shall be duly executed and acknowledged where required):

   (i) **Deed.** A statutory warranty deed ("Deed") substantially in the form attached hereto as Exhibit B, transferring the Property to the City.

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

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

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

   (v) **Surveys.** Such surveys, site plans and plans and specifications relating to the Property as are in the possession or control of Sellers.

6. **Payment of Costs.** Sellers and the City shall pay their own costs incurred with respect to the purchase and sale of the Property, including attorneys’ fees. Notwithstanding the foregoing, the City shall pay:

   (i) The real estate excise tax, if any, and all transfer, sales and documentary stamp taxes or similar charges incidental to the
conveyance of title to the Property to the City;

(ii) The full cost of the Title Policy, if any;

(iii) The full cost and expense of recording the Deed and any other recordable instrument related to the transaction;

(iv) The escrow fee, if any.

7. Real Property Taxes and Utility Bills. Sellers shall pay at the Closing all taxes and utility bills due or to become due with respect to the Property for the period up to the Closing Date.

8. Conditions to the City’s Obligation.

(a) Investigation of the Property. Within fifteen (15) days of this Agreement, Sellers shall provide to the City all documents and information pertaining to the Property, including all soils reports and environmental studies, surveys, architectural drawings or renderings, plans and specifications. The City and its employees and agents shall have the right from the date of this Agreement through the Closing Date to enter the Property at all reasonable times, at the City’s cost and expense, to take soil, water and other tests or studies under the provisions of this Agreement; provided, however, the City shall indemnify and hold harmless Sellers from and against any mechanic’s or other liens or claims that may be filed or asserted against the Property or Sellers by any actions taken by the City in connection with the Property.

(i) City’s Inspection of the Property. This Inspection may include the conducting of soil tests (including borings), water tests, toxic and hazardous waste studies, surveys, engineering, historical use, traffic and access studies, structural studies and review of zoning, subdivision, fire, safety and other compliance matters. If the Property Inspection indicates, in the City’s sole and absolute discretion, that the Property is not suitable for the City’s intended purposes, the provisions of subsection (b) of this section shall apply.

(ii) Zoning and Development Potential. The City has the sole and absolute discretion to approve the potential performance of the Property for the City’s intended purposes, including, without limitation, the zoning and other codes, covenants and/or restrictions affecting the use and future development of the Property, the certificates, licenses and permits existing with respect to the Property and likelihood and anticipated cost of obtaining additional certificates, licenses and permits that the City desires to obtain with respect thereto, including but not limited to rezoning, subdivision, the availability and access to public roads, the
availability of utilities and sewer capacity, the potential opportunity to acquire additional property adjacent to or contiguous with the Property, and the potential to finance the Property in a manner satisfactory to the City in all respects and demographic studies with respect to the neighborhood and region in which the Property is located.

(b) **The City's Right to Terminate.** If the conditions set forth in subsection (a) of this section are not satisfied, in the City's sole and absolute opinion, the City shall have the right to terminate its obligations under this Agreement by sending written notice to Sellers.

(c) **Condition of Title.**

(i) Within fifteen (15) days of this Agreement, Sellers shall deliver to City a preliminary commitment for standard coverage title insurance with respect to the Property.

(ii) Within thirty (30) days of receiving the Title Report, the City shall either approve any matters of title disclosed therein, or deliver to Sellers written notice of disapproval or conditional approval. Any approved conditions shall constitute "Permitted Exceptions." If the City does not notify the Sellers of its approval, disapproval, or conditional approval, the City shall be deemed to have approved all matters of title shown or described in the Report.

(iii) Within fifteen (15) days of receiving a notice of disapproval or conditional approval from the City, Sellers shall identify to City in writing which of such matters Sellers are willing to cure. The City shall then have fifteen (15) days to advise Sellers whether City will accept title. If City is not willing to accept title, the City may terminate this Agreement.

(d) **Ratification by City Council.** The City's obligation to close the purchase of this Property is contingent upon ratification of the Agreement, its terms, and the purchase price as verified or recommended by the appraiser or real estate professional of the City's choosing, by the City Council of the City of Bonney Lake. If the City Council does not ratify the purchase, the City shall have the right to terminate its obligations under this Agreement by sending written notice to Sellers.

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

10. **Sellers' Representations and Warranties.**

(a) **Parties in Possession.** To the best of Sellers' knowledge, there are no parties, other than the parties to this Agreement, which have a right to possession of all or any portion of the Property, and there are no leases or licenses affecting the Property.

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

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

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

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

(f) **Hazardous Substances.** The Property is not in violation of any law, ordinance, rule or regulation relating to the environmental conditions thereon. To the best of Sellers' knowledge, there is no hazardous waste or other substance, including but not limited to, those that would be a hazardous waste, material or substance, toxic substance or pollutant, as defined under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. Section 9601 et seq.; Hazardous Materials Transportation Act, 49 U.S.C. Section 1801 et. seq.; Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et. seq., the Clean Water Act, 42 U.S.C. Section 1251 et. seq., the Washington Environmental Policy Act, RCW Ch. 43.21, the Washington Water Pollution Control Act, RCW Section 90.48.010 et. seq., the Washington Hazardous Waste Management Act, RCW Ch. 70.105, the Washington Model Toxics Control Act, RCW Ch. 70.105D, and the regulations promulgated thereunder or under any applicable local or state
environmental ordinance, statute, law, rule or re-on, on or in the vicinity of the Property or on any parcels of land which abut the Property. Further, to the best of Sellers’ knowledge, there has been no release, spill, leak, discharge, emission, leak or disposal, and there are no substances or conditions, in or on the Property or any other parcels of land which may affect the Property or use thereof, which may support a claim or cause of action under any federal, state or local environmental statute, regulation, ordinance or other environmental regulatory requirements, and there are no PCBs or underground storage tanks located on the Property.

(g) The residences that are currently on the Property are considered to have no value and are not warranted by Sellers.

11. **Covenants of Sellers.**

   (a) From the date of this Agreement to the Closing Date, Sellers will not allow any lien to attach to the Property or any part thereof, nor will Sellers grant, create, or voluntarily allow the creating of, or amend, extend, modify or change, any easement, right-of-way, encumbrance, restriction, covenant, lease, license, option or other right affecting the Property or any part thereof without the City’s written consent.

   (b) Sellers shall not enter into any leases, trust deeds, mortgages, restrictions, encumbrances, liens, licenses or other instruments or agreements affecting the Property without the prior written consent of the City.

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

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

   (e) In the event of a default by Sellers in the performance of their obligations under this section, the City may, upon five (5) days prior written notice to Sellers and Sellers’ failure to cure said default, cure such default and offset the cost of doing so against the Purchase Price payable at Closing. The City may also elect the remedies under section 12 of this Agreement.

12. **Default.** If the Closing does not occur by reason of any default under this Agreement by Sellers, the City may elect to (i) treat this Agreement as terminated, in which case all payments provided by the City shall be returned to the City; or (ii) treat this Agreement as being in full force and effect, in which event the City may either (a) bring suit against Sellers for the City’s out-of-pocket expenses incurred in connection with this Agreement; or (b) bring suit to specifically enforce this Agreement. If Closing does not occur by reason of any default under this Agreement by the City, the Sellers may execute the Earnest Money Promissory Note.
13. **Notices.** Unless applicable law requires a different method of giving notice, any and all notices, demands or other communications shall be in writing and delivered either personally or by Federal Express or other overnight delivery service of recognized standing, or if deposited in the United States mail, certified, registered, or express mail with postage prepaid. If such notice is personally delivered, it shall be conclusively deemed given at the time of such delivery. If such notice is delivered by Federal Express or other overnight delivery service, it shall be deemed given twenty-four (24) hours after the deposit with such delivery service. If such notice is mailed as provided herein, such shall be deemed given forty-eight (48) hours after the deposit thereof in the United States mail. Each such notice shall be deemed given only if properly addressed to the party to whom such notice is to be given, as follows:

To Sellers: Jack Simmons and Sheri Dewitt  
1310 Forrester Blvd SW  
North Bend, WA 98390

To the City: Don Morrison, City Administrator  
City of Bonney Lake  
19306 Bonney Lake Blvd.  
Bonney Lake, Washington 98391

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

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

15. **Finders’ or Brokers’ Fees.** Sellers will be responsible for paying finders or brokers fees owed to any real estate professionals working on their behalf.

16. **Miscellaneous.**

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

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

   (c) **Successors and Assigns.** All of the terms and provisions contained herein shall inure to the benefit of and shall be binding upon the parties hereto and their respective heirs, legal representatives, successors and assigns.

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

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

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

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

(h) **Counterparts.** This Agreement may be executed in counterparts, and each set of duly delivered identical counterparts which includes all signatories shall be deemed to be one original document.

(i) **Agreement Date.** For purposes of calculation of all time periods described in this Agreement, all phrases such as “the date of this Agreement” or “the date of execution of this Agreement” or any other like phrase referring to the date of the Agreement, shall mean and refer to the date of the last signature on this Agreement.

(j) **Contingency Satisfaction Date.** The City shall have until up to thirty (30) days before the Closing Date to investigate, satisfy, or reject all contingencies, including but not limited to, ratification of the purchase by the City Council, inspection of the Property and Property-related documents, feasibility study, and appraisal.

Upon acceptance of contingencies

The earnest money note shall be converted to cash and released to the sellers, on or within 10 days after the contingency satisfaction date. The earnest money amount shall be deducted from sellers proceeds at closing.
SELLERS
JACK SIMMONS AND SHERI DEWITT

By: Jack Simmons
Date: 8-21-06

By: Sherri Dewitt
Date: 8-21-06

CITY OF BONNEY LAKE

By: Mayor Neil Johnson
Date: 8-14-06
EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

All of that part of South ½ of Lot 27 and a fraction of Lot 29 of McDonald Fruit Tracts, as per plat recorded in Volume 11 of Plats, page 31, records of Pierce County Auditor, lying Northerly and Easterly of State Highway No. 5.

Lot 4 of Pierce County Short Plat 79-102 recorded February 20, 1979 in Book 32 of Short Plats at Page 80, which is a re-record of Pierce County Short Plat 78-893 recorded December 6, 1978, in Book 31 of Short Plats at Page 30.

A 30 foot easement for ingress, egress, and utilities as delineated on Pierce County Short Plat 79-102 recorded February 20, 1979 in Book 32 of Short Plats at Page 80, which is a re-record of Pierce County Short Plat 78-893 recorded December 6, 1978, in Book 31 of Short Plats at Page 30.

Situate in the County of Pierce, State of Washington.

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

STATUTORY WARRANTY DEED

WHEN RECORDED RETURN TO:

Don Morrison
City of Bonney Lake
19306 Bonney Lake Blvd.
Bonney Lake, Washington 98391

STATUTORY WARRANTY DEED

Grantors: Jack Simmons and Sherri Dewitt

Grantee: City of Bonney Lake

Legal Description: All of that part of South ½ of Lot 27 and a fraction of Lot 29 of McDonald Fruit Tracts, as per plat recorded in Volume 11 of Plats, page 31, records of Pierce County Auditor, lying Northerly and Easterly of State Highway No. 5.

Lot 4 of Pierce County Short Plat 79-102 recorded February 20, 1979 in Book 32 of Short Plats at Page 80, which is a re-record of Pierce County Short Plat 78-893 recorded December 6, 1978, in Book 31 of Short Plats at Page 30.

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Situate in the County of Pierce, State of Washington.

Assessor's Property Tax Parcel or Account Number: 5640001780/0520337004
STATUTORY WARRANTY DEED

The Grantors, Jack Simmons and Sherri Dewitt, for and in consideration of ten dollars ($10.00), in hand paid, convey and warrant to Grantee City of Bonney Lake, the real estate described in Exhibit A, attached hereto and incorporated herein by this reference, situated in the County of Pierce, State of Washington, together with all after acquired title of the Grantors therein.

DATED this ______ day of ______________________, 2006.

GRANTORS

By: _________________________________   By: _________________________________
   Jack Simmons                      Sherri Dewitt
Date: ___________________               Date: ___________________

State of Washington )
                     ) ss.
County of __________ )

I certify that I know or have satisfactory evidence that Jack Simons is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this ______ day of ______________________, 2006.

____________________________________________
Notary Public in and for the state of Washington, residing at ____________________________.
My appointment expires _____________________.

State of Washington )
                     ) ss.
County of __________)
I certify that I know or have satisfactory evidence that Sherri Dewitt is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this ______ day of __________________________, 2006.

________________________________________
Notary Public in and for the state of Washington, residing at __________________________.
My appointment expires __________________________.
EXHIBIT A TO STATUTORY WARRANTY DEED
LEGAL DESCRIPTION OF THE PROPERTY TRANSFERRED

All of that part of South ½ of Lot 27 and a fraction of Lot 29 of McDonald Fruit Tracts, as per plat recorded in Volume 11 of Plats, page 31, records of Pierce County Auditor, lying Northerly and Easterly of State Highway No. 5.

Lot 4 of Pierce County Short Plat 79-102 recorded February 20, 1979 in Book 32 of Short Plats at Page 80, which is a re-record of Pierce County Short Plat 78-893 recorded December 6, 1978, in Book 31 of Short Plats at Page 30.

A 30 foot easement for ingress, egress, and utilities as delineated on Pierce County Short Plat 79-102 recorded February 20, 1979 in Book 32 of Short Plats at Page 80, which is a re-record of Pierce County Short Plat 78-893 recorded December 6, 1978, in Book 31 of Short Plats at Page 30.

Situate in the County of Pierce, State of Washington.
EARNEST MONEY PROMISSORY NOTE

For value received, the City of Bonney Lake, Washington ("City") agrees to pay to the order of Pacific Northwest Escrow the sum of fifty thousand dollars ($50,000.00) within 10 days following mutual acceptance of the Purchase and Sale Agreement. This Note is evidence of the obligation to pay Earnest Money under a real estate Purchase and Sale Agreement between the Buyer and Sellers (Jack Simmons and Sherri Dewitt) dated July 31, 2006. Buyer’s failure to pay the Earnest Money strictly as above shall constitute default on said Purchase and Sale Agreement as well as on this Note. If this Note shall be placed in the hands of an attorney for collection, or if suit shall be brought to collect any of the balance due on this Note, the Buyer promises to pay reasonable attorneys’ fees, and all court and collection costs.

Date: 8/21/06

[Signature]
For City of Bonney Lake

Signed for approval purposes only

Jack Simmons 8-21-06 Sherri Dewitt 8-21-06

Jack Simmons and Sherri Dewitt
October 12, 2006

Kathleen Haggard
Dionne & Rorick
Attorneys at Law
900 Two Union Square
601 Union Street
Seattle, WA 98101

Re:        Summary Appraisal Report
Residential Land
18426 State Route 410 & 9320 Angeline Road East
Bonney Lake, Washington
SHH File 8581-06

Dear Ms. Haggard:

We have made an inspection and completed an appraisal relevant to the above referenced property as requested. This Summary Appraisal report is prepared with the intent that it is in accordance with the current Uniform Standards of Professional Appraisal Practice as promulgated by The Appraisal Foundation.

In addition, this report is intended to comply with the reporting requirements set forth under standards Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice for a Summary Appraisal Report. As such, it presents only summary discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser’s opinion of value. The depth of discussion contained in this report is specific to the needs of the client stated within this report.
In completing this assignment, sufficient background information and supporting facts have been analyzed to arrive at a value conclusion, with much of this information being retained in a file memorandum by the appraiser which can be made available if required. It is our understanding that this report will be utilized to assist the client in their decision making process relevant to the purchase of the subject property.

The subject property represents two adjacent parcels containing a total area of 198,198 square feet. Each of the two parcels is currently improved with a single-family residence. The subject parcels are located on the northerly side of State Route 410, just easterly of 184th Street, in Bonney Lake, Washington. The westerly parcel is currently zoned R-3, High Density Residential, and the easterly parcel is zoned R-1, Single-family Residential, under current City of Bonney Lake zoning. It is the opinion of the appraisers that the typical buyer would seek to have the property rezoned to a higher intensity designation due to the frontage along State Route 410 and the surrounding zoning. Based on our conversation with Stephen Ladd, Planning Manager for the City of Bonney Lake, a rezone to Downtown Mixed-Use District would be in conformity with the surrounding zoning and would very likely be approved. Therefore, we have valued the subject property under the assumption that a typical buyer would purchase the property with the intent of rezoning the parcels to Downtown Mixed-Use.

There is currently a pending sale between the current owners, Jack Simmons and Sheri Dewitt, husband and wife (sellers) and the City of Bonney Lake (buyers) for $2,500,000. Based on our analysis and conclusions presented within this report, it is the opinion of the appraisers that the market value of the fee simple interest in the subject property “as is”, as of the most recent date of inspection, October 10, 2006, is:

**TWO MILLION FIVE HUNDRED THOUSAND DOLLARS**

$2,500,000
The appraisal report that follows summarizes the assignment, describes the area and the subject property, and explains the valuation techniques and reasoning leading to the final opinions of market value. As in the case of any appraisal, the reader's attention is directed to the Underlying Assumptions and Limiting Conditions which are included in the accompanying report.

Respectfully submitted,

Donald F. Heischman, MAI
State of Washington Certification 1100424

James M. Eiffert, Associate