CITY COUNCIL MEETING

November 28, 2006
7:00 P.M.

AGENDA

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

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

SIGN-UP TO SPEAK FOR SPECIFIC ACTION ITEMS ON THE AGENDA: If you have signed-up prior to the Council meeting to speak with respect to a particular ordinance or resolution 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: [A1.5]

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: Remarks from City of Sumner Mayor David Enslow

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 Meeting Minutes: November 7th Council Workshop, November 14th Special Joint Council/Planning Commission Meeting, November 14th Regular Council Meeting.

B. Checks/Vouchers: Accounts Payable checks/vouchers #45636 thru #45736 (voiding check #45695) and wire transfer #2532927 in the amount of $1,860,121.33. [F4.9]

C. Payroll: Payroll for November 1-15, 2006 for checks 25478-25515, including Deposits and Electronic Transfers in the amount of $303,383.48. [F4.9]

D. AB06-203 – Ordinance D06-203 – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapters 19.04 And 19.06 Of The Bonney Lake Municipal Code And Ordinance Nos. 984, 1018, 1157 And 1179, Relating To Annual Adjustments To Transportation And Parks Impact Fees. [A 3.5.5] [F 4.3]


F. AB06-361 – A Motion Of The Bonney Lake City Council, Approving Out of State Travel for Police Chaplain Art Spahr to Cannon Beach, OR. [A 3.6.10] [A 4.7]

G. AB06-365 – A Motion Of The Bonney Lake City Council, Accepting As Complete The Tucci & Sons Connells Prairie Rd E Overlay Project. [A 3.6.10] [O 4.8.2]

H. AB06-374 – A Motion Of The Bonney Lake City Council, Accepting As Complete The Madsen Electric Tacoma Point Well Soft-Start Upgrade Project. [A 3.6.10] [O 4.10.1]

V. FINANCE COMMITTEE ISSUES:

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:


B. AB06-335 – Ordinance D06-335 – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Applying R-1 Zoning To The Area Commonly Referred To As “Annexation Area 1-A”. [O 3.2.2]
C. **AB06-376 – Ordinance D06-376** – An Ordinance Of The City Of The City Of Bonney Lake, Pierce County, Washington, Amending Ordinance Nos. 1094 § 2; 1083 § 2; 968 § 2; 919 § 2; 787 §§ 1, 2; 571C § 1; 561 Art. VIII § 3 And Section 13.12.100 Of The Bonney Lake Municipal Code, Related To Sewer Connection Fees. [A 3.5.5] [F 4.3]


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

**VIII. FULL COUNCIL ISSUES:**

A. **AB06-357** – A Motion Of The Bonney Lake City Council Approving The Final Plat For Panorama West. [A 3.6.10] [O 3.7.2]

B. **AB06-364** – A Motion Of The Bonney Lake City Council Approving The Preliminary Plat For Berkshire Estates Subject To The Conditions Of The Hearings Examiner. [A 3.6.10] [O 3.7.2]

C. **AB06-380** – A Motion Of The Bonney Lake City Council Rescheduling the Council Workshop from December 5, 2006 to 5:30 p.m. December 6th in the Bonney Lake Council Chambers; and calling for a special meeting of the City Council to meet with the Pierce County Council at Al Lago Restaurant on December 5, 2006 at 6:00 p.m. [A 3.6.10] [A 1.1.2]

**IX. EXECUTIVE SESSION:** Pursuant to RCW 42.30.110 (1)(c)the City Council will hold an executive session to discuss the acquisition 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*
ITEM: Public Hearing (Continued):
2007-2008 Biennial Budget

*Materials for the public hearing have been previously distributed.*
Call to Order:
Mayor Johnson called the November 7th Council Workshop to order at 5:30 p.m.

Roll Call:
Also in attendance were Deputy Mayor Dan SWATMAN, Councilmember David BOWEN, Councilmember Dave KING, Councilmember Cheryle NOBLE and Councilmember Jim RACKLEY. Councilmember DeLeo arrived at 5:32 p.m. Councilmember Mark Hamilton arrived at 6:19 p.m.

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

Agenda Items:

1. **Action: 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.

   Councilmember Rackley moved to approve AB06-206. Councilmember Noble seconded the motion.

   City Engineer Woodcock confirmed that the sight distance requirement has been met per the conditions of the preliminary plat.

   **Motion approved 6 – 0.**

2. **Discussion: AB06-203** – Ordinance D06-203 – Proposed Changes to Transportation Impact Fee CCI Charges.

   Public Works Director Grigsby promoted retaining CCI annual adjustments for the Transportation Impact Fees. He brought forward two options for Council, option A was to eliminate the annual adjustment entirely and Option B was to change the adjustment period from October thru October instead of July thru July as it is now. He explained that option B would allow the increases to be effective in January as are the City’s other annual adjustments.
Councilmember Bowen said he would prefer the Council to determine the annual increases instead of following a schedule which may be lagging actual current construction costs. Councilmember Rackley supported using the automatic annual adjustment as long as the fees are recalibrated every few years and whenever a large project is added to the capital facilities plan. Councilmember King reminded Council that allowing the automatic adjustment will not limit their power to make changes to the fees in the future. Council consensus was to move forward with Option B.

   [This discussion was moved ahead to allow Councilmember Hamilton to participate in Item 3.]

Chief Financial Officer Wroe and City Administrator Morrison showed a PowerPoint presentation highlighting the details of the preliminary budget. Administrator Morrison explained that this is the City’s first attempt at a biennial budget. He said the budget is split into year 2007 and year 2008 revenues and expenditures, but the City can technically spend any of the budgeted monies any time during the two year period. He went on to say that they do not intend to move money between the two years unless it is an emergency or something the Council explicitly requests.

CFO Wroe discussed the top five revenues for the City and their projected totals for the coming two years. She explained that they are estimating revenue growth conservatively and will continue to monitor the actual numbers as they come in and make adjustments as necessary. She said the general fund ending balance is estimated to be about 5 million dollars. Administrator Morrison said 2.5 million of the balance will be used to acquire downtown property and another half a million will be used for possible downtown acquisition. CFO Wroe further explained that $650,000 would go towards the Contingency fund to increase the “Rainy Day” fund up to a million dollars and $600,000 would be put in the Parks CIP for future use. End fund balance for 2007 was estimated to be a million dollars.

Key programs and projects in the budget were discussed, including: new staff positions, council agenda automated system, expansion of special events, increase in senior lunch program, photo enforcement, expanded police cadet and crime prevention program, stream team program, initiation of household waste collection day, pole mounted radar and flashing signals for school zones, engineering evaluation of Ball Park Well water quality, and major CIP projects like park, intersection, sewer, storm and drainage improvements, land acquisition and a Public Works maintenance facility. CFO Wroe also mentioned which projects are not funded.

Council discussed the value of the new positions being created as well as the merit of the projects being funded. The Mayor suggested Council continue to review the budget and email questions to the City Administrator in advance of the first scheduled public hearing on the budget. Administrator Morrison said they hope the budget will be adopted at the December 12th Council Meeting.

3. Presentation and Discussion: AB06-214 – Calculation of Transportation Impact Fees.
   [This discussion was delayed to allow Councilmember Hamilton to participate.]

City Engineer Woodcock described the process the City uses for calculating Transportation Impact Fees. He said the TIF is set at about $4,000, which is multiplied by the expected trips to the business during peak traffic hours to get the total fee. He went on to explain how the City
uses Trip Generation manuals to estimate how many trips certain types of land uses generate, but also allows businesses the alternative of having a Traffic Impact Analysis done if they feel the manuals do not have a case which applies to them.

In response to Council questions, Director Grigsby and City Engineer Woodcock described how much the fees have contributed to current projects. Council discussed how the City can collect additional fees for changed uses when different tenants come into a building or a business changes. City Administrator Morrison noted the ordinance only allows the City to withhold a building permit while awaiting payment of the TIF. He said once a building is built, unless there are improvements, there is no way to enforce the increase in fees. City Attorney Haggard agreed. There was debate on the value of changing the language of the ordinance to allow enforcement of the increase. Discussion was also had on the benefits of reassessing fees for businesses which have previously paid. There was disagreement over whether the fees should be charged to the builder or the business. Council decided to have the administration work on more solutions to making the process fair and to return to this topic at future Council sessions.

Mayor Johnson announced a 10-minute break at 7:21 p.m. The meeting reconvened at 7:32 p.m.

5. Discussion: Follow-up to Public Hearing – Increased Storm Water Rates.

City Administrator Morrison explained that the proposed increase is spread out over 5 or 6 years because the generated revenues are tied to the 6 year planning model. He said the increase should be sufficient to make the fund healthy. He further described some of the planned improvements in the coming years. Deputy Mayor Swatman questioned the reasoning behind having the Stormwater fund as an enterprise account. Director Grigsby said it does not have to be, but unique utilities are often set up this way.

Council discussed the possibility of offering discounts to homeowners who have some sort of stormwater retention system in an attempt to reward those who are mitigating the stormwater runoff problems on their property. Deputy Mayor Swatman said it does not seem right to charge the same fee to all residents when some are contributing much more to the problem than others. Councilmember DeLeo suggested the public would be more accepting of the increase if it included a possible discount. Mayor Johnson recommended incorporating rewards like this discount into a conservation program and said the topic should be returned with changes. Council agreed that the utility needs to be looked at in more detail and decided to address the topic in March. They also decided to push the first year of increases forward now because the stormwater utility is very under-funded.


Emergency Preparedness. Mayor Johnson relayed a Thank You from Dave Wakefield of East Pierce Fire and Rescue, who said there had been full attendance at the last few emergency preparedness meetings. He said there had also been a Thank You from Sumner’s City Administrator for help Bonney Lake staff provided during this rain storm.

Water Conservation. Deputy Mayor Swatman expressed dismay that the City had not previously known about hot water circulation loops. He said these devices make hot water immediately available from taps so that water is not wasted waiting for it to heat up. He said if this could have been a requirement 20 years ago a lot of water could have been saved.
Future Council Dates. Deputy Mayor Swatman recommended cancelling the December 26th Council meeting. There was agreement that the January 2nd Council Workshop should be cancelled as well. Administrative Services Director Edvalson commented Council traditionally cancels the last two Council sessions of December. It was decided to leave the December 19th Workshop on the schedule for the time being.

Annexation Concerns. Deputy Mayor Swatman questioned the need for the City to require decommissioning of a well for property owners who connect to City water. He said if the residents disconnect the well from their living quarters it should be sufficient to address the backflow issues. Councilmember King suggested it may be a legal requirement from the state. Director Grigsby offered to research the matter and present his findings to Council. Deputy Mayor Swatman further inquired about the ordinance requiring people to connect to sewer. He said there is no way to enforce it. Director Grigsby explained the rules and said he would have to investigate into how it is enforced.

School Impact Fees. Mayor Johnson said the Sumner School District wants to increase their impact fees to keep up with Pierce County. He said their fees are only set at about half of what is allowed and they are hoping for Council support for an increase. They are planning to ask for a comprehensive plan amendment next year. Planning & Community Development Director Leedy explained that the City does not actually collect the fees, nor does the City question them. He said the fees are based on a Capital Facilities Plan the School District developed and they will be spending the money based on it. Deputy Mayor Swatman requested an ordinance to make this happen.

Traffic Circle Removal. Deputy Mayor Swatman asked about the removal of the traffic circle near Bonney Lake High School. Director Grigsby explained that the circle was misaligned and was causing problems for the school busses as they tried to navigate it.

Rhodes Lake Corridor. Deputy Mayor Swatman said he and Councilmember Hamilton had talked with developers for Cascadia, Plateau 486, and Falling Waters, among others, about building the 60-80 million dollar corridor. He said the County does not want to participate in this project and Falling Waters is not going to be able to provide funding unless they are able to increase their density, which would require them to have sewer. There was general discussion on the possibility of annexing the entire area in order to control the growth, which will ultimately affect the City, whether it is inside or outside of the City limits.

Possible Revenue Generator. Mayor Johnson said he had been approached by a company wanting to buy power generated from the fluid traveling down the hill on Hwy 410. He said they want to resell it to Puget Sound Energy.

Locust Sidewalk Extension. Councilmember Rackley said the Locust Sidewalk Extension project went out to bid and returned at approximately $25,000 more than expected due to increases in construction prices. Councilmember King pointed out that the section of sidewalk being planned is adjacent to the apartment building which recently burned down and was condemned. He suggested the sidewalk be a requirement for the owner when a new building is constructed. Mayor Johnson recommended waiting to see what happens. Director Grigsby said this year's budget for this project can be carried over to next year.
Clearwire Business. Councilmember Hamilton announced that there is a new business in Bonney Lake called Clearwire which provides broadband internet service. He said it is cheaper than cable, but more expensive than DSL.

Decrepit Building on Locust Ave. Councilmember King inquired about the recent meeting held regarding the decrepit building on the corner of Locust Ave and Bonney Lake Blvd. Director Leedy said he thought the information had been emailed, but would make sure to send it out again.

Traveling County Council. Mayor Johnson said Pierce County Councilmember Shawn Bunney wants to host a traveling county council meeting at Bonney Lake City Hall Council Chambers on December 5th from 4:00 – 5:30 p.m. before the Council Workshop. He said it would be a good opportunity for the City Council to talk to the Pierce County Council and the workshop could be started late.

7. Review of Minutes: October 17th Council Workshop and October 24th Council Meeting

Council had no changes for the minutes.

8. Executive Session: None.

9. Adjournment

At 8:37 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember Bowen seconded the motion.

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Mayor Neil Johnson, Jr.

Documents submitted for the November 7, 2006 City Council Workshop:

➢ City of Bonney Lake – Biennial Budget PowerPoint – Chief Finance Officer Wroe.
➢ City of Bonney Lake – SOP# PW-ENGR-001: Transportation Impact Fee Calculation – City Engineer Woodcock.
CALL TO ORDER – Mayor Neil Johnson called the meeting to order at 7:00 p.m.

A. Flag Salute – Mayor Johnson led the audience in the Pledge of Allegiance.

B. Roll Call

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, Planning & Community Development Director Bob Leedy, Public Works Director Dan Grigsby, Community Services Director Gary Leaf, City Attorney Jim Dionne, Administrative Services Director / City Clerk Harwood Edvalson, Chief Financial Officer Beth Anne Wroe and Records & Information Specialist Virginia Phelan.

C. Announcements, Appointments and Presentations

1. Announcements: None.
2. Appointments: None.
3. Presentations: Commendation for Humanitarian Services: Kevin Kim
   Mayor Johnson explained that Mr. Kim, who was not in attendance, is the owner of the Bonney Lake Food Mart, located nearby the recent apartment fire on Locust. Mayor Johnson read the letter of commendation. He said Mr. Kim had opened his doors to the victims of the fire as well as the Fire Department, Police Department, Red Cross and other emergency workers without regard for compensation or the effect it would have on his regular customers.

D. Agenda Modifications: None.

PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE

A. Public Hearings
1. **AB06-349 – Ordinance D06-349** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Setting The Amount Of The Annual Ad Valorem Tax Levy Necessary For The Fiscal Year 2007 For The Purposes Set Forth. [Public Hearing addresses revenue sources for the coming year and possible increases in property tax revenue.]

Chief Finance Officer Wroe explained that the County requires the City to set an ad valorem tax levy every year. She said this will continue to be yearly despite the City’s change to a biennial budget. In response to questioning she said the City is asking for a 1% increase over last year.

Mayor Johnson declared the hearing open at 7:04 p.m. There being no speakers, Mayor Johnson closed the hearing at 7:04 p.m.

2. **AB06-368** – Start of Final Public Hearing: 2007-2008 biennial budget. City Administrator Morrison explained that this hearing starts the official process of considering the biennial budget. He said the hearing will be continued until Council is ready to adopt the budget, which he anticipates will be December 12th. Administrator Morrison said there are copies of the preliminary budget at the City Hall, at the Annex, and on the City’s website for public review. In response to a request from Councilmember Rackley, he offered to have a copy available at the local Library, as well.

Mayor Johnson declared the hearing open at 7:06 p.m. There being no speakers, the hearing was left open to allow future public comment on the preliminary budget.

**B. Citizen Comments:** None.

**C. Correspondence:** None.

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### III. COUNCIL COMMITTEE REPORTS:

(A3.6.4)

A. **Finance Committee**

Deputy Mayor Swatman said the Finance Committee met earlier in the evening and discussed the following:

1. Draft Ordinance D06-369 regarding School Impact Fees;
2. Check Processing Fees and processing City checks outside of normal cycle;
3. The State Auditor’s Entrance conference, which the Finance Committee will be attending.

B. **Community Development Committee**
Councilmember Rackley said the Community Development Committee met on November 13th. He said the following items were discussed and moved forward for Council consideration:
1. Resolution 1633 – Construction of Peaking Storage Booster Pump Station;
2. A motion to commence annexation proceedings for the Angeline Road Annexation.
Councilmember Rackley said the committee recommends passage of both items.

C. Public Safety Committee
Councilmember DeLeo said the Public Safety Committee met on November 6th, but forwarded nothing to the Council’s Agenda.

D. Other Reports:

Stormwater Report. Councilmember Rackley said he gave a report to the City Clerk to distribute to Council, which came as a petition presented to the Puyallup River Watershed Council. He encouraged Council to study it to see the seriousness of the problem.

IV. CONSENT AGENDA: [A3.6]

A. Approval Of Meeting Minutes: October 17th Council Workshop And October 24th Council Meeting.

B. Checks/Vouchers: Accounts Payable Checks/Vouchers #45450 Thru #45451 In The Amount Of $13,096.62. Accounts Payable Checks/Vouchers #45452 Thru #45632 And Wire Transfer #121747 In The Amount Of $822,499.35. Accounts Payable Checks/Vouchers #45633 Thru #45634 In The Amount Of $431.07. Accounts Payable Checks/Vouchers #45635 In The Amount Of $132.00. [F4.9]

C. Payroll: Payroll For October 15-31st, 2006 For Checks 25434-25477, Including Deposits And Electronic Transfers In The Amount Of $411,530.74. [F4.9]

D. AB06-366 – A Motion Of The Bonney Lake City Council, Canceling The December 26, 2006 Regular Council Meeting And The January 2, 2007 Council Workshop; And Rescheduling The Starting Time Of The December 5, 2006 Council Workshop To 6:30 P.M. [A 3.6.10]

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

Motion approved 7 – 0.

V. FINANCE COMMITTEE ISSUES:

Councilmember Rackley moved to approve Ordinance D06-369 [Ordinance 1205]. Deputy Mayor Swatman seconded the motion.

Craig Spencer, Assistant Superintendent, Sumner School District, said the Sumner School District has significant unfunded needs because it is growing so quickly. He said the school construction costs have increased about 15%, land value has increased 30%, and the district’s current impact fees do not adequately address this. Mr. Spencer thanked the Mayor and Council for their support and understanding.

Councilmember Rackley said he was told that the addition to Bonney Lake High school would be paid partially with Impact Fees. Mr. Spencer concurred.

Motion approved 7 – 0.

VI.  **COMMUNITY DEVELOPMENT COMMITTEE ISSUES:**


Councilmember Rackley moved to approve Resolution 1633. Councilmember DeLeo seconded.

Motion approved 7 – 0.

B.  **AB06-359** – A Motion Of The Bonney Lake City Council Accepting The 10% Petition To Commence Annexation Proceedings For “Angeline Road Annexation”, As Described In Exhibit A And As Identified In Exhibit B Of The Petition; Declaring 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; and Stating 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] [O3.2.2]
Councilmember Rackley moved to approve AB06-359. Councilmember King seconded.

Motion approved 7 – 0.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES:


Councilmember Rackley moved to approve Ordinance D06-181 [Ordinance 1204]. Councilmember Noble seconded the motion.

Public Works Director Grigsby explained that this ordinance does not lay out the location of the streets, but gives the City the ability to enforce its Comprehensive Plans as they relate to building roads. Councilmember King said this ordinance is crucial to the protection of the City’s intent to develop along the Eastown corridor and Hwy 410. In addition, he said, it will force the City to have well planned streets in the Comprehensive Plan.

Motion approved 7 – 0.

B. AB06-330 – Ordinance D06-330 – An Ordinance Of The City 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. [Proposed Rate Increase] [A3.5.5] [F 4.3]

Councilmember Noble moved to approve Ordinance D06-330 [Ordinance 1203]. Councilmember Hamilton seconded the motion.

Councilmember Rackley reminded everyone that he wants the system to be reevaluated completely next spring or summer.

Deputy Mayor Swatman moved to amend the Ordinance by deleting the part of line one of section 1C which says “other than single family residents” and by deleting line one of section 1A and changing the second line of section 1A to make the $8.00 charges effective January 1, 2007. Councilmember Noble seconded the motion.

Councilmember Rackley said he wants to raise the fees by 2.00 for this year, and then develop a plan to fix the fee system. Councilmember DeLeo agreed, he said it will take a long time to figure out how to adjust customer’s
bills to allow for a credit. Deputy Mayor Swatman said the issue was being over thought and simply allowing credits for homes built after building regulations began to force stormwater mitigation systems would solve the problem.

Councilmember Hamilton asked for clarification regarding that stormwater funds could be used for programs like the “Stream Team”. Director Grigsby said they could.

Motion to amend failed 0 – 7.

Mayor Johnson said this topic would be brought back in March for in-depth reworking.

Motion to adopt Ordinance D06-330 approved 6 – 1. Deputy Mayor Swatman voted no.

IX. EXECUTIVE SESSION:
Pursuant to RCW 42.30.140 (4)(b) and RCW 42.30.110(1)(b) at 7:25 p.m. Mayor Johnson called an executive session to discuss labor negotiations for 10 minutes and property acquisition for 10 minutes. The executive session was extended for 10 minutes at 7:43 p.m. The meeting reconvened at 7:53 p.m.

Mayor Johnson announced the upcoming Comcast Holiday Greeting to be recorded on Tuesday, November 21st at 9:30. He asked for input on an appropriate location and it was decided that the new statue at Ascent Park would work well.

X. ADJOURNMENT

At 7:55 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.
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 Cheryl 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 Winona Jacobsen, Planning Commissioner Katrina Minton-Davis, and Planning Commissioner Dennis Poulsen.

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, and Records & Information Specialist Virginia Phelan.

Agenda Items:


Special Projects Planner Mayfield-Porter described the proposed annexation Area 1-B. She said it is 104 acres of area previously included with two other areas in a larger annexation area. She explained that the previous attempt at annexation had failed because the City was unable to get sufficient signatures in the required 6 month period. Planner Mayfield-Porter described the location of the area and said assuming approval by Council and the Planning Commission, the notice of intent to annex Area 1-B would be filed.

Mayor Johnson opened the Public Hearing at 6:35 p.m. City Clerk Edvalson said there was no one signed up to speak, but entered a letter into the record from Quinn Dahlstrom, writing as a Bonney Lake Citizen. He said the letter had been copied to the Planning Commission and the City Council. Planner Mayfield-Porter addressed the question of the letter, saying all citizens in the City will be taxed the same, but that the tax rate is less than what residents of the County are paying.
There being no further public testimony, Mayor Johnson closed the hearing at 6:37 p.m.

B. **Motion of the Bonney Lake City Council** to waive the provisions of BLMC 2.04.710 at this time to allow discussion and action immediately following the public hearing.

Deputy Mayor Swatman moved to waive the provisions. Councilmember Rackley seconded.

Motion approved 7 – 0.

C. **Motion of the Bonney Lake Planning Commission** to waive the provisions of BLMC 2.04.710 at this time to allow discussion and action immediately following the public hearing.

Vice-Chairman Sulham moved to waive the provisions. Commissioner Eck seconded.

Motion approved 7 – 0.

D. **Joint Discussion** of public hearing testimony and issues associated with the proposed annexation and zoning of Area 1-B.

Deputy Mayor Swatman asked about the choice to zone Area 1-B R-1. Special Projects Planner Mayfield-Porter said R-1 is the closest City zoning to the County’s MSF designation, which is what the area is currently zoned.

E. **Motion of the Bonney Lake Planning Commission** recommending R-1 zoning for Annexation Area 1-B.

Commissioner Poulsen moved to waive the provisions. Commissioner Eck seconded.

Motion approved 7 – 0.

F. **AB06-353 – Resolution 1631** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Formally Expressing Its Intent To Annex "Area 1-B", A Territory Of Approximately 104 Acres Located Adjacent To The Current City Limits. [O.3.2.2]

Councilmember Rackley moved to approve Resolution 1631. Deputy Mayor Swatman seconded.

Motion approved 7 – 0.

G. **Adjournment**
Deputy Mayor Swatman moved to adjourn the meeting at 6:40 p.m. Councilmember Noble seconded.

Motion approved 14 – 0.

Harwood T. Edvalson, CMC  
City Clerk

Neil Johnson, Mayor
PAYROLL CERTIFICATION
2006

Payroll for November 1-15, 2006 for checks 25478-25515, including Deposits and Electronic Transfers in the amount of $303,383.48.
ACCOUNTS PAYABLE AND
UTILITY REFUND CHECKS/VOUCHERS

11/28/2006

Accounts Payable checks/vouchers #45636 thru #45736 (voiding ck #45695) and wire transfer #2532927 in the amount of $1,860,121.33.
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>
</tr>
</thead>
<tbody>
<tr>
<td>Don Morrison</td>
<td>November 21, 2006</td>
<td>AB06-203</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ordinance Number:</th>
<th>Resolution Number:</th>
<th>Councilmember Sponsor:</th>
</tr>
</thead>
<tbody>
<tr>
<td>D06-203</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**BUDGET INFORMATION**

**2004 Budget Amount**

**Required Expenditure**

**Impact**

**Remaining Balance**

**Explanation:** No expenditure required

**Agenda Subject:** Adjust the date of the annual automatic inflation adjustment for park and transportation impact fees.

**Administrative Recommendation:**

**Background Summary:**

This would adjust the annual inflation factor for transportation and park impact fees based on the Construction Cost Index (CCI) from June-June to October-October, and to be effective the next January 1st. This was the approach and option preferred by the majority of the Council at the 11/7/06 Workshop.

**Council Committee Dates:**

- Finance Committee:
- Public Safety Committee:
- Community Development & Planning Committee:
- Council Workshops:

**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: 11/7/06 Committee
- Council Tabled Until: Council Meeting Dates: 11/28/06

**Signatures:**

Dir. Authorization: [Signature] Mayor: [Signature]

Date City Attorney Reviewed: [Date]
ORDINANCE NO. D06-203

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTERS 19.04 AND 19.06 OF THE BONNEY LAKE MUNICIPAL CODE AND ORDINANCE NOS. 984, 1018, 1157 AND 1179, RELATING TO ANNUAL ADJUSTMENTS TO TRANSPORTATION AND PARKS IMPACT FEES.

WHEREAS, Title 19 of the Bonney Lake Municipal Code currently includes provisions for automatic annual adjustment of the transportation and parks impact fees based on the Construction Cost Index; and

WHEREAS, the City Council desires to eliminate those provisions, reserving for itself the legislative option of adjusting impact fees on an annual basis;

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

Section 1. BLMC section 19.04.050 and the corresponding portion of Ordinance No. 984 § 1 are hereby amended to read as follows:

19.04.050 Fee schedules and establishment of service area.

A. An impact fee schedule setting forth the amount of the transportation impact fees to be paid by a development is set out in Attachment B and incorporated herein by this reference.

B. The impact fee schedule of costs, as set out in Attachment B, shall be updated annually at a rate adjusted in accordance with the Engineering News Record (ENR) Construction Cost Index for the Seattle area, using an October – October – June – June annual measure to establish revised fee schedules effective July January 1st of the subsequent current year.

C. For the purpose of this chapter, the entire city shall be considered one service area.

Section 2. BLMC section 19.06.050 and the corresponding portions of Ordinance Nos. 1018 § 1, 1157 § 1 and 1179 § 1 are hereby amended to read as follows:

19.06.050 Impact fee and establishment of service area.

A. Subject to the provisions of BLMC 19.06.060, the parks impact fee assessed pursuant to this chapter shall be $2,893.

B. The impact fee set out in subsection A of this section shall be updated annually at a rate adjusted in accordance with the Engineering News Record (ENR) Construction Cost Index for the Seattle area, using an October – October – June – June annual measure to establish revised fee schedules effective July January 1st of the subsequent current year.

C. For the purpose of this chapter, the entire city shall be considered one service area.
Section 3. 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 28th day of November, 2006.

______________________________
Neil Johnson, Jr., Mayor

ATTEST:

______________________________
Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

______________________________
James J. Dionne, City Attorney
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

<table>
<thead>
<tr>
<th>Department/Staff Contact: Exec/Beth Anne Wroe, CFO</th>
<th>Council Meeting Date: November 28, 2006</th>
<th>Agenda Item Number: AB06-349</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ordinance Number: DO06-349</td>
<td>Resolution Number:</td>
<td>Councilmember Sponsor:</td>
</tr>
</tbody>
</table>

### BUDGET INFORMATION

<table>
<thead>
<tr>
<th>2007 Budget Amount</th>
<th>Projected Revenue</th>
<th>Impact Remaining Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regular Levy – Property Tax Revenue and</td>
<td>$2,166,680</td>
<td></td>
</tr>
<tr>
<td>Excess Levy – Property Tax Revenue for 1997 GO Bond</td>
<td>$364,198</td>
<td></td>
</tr>
</tbody>
</table>

**Explanation:** In accordance with RCW 84.52.020, the Mayor for the City of Bonney Lake must certify to Pierce County Office of the Assessor-Treasurer that the City Council requests the above levy amounts be collected in 2007 as provided in the city’s budget, which was adopted following a public hearing held on November 14, 2006.

**Agenda Subject:** Ad Valorem Tax Levy for fiscal year 2007.

**Administrative Recommendation:** Recommend approval.

**Background Summary:**
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.

<table>
<thead>
<tr>
<th>Council Committee Dates:</th>
<th>Agency/Commission Dates:</th>
<th>Board/Hearing Examiner Dates:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finance Committee:</td>
<td>Planning Agency:</td>
<td>Park Board:</td>
</tr>
<tr>
<td>Public Safety Committee:</td>
<td>Design Commission:</td>
<td>Hearing Examiner:</td>
</tr>
<tr>
<td>Community Development &amp; Planning Committee:</td>
<td>Civil Service Commission:</td>
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<tr>
<td>Council Workshop:</td>
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</tbody>
</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. [Signature]
- Mayor [Signature]
- Date City Attorney reviewed [Signature]
DATE: October 20, 2006

ORIGINATOR: Beth Anne Wroe  TITLE: CFO

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

ORDINANCE/RESOLUTION:

REQUEST OR RECOMMENDATION BY ORIGINATOR: Recommend Approval

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

BUDGET INFORMATION
BUDGETED ITEM: TOTAL COST:

<table>
<thead>
<tr>
<th>2006 Budget Amount</th>
<th>Required Expenditure</th>
<th>Impact</th>
<th>Remaining Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Explanation:
This public hearing is required to set 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.

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

<table>
<thead>
<tr>
<th>DATE</th>
<th>APPROVED</th>
<th>DISAPPROVED</th>
</tr>
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<tbody>
<tr>
<td>10-24-06</td>
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</table>

COMMITTEE COMMENTS: ____________________________________________________________

COMMITTEE'S RECOMMENDATION TO FORWARD TO:
CITY CLERK  FINANCE DIRECTOR  CITY ATTORNEY

Please schedule for Council Meeting date of: October 24, 2006
ORDINANCE NO. D06-349

AN ORDINANCE OF THE CITY OF BONNEY LAKE, WASHINGTON,
SETTING THE AMOUNT OF THE ANNUAL AD VALOREM TAX LEVY
NECESSARY FOR THE FISCAL YEAR 2007 FOR THE PURPOSES SET
FORTH BELOW:

WHEREAS, the City Council of the City of Bonney Lake is meeting and discussing and
considering its biennial budget for the years 2007-2008; and

WHEREAS, the City Council has held a public hearing to discuss the following year’s
revenue sources for the City’s current expense budget for the following year and has discussed the
possibility of an increase in property tax revenues; and

WHEREAS, the City’s actual levy amount for the previous year was $1,940,477; and

WHEREAS, the City’s population is more than 10,000; and

WHEREAS, the City Council of the City of Bonney Lake after hearing and after duly
considering all relevant evidence and testimony presented, determined that the City of Bonney
Lake requires a regular levy in the amount of $2,166,680 and a special levy in the amount of
$364,198, which includes an increase in property tax revenue from the previous year, and amounts
resulting from the addition of new construction and improvements to property and any increase in
the value of state-assessed property, and amounts authorized by law as a result of any annexations
that have occurred and refunds made, in order to discharge the expected expenses and obligations
of the City and in its best interest;

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

SECTION 1: The City Council hereby authorizes an increase in the regular property tax levy to be
collected in the 2007 tax year. The dollar amount of the increase over the actual levy amount from
the previous year shall be $19,405 which is a percentage increase of 1.0% from the previous year.
This increase is exclusive of additional revenue resulting from new construction, improvements to
property, newly constructed wind turbines, any increase in the value of state assessed property, and
any annexations that have occurred and refunds made.

SECTION 2: That this Ordinance also provides funds for the General
Obligation Bonds issued as a result of the vote of the people authorized for the 2007 levy in the
amount of $364,198.

SECTION 3: That the taxes to be collected from the levies hereby fixed
and made, together with the estimated revenues from sources other than
taxation which constitutes the appropriation of the City of Bonney Lake for
the fiscal year 2007 are hereby approved.

SECTION 4: A certified copy of this Ordinance shall be transmitted to
the Pierce County Assessor’s Office and to the Clerk of the Pierce County Council and such other
governmental agencies as provided by law.
PASSED BY THE CITY COUNCIL OF THE CITY OF BONNEY LAKE and approved by the Mayor this 28th day of November, 2006.

__________________________________________
Mayor Neil Johnson, Jr.

AUTHENTICATED:

__________________________________________
Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

__________________________________________
James Dionne, City Attorney
MEMORANDUM

DATE: September 20, 2006

TO: Pierce County Taxing Districts

FROM: Ken Madsen, Assessor-Treasurer

RE: Preliminary Certification of Assessed Values/101% Limit

We are providing your taxing district with the Preliminary Certification of Assessed Values, which includes last year’s state assessed property values.

101% limit factor worksheets and a copy of the original notification of court ordered refunds are being provided to applicable districts to assist in budget preparation.

Amended ad valorem budget certifications will be accepted through Friday, December 22nd, 2006.

If you need assistance or if you have any questions regarding this information, please call Mae Shephard at (253) 798-7114.
DATE: September 20, 2006

OFFICIAL NOTIFICATION TO: BONNEY LAKE

RE: 2006 PRELIMINARY ASSESSED VALUES

FOR REGULAR LEVY

Total Taxable Regular Value 1,937,408,018
Highest lawful regular levy amount since 1985 1,940,476.97
Last year’s actual levy amount 1,940,476.97
Additional revenue from current year’s NC&I 146,383.72
Additional revenue from annexations (RCW 84.69) 57,431.00
Additional revenue from administrative refunds (RCW 84.55) 2,983.21
No additional revenue from administrative refunds will be allowed if you are limited by your statutory rate limit.
Additional revenue from state assessed property 0.00

FOR EXCESS LEVY

Taxable Value 1,930,834,462
Timber Assessed Value not available
Total Taxable Value 1,930,834,462

2006 New Construction and Improvement Value 108,165,774

NOTE: If you need assistance or if you have any questions regarding this information, please contact Mae Shephard at 253-798-7114 or e-mail at mshepha@co.pierce.wa.us.
PREFILINARY TAX LEVY LIMIT - 2006 FOR 2007

BONNEY LAKE

> 10,000

REGULAR TAX LEVY LIMIT:

A. Highest regular tax which could have been lawfully levied
   beginning with the 1985 levy times limit factor (as defined
   in RCW 84.55.005).
   1,940,476.97

B. Current year's assessed value of new construction and
   improvements in original district before annexation occurred
   times last year's levy rate per $1,000 of assessed value.
   108,165,774.00

C. Current year's assessed value of state assessed property in
   original district if annexed less last year's assessed value of
   state assessed property. The remainder to be multiplied by
   last year's regular levy rate.
   14,886,438

D. REGULAR PROPERTY TAX LIMIT (A + B + C)
   2,106,265.46

ADDITIONAL LEVY LIMIT DUE TO ANNEXATIONS:

E. To find rate to be used in F, take the levy limit as shown
   in D above and divide it by the current assessed value of the
   original district including new construction and improvements.
   2,106,265.46

F. Annexed area's current assessed value including new
   construction and improvements times rate found in E above.
   51,424,300.00

G. NEW LEVY LIMIT FOR ANNEXATION (D + F)
   2,163,696.46

LEY FOR REFUNDS:

H. RCW 84.55.070 provides that the levy limit will not apply
   to the levy for taxes refunded or to be refunded pursuant to
   Chapters 84.68 or 87.69 RCW. (D or G + refund if any)
   2,166,679.67

I. TOTAL ALLOWABLE LEVY AS CONTROLLED BY THE LEVY LIMIT (D,G,or H)
   2,166,679.67

J. Amount of levy under statutory rate limitation.
   1,937,408,018.00

K. LESSER OF I OR J
   2,166,679.67
Levy Certification

Submit this document to the county legislative authority on or before November 30 of the year preceding the year in which the levy amounts are to be collected and forward a copy to the assessor.

In accordance with RCW 84.52.020, I, NEIL JOHNSON JR, (Name),

MAYOR (Title), for CITY OF BONNEY LAKE (District Name), do hereby certify to

the PIERCE (Name of County) County legislative authority that the CITY COUNCIL (Commissioners, Council, Board, etc.)
of said district requests that the following levy amounts be collected in 2007 as provided in the district's

budget, which was adopted following a public hearing held on NOV. 14, 2006 (Date of Public Hearing)

Regular Levy: $2,166,680
(State the total dollar amount to be levied)

Excess Levy: $364,198
(State the total dollar amount to be levied)

Signature: ___________________________ Date: ___________________________

For tax assistance, visit http://dor.wa.gov/content/taxes/property/default.aspx or call (360) 570-5900. To inquire about the availability of this document in an alternate format for the visually impaired, please call (360) 705-6715. Teletype (TTY) users may call 1-800-451-7985.
Date: April 7, 2006

Dear Elected Official

Subject: **Qwest Corporation Court Ordered Property Tax Refund**

I am writing to let you know the details and impact of a recent State Ordered Refund of property taxes to the Qwest Corporation. (Superior Court Cause No. 06 9 00028 3; copy attached)

In June 2003, the Qwest Corporation filed a complaint in Kittitas Superior Court challenging their property assessments. The Department of Revenue is responsible for annually valuing centrally assessed utilities such as this. Within the lawsuit, Qwest named the Department of Revenue and the 36 Washington counties where it has real and personal property as defendants.

In early 2006, the Department of Revenue and Qwest agreed to a settlement out of court. The Court subsequently entered a judgment requiring all counties to refund taxes and interest consistent with the settlement agreement. The counties have been directed to issue refunds out of a refund levy process to recoup the taxes that have been refunded.

Per the terms of a settlement agreement between the Department of Revenue and Qwest, Pierce County taxing districts are liable for $2,174,107.49. Pierce County refunded that amount to Qwest in February 2006.

Those refunded monies must be recouped from Pierce County taxing districts through the re-levy process payable in the 2007 tax year. **There is no fiscal impact to your current year’s budget.** Monies will be re-levied payable in 2007.

What this means to you, the City of Bonney Lake, is a re-levy amount totaling approximately $7,590.05 for your regular levy and $1,713.25 for your excess levy. The Assessor-Treasurer’s office will administrator the refund levy taxes as a normal course of business.

We appreciate your assistance and understanding as you enter into preliminary budgeting for 2007. If you have questions on re-levying procedures, please contact our Levy Specialist Mae Shephard at 798-7114.

Sincerely,

[Signature]

Ken Madsen
Pierce County Assessor-Treasurer
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

Department/Staff Contact: Chief of Police Mike Mitchell
Council Meeting Date: November 6, 2006
Ordinance Number: Resolution Number:
Agenda Item Number: AB06-361
Councilmember Sponsor:

BUDGET INFORMATION

2006 Budget Amount: $3,342.00
Required Expenditure: $184.00
Impact: same
Remaining Balance: $3,158.00 approx.

Explanation:
Out of State travel request for Chaplin Art Sphar.

Agenda Subject:
A RESOLUTION of the City of Bonney Lake, Pierce County, Washington, authorizing out of state travel for Chaplin Art Sphar to travel to Cannon Beach Oregon for the International Conference of Police Chaplains.

Administrative Recommendation:
Recommend approval

Background Summary:
This is the International Conference and will be held in Cannon Beach Oregon. The city of Sumner will pay for one half of the expenses. Chaplin Sphar is also the NW regional treasurer for this organization. The Budgeted training funds are available to cover the costs of the conference and training.

Council Committee Dates: Commission Dates: Board/Hearing Examiner Dates:
Finance Committee: Planning Commission:
Public Safety Committee: November 6, 2006 Civil Service Commission:
Community Development & Planning Committee:
Council Workshop:

Council Action:
Council Call for Hearing: Council Hearings Date:
Council Referred Back to: Workshop: Committee
Council Tabled Until: Council Meeting Dates: November 28, 2006

Signatures:
Dept. Dir. Mike L Mitchell
Mayor/City Administrator
Date City Attorney reviewed
DATE: November 6, 2006

ORIGINATOR: Mike L. Mitchell

TITLE: Interim Chief of Police

SUBJECT/DISCUSSION: Out of State travel

Out of State travel request for Chaplain Art Sphar to attend an International Conference of Police Chaplains in Cannon Beach, Oregon.

ORDINANCE/RESOLUTION #

REQUEST OR RECOMMENDATION BY ORIGINATOR: Recommend Approval

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

BUDGET INFORMATION

BUDGETED ITEM: Not Applicable

(Total Cost: N/A

(Note: If budgeted item, attach copy of budget page and identify)

<table>
<thead>
<tr>
<th>2006 Budget Amount</th>
<th>Required Expenditure</th>
<th>Impact</th>
<th>Remaining Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>$3,342.00</td>
<td>$184.00</td>
<td></td>
<td>$3,158.00approx.</td>
</tr>
</tbody>
</table>

Explanation: This class is not offered locally and will be paid for out of the Administration Training and Education fund. This is the International Conference of Police Chaplains and will be held in Cannon Beach, Oregon. The City of Sumner will pay for one half of the expenses. Chaplin Sphar is also the NW regional treasurer for this organization. The Budgeted training funds are available to cover the costs of the conference and training.

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

<table>
<thead>
<tr>
<th>DATE</th>
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<th>DISAPPROVED</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/6/06</td>
<td>Phil DeLeo, Chairperson</td>
<td>[Signature]</td>
</tr>
<tr>
<td>11/6/06</td>
<td>David King</td>
<td>[Signature]</td>
</tr>
<tr>
<td>11/5/06</td>
<td>Cheryl Noble</td>
<td>[Signature]</td>
</tr>
</tbody>
</table>

COMMITTEE COMMENTS:

COMMITTEE’S RECOMMENDATION TO FORWARD TO:

CITY CLERK      FINANCE OFFICER      CITY ATTORNEY

Please schedule for Council Meeting date of: November 7, 2006
2007 SEMINAR SCHEDULE

Sunday, January 7, 2007

6:00  Area Representatives Dinner and Meeting

Monday, January 8, 2007

8:30-11:30  Area Representatives Breakfast and Meeting
11:30 – 3:00  Area Representatives Lunch, Meeting, and Set Up
3:00-5:00  Registration and Check-In
5:30  Dinner in Pacific View Lodge Dining Room (1st Floor)
7:00  Opening Meeting – Pacific View Meeting Room (2nd Floor)
      Sign up for your FATS session
8:00  Registration/Fellowship/Snacks (2nd Floor)

Tuesday, January 9, 2007

7:30  Registration
8:30  Breakfast in the dining room (1st floor)
9:15-10:45  Session 1 (everyone, 2nd floor)
            Impact of Homicide on a Family – Lew Cox
11:00-12:25  Session 2 (everyone, 2nd floor)
            Integrating Resources in a Disaster – Tim Klerekoper
12:30  Lunch in the dining room (1st floor)
1:30-3:00  Session 3 (everyone, 2nd floor)
            Marriage and Relationship Training for Officers – Tim Klerekoper
3:00 – 4:00  Break
4:00-5:15  Session 4 (everyone, 2nd floor)
            Taking Care of the Caregiver – Stu Weber
5:30  Dinner in the dining room (1st floor)
6:30  Special Guest Speaker, Stu Weber – (2nd floor)
7:30  State Meetings with Area Representatives
9:00  Fellowship/Snacks (2nd Floor)
**Wednesday, January 10, 2007**

8:30  Breakfast in the dining room (1<sup>st</sup> floor)
9:30-10:45  **Session 5**

*Basic – “Law Enforcement and Fire Families”*
Chaplain Pat Hamman (Activity Room, 1<sup>st</sup> floor)
*Advanced – “Deployment Challenges for Individual Responders”*
Allan Folmar (2<sup>nd</sup> floor meeting room)

11:00-12:25  **Session 6**

*Basic – “Suicide – Prevention, Intervention, and Postvention” – Dr. Paul Ellis (Activity Room, 1<sup>st</sup> floor)*
*Advanced – “Gangs and Gang Activity” – Bill Shepherd DMPD (2<sup>nd</sup> floor meeting room)*

12:30  Lunch on Your Own (enjoy the town and the beach!)
3:45-5:15  **Session 7**

*Everyone - “Street Drugs and Their Effects”*
Officer Bill Shepherd (2<sup>nd</sup> floor meeting room)

5:30  Dinner in the dining room (1<sup>st</sup> floor)
7:00  Round Table Discussions (2<sup>nd</sup> floor)
8:30  Fellowship/Snacks (2<sup>nd</sup> floor)

---

**Thursday, January 11, 2007**

8:30  Breakfast in the dining room (1<sup>st</sup> floor)
9:30-11:00  **Session 8**

*Basic – “Death Scene Protocol” – Pat Ellis (2<sup>nd</sup> floor meeting room)*
*Advanced – “Developing Effective Habits for the Chaplain” – Jim Crowley (Activity Room, 1<sup>st</sup> floor)*

11:15-12:15  Business Meeting/Closing Remarks (2<sup>nd</sup> floor)
12:30  Lunch in the dining room (1<sup>st</sup> floor)
2:00  Checkout

---

(NOTICE: please note that the cost of room/board covers the cost of your room, maid service, breakfast, lunch, dinner, and snacks (except no lunch on Wednesday). **There will be a formal banquet this year so plan on bringing your uniform. At all other times the dress is casual/business.** Bring rain-gear and shoes so you can walk on the beach!)
October 3, 2006

Chief Colleen Wilson
Sumner Police Department
819 Alder Avenue
Sumner, WA 98390

Chief Mike Mitchell
Bonney Lake Police Department
18421 Old Buckley Highway
Bonney Lake, WA 98391

Chief Wilson & Chief Mitchell:

Attached is the brochure for the International Conference of Police Chaplains Northwest Regional Training Seminar, which will be held at Cannon Beach, Oregon, January 8-11, 2007. In addition to taking the courses listed in the brochure, I am the NW Region Treasurer, and will be handling all of the receipts and expenses for the seminar.

Also attached in a copy of my check which includes my tuition of $125.00 and my meals and lodging of $243.00. This is a total of $368.00. You will notice that my check is for $611.00. This is because I am also paying for Chaplain Dan Nolta’s meals and lodging as we will share the room. He will reimburse me for his $243.00.

Please let me know if there is anything else I need to do to process this request.

Thank you for your continued support for me and my chaplaincy.

Sincerely,

Chaplain Art Sphar

“Serving All Law Enforcement Chaplains”
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

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</thead>
<tbody>
<tr>
<td>Dan Grigsby – PW Director</td>
<td>November 28, 2006</td>
<td>AB06-365</td>
</tr>
</tbody>
</table>

| Ordinance Number:                 | Resolution Number        |
                               |                          |

**BUDGET INFORMATION**

<table>
<thead>
<tr>
<th>Contract Amount</th>
<th>Required Expenditure</th>
<th>Impact</th>
<th>Remaining Balance</th>
</tr>
</thead>
</table>

**Explanation:**
Retainage release of $4,425.00 once contract closeout documents/requirements are met.

**Agenda Subject:**
Connell’s Prairie Rd E Project Completion

**Administrative Recommendation:**

**Background Summary:** To accept the Connell’s Prairie Rd E Project as Complete.

The Connell’s Prairie Rd E Overlay Project has been completed. Tucci & Sons Construction has submitted their final pay estimate and the project has been accepted by the City Engineer. The City must formally accept the project as complete to start the project closeout and waiting period to release the retainage.

<table>
<thead>
<tr>
<th>Council Committee Dates:</th>
<th>Commission Dates:</th>
<th>Board/Hearing Examiner Dates:</th>
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**Council Action:**

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<td>Council Meeting Dates:</td>
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**Signatures:**

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

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<tbody>
<tr>
<td>Dan Grigsby – PW Director</td>
<td>November 28, 2006</td>
<td>AB06-365</td>
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</table>

| Ordinance Number:                 | Resolution Number        |
|-----------------------------------|--------------------------|---------------------|

**BUDGET INFORMATION**

<table>
<thead>
<tr>
<th>Contract Amount</th>
<th>Required Expenditure</th>
<th>Impact</th>
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</table>

**Explanation:**
Retainage release of $4,425.00 once contract closeout documents/requirements are met.

**Agenda Subject:**
Connell’s Prairie Rd E Project Completion

**Administrative Recommendation:**

**Background Summary:** To accept the Connell’s Prairie Rd E Project as Complete.

The Connell’s Prairie Rd E Overlay Project has been completed. Tucci & Sons Construction has submitted their final pay estimate and the project has been accepted by the City Engineer. The City must formally accept the project as complete to start the project closeout and waiting period to release the retainage.

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**Explanation:**
Retainage release of $4,425.00 once contract closeout documents/requirements are met.

**Agenda Subject:**
Connell’s Prairie Rd E Project Completion

**Administrative Recommendation:**

**Background Summary:** To accept the Connell’s Prairie Rd E Project as Complete.

The Connell’s Prairie Rd E Overlay Project has been completed. Tucci & Sons Construction has submitted their final pay estimate and the project has been accepted by the City Engineer. The City must formally accept the project as complete to start the project closeout and waiting period to release the retainage.

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</table>

**Signatures:**
DATE: November 20, 2006

ORIGINATOR: Dan Grigsby TITLE: Public Works Director

SUBJECT: Connell’s Prairie Rd E Project Completion – Tucci & Sons

The Connell’s Prairie Rd E project has been completed. Tucci & Sons Construction has submitted their final pay estimate and the project has been accepted by the City Engineer. The City must formally accept the project as complete to start the project closeout and waiting period to release the retainage.

ORDINANCE/RESOLUTION #

REQUEST OR RECOMMENDATION BY ORIGINATOR:

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

BUDGETED ITEM: Budget Impact: $0
Release Retainage $4,425.00

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

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<td>11-30-06</td>
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COMMITTEE COMMENTS:

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

Please schedule for City Council Meeting date of: November 28, 2006

Consent Agenda: ☑ Yes ☐ No
**Verification, Acceptance & Approval**

<table>
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<td>Remaining</td>
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<td>Total Due</td>
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**Request for Payment Summary**

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<tr>
<th>Item</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Total Amount</th>
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<tr>
<td>Item 1</td>
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<td>Item 2</td>
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<td>WST @ 8%</td>
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**Request for Payment**

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**Capital Improvement Project**
or labor furnished or expense incurred to date which is not included in Request for Payment to date, except for single units of construction fully or partially uncompleted for which no Request for Payment has been made. I also certify that DDJ Construction has paid prevailing wages to all employees employed on this project in accordance with RCW 39.12.

Contractor:
Tucci & Sons Inc.

Payment Accepted By:
Leonard Spanier
Contractors Project Manager

<table>
<thead>
<tr>
<th>No.</th>
<th>Units</th>
<th>Description</th>
<th>Item</th>
<th>Estimated Contract</th>
<th>Previously Approved</th>
<th>This Request</th>
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<td>Quant.</td>
<td>Unit Price</td>
<td>Dollar Amount</td>
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Project Manager: Art Larson
Recommended for Payment By: City Engineer

CITY OF BONNEY LAKE

Approved by

Date 11/1/06

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

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<td>AB06-374</td>
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<th>Resolution Number</th>
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### BUDGET INFORMATION

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**Explanation:**
Retainage release of $641.00 once contract closeout documents/requirements are met.

**Agenda Subject:**
Project Completion of the Tacoma Point Well Soft Start Upgrade project

### Administrative Recommendation:

### Background Summary:
The motor soft start modular at Tacoma Point Well #6 has been completed. Madsen Electric has submitted their final pay estimate and the project has been accepted by the Assistant Public Works Director. The City must formally accept the project as complete to start the project closeout and waiting period to release the retainage.

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council Referred Back to: Workshop: Committee

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### Signatures:

[Signatures]

Dept. Dir. [Signature] Mayor [Signature] Date City Attorney reviewed Standard
COMMUNITY DEVELOPMENT COMMITTEE

DATE:   November 20, 2006

ORIGINATOR:  Dan Grigsby   TITLE:  Public Works Director

SUBJECT:  Tacoma Point Soft Start Project Completion – Madsen Electric

The motor soft start modular at Tacoma Point Well #6 has been completed. Madsen Electric has submitted their final pay estimate and the project has been accepted by the Assistant Public Works Director. The City must formally accept the project as complete to start the project closeout and waiting period to release the retainage.

ORDINANCE/RESOLUTION #

REQUEST OR RECOMMENDATION BY ORIGINATOR:

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

BUDGETED ITEM:  
Budget Impact  0
Retainage  $641.00

COMMITTEE ACTION:  RECOMMEND APPROVAL TO COUNCIL

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<td>James Rackley, Chairman</td>
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<tr>
<td>11-20-06</td>
<td>Mark Hamilton</td>
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<td>11-20-06</td>
<td>David Bowen</td>
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COMMITTEE COMMENTS:

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

Please schedule for City Council Meeting date of:  November 20, 2006

Consent Agenda:  ☑ Yes  ☐ No
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

Department/Staff Contact: P&CD/Bob Leedy
Council/Wrkshp Mtg Date: 11/28/06
Agenda Item Number: ABO6-333

Ordinance Number: D06-334 and D06-335
Resolution Number: 
Councilmember Sponsor: 

BUDGET INFORMATION

2006 Budget Amount Required Expenditure Impact Remaining Balance
0 0 0 0

Explanation:

Agenda Subject: “Annexation Area 1-A” – island method (RCW 35A.14.295-299)

Administrative Recommendation: Adopt both ordinances making annexation effective and applying R-1 zoning.

Background Summary:
City Council authorized initiation of an unincorporated island method of annexation for Area 1-A. The requisite notice was made, joint public hearing held and Notice of Intention to Commence Annexation Proceedings was filed with the Pierce Co. Boundary Review Board. The BRB’s 45-day review period ended on November 16, 2006; jurisdiction was not invoked. The attached two ordinances will (1) make the annexation effective – following a 45-day referendum period; and (2) assign R-1 zoning to the area.

Council Committee Dates: Agency/Commission Dates: Board/Hearing Examiner Dates:
Finance Committee: Planning Commission: 7/19/06, 8/15/06, 9/6/06
Public Safety Committee: 
Community Development & Planning Committee: 6/5/06, 7/17/06, 8/28/06, 11/20/06
Council Meeting: 7/25/06, 8/15/06, 9/12/06
Design 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:
Dept. Dir. Mayor Date City Attorney reviewed
Bob Leedy Neil Johnson 11/15/06
COMMUNITY DEVELOPMENT COMMITTEE

DATE:   November 20, 2006

ORIGINATOR:   Bob Leedy                        TITLE:  Planning

SUBJECT: Annexation Area 1-A” – island method (RCW 35A.14.295-299)

Please refer to attached staff report for background. In accordance with RCW 35A.14.295, Resolution 1531:

- Establishes R-1 zoning for proposed annexation area
- Establishes geographic boundaries of area
- States that the annexation area will assume current city indebtedness
- States approximate number of registered voters in the area (90)
- States measurements for acreage and city boundaries – meeting RCW 35A.14.295(1)(a)
- States that a joint public hearing will be held between City Council and Planning Commission on Wed. 8/15/06 at 5:30 to hear testimony on the proposed annexation and R-1 zoning.

Attachments:
- Timeline for processing “Annexation Area 1-A” (draft 7/5/06
- July 17, 2006 Staff Report
- Resolution 1531 and Exhibit A (legal), Exhibit B (map)

ORDINANCE/RESOLUTION # D06-334 – D06-335
REQUEST OR RECOMMENDATION BY ORIGINATOR:

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

BUDGETED ITEM:  Budget Impact  0

COMMITTEE ACTION:  RECOMMEND APPROVAL TO COUNCIL

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COMMITTEE COMMENTS:  

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

Please schedule for City Council Meeting date of: November 20, 2006

Consent Agenda:  ☐ Yes  ☒ No
ORDINANCE NO. D06-334


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 City of Bonney Lake initiated an island-method of annexation for the purpose of fulfilling Policies 3-3b and 3-3c of the City of Bonney Comprehensive Plan, Land Use Element, related to requiring annexation before providing city services and striving for regular city boundaries, respectively; and

WHEREAS, the City of Bonney Lake initiated said island method annexation by approving Resolution 1531 at their July 25, 2006 meeting, stating the intent to annex this area by island method and establishing a public hearing date of 8/15/06; and

WHEREAS, on 8/15/06, pursuant to RCW 35A.14.295 and BLM 14.140.080, City Council and the Planning commission held a joint public hearing for the purpose of hearing testimony on the proposed annexation and proposed zoning of the annexation area; and

WHEREAS, on 9/12/06, the Planning commission formally recommended to City Council, the application of R-1 Zoning to the annexation area; and

WHEREAS, on 9/12/06, Bonney Lake City Council approved Resolution No. 1608 authorizing the filing of a Notice of Intent to Annex with the Pierce County Boundary Review Board; and

WHEREAS, on 9/28/06, the Notice of Intent to Annex and certified copies of Resolution No. 1608 were submitted to the Pierce County Boundary Review Board; and

WHEREAS, 10/2/06 was established as the official filing date for the Notice of Intent to Annex by the Pierce County Boundary Review Board and the Notice of Intent was deemed complete pursuant to RCW 36.93.100; and

WHEREAS, on 11/16/06, the forty-five (45) day review period was complete by the Pierce County Boundary Review Board and jurisdiction was not invoked; and

WHEREAS, on 11/28/06, the Bonney Lake City Council approved Ordinance D06-335, applying R-1 Single-Family zoning to the annexation area; and

WHEREAS, the proposed annexation was discussed at the following City Council workshops and meetings and Community Development Committee meetings: 7/17/06, 7/25/06, 8/15/06, 8/28/06, 9/12/06; and

WHEREAS, the proposed annexation and related zoning were discussed at the following Planning Commission Meetings: 7/19/06, 8/15/06, 9/6/06; and

WHEREAS, pursuant to RCW 35A.14.297, this annexation ordinance is subject to referendum for forty-five days after the passage thereof; and

WHEREAS, upon the filing of a timely and sufficient referendum petition with the legislative body, signed by qualified electors in number equal to not less than ten percent of the votes cast in the last general state election in this annexation area, the question of annexation shall be submitted to the voters of such area in a general election (within 90 days), or a special election; and
WHEREAS, after the expiration of the forty-fifth day from but excluding the date of passage of this annexation ordinance, if no timely and sufficient referendum petition has been filed, Annexation Area 1-A shall become part of Bonney Lake on January 12, 2007; and

WHEREAS, the annexation area is entirely within Bonney Lake’s established Urban Growth Area and such incorporation-annexation is authorized by RCW 35A.14.295, and is not contested by Pierce County; 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 annexation is found to be in compliance with the criteria for annexations established in Chapter 35A.14 RCW; and

WHEREAS, annexation actions are exempt from the application of the State Environmental Policy Act (RCW 43.21C.222); and

WHEREAS, it is recognized that an amendment to the City of Bonney Lake Comprehensive Plan Urban Growth Area and Land Use Designations Map, as well as an amendment to the Pierce County Comprehensive Plan Urban Growth Area and Land Use Designations Map, will be necessary to acknowledge annexation of the area to the City of Bonney Lake; and

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

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

Section 1. The real property described in Exhibit ‘A’ and depicted on Exhibit ‘B’ attached hereto and incorporated herein by reference, is hereby annexed to the City of Bonney Lake.

Section 2. All property within the territory hereby annexed 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.

Section 3. The Urban Growth Area [UGA] boundary of the Comprehensive Plan and associated Figures and Maps shall be amended to reflect incorporation of Annexation Area 1-A.

Section 4. This ordinance shall take effect and be in force five days from and after its passage, approval and publication as required by law; provided that the annexation of Annexation Area 1-A to the City provided for herein shall not take effect prior to January 12, 2007.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS 28th day of November, 2006.

____________________________
Neil Johnson, Mayor

ATTEST:

____________________________
Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

____________________________
Jim Dionne, City Attorney

Passed: 
Valid: 
Published: 
Effective Date:
CITY OF BONNEY LAKE
SUB AREA “A”
ANNEXATION LEGAL DESCRIPTION

Beginning at the Northwest corner of the Northeast Quarter of the Southwest Quarter of Section 27, Township 20 North, Range 5 East, Willamette Meridian, Pierce County, Washington, said point being on Bonney Lake City Limits Line; Thence East along said City Limits Line and the North line of said subdivision to the Northeast corner of the Southwest Quarter of said Section 27; Thence continuing along said City Limits Line, South along the East line of said Southwest Quarter to the Southeast corner of the Northeast Quarter of said Southwest Quarter; Thence continuing along said City Limits Line, West along the South line of said Northeast Quarter to the Northwest corner of the East 495 feet of the Southeast Quarter of the Southwest Quarter of said Section 27; Thence continuing along said City Limits Line, South along the West line of said East 495 feet to the South line of the North half of the Southeast Quarter of the Southwest Quarter of said Section 27; Thence leaving said City Limits Line, West along the South line of said North half to the East line of the West 330 feet of the Southwest Quarter of the Southwest Quarter of said Section 27; Thence South along the East line of said West 330 feet to the South margin of Church Lake Road East; Thence West along said South margin to the Northeast corner of the Plat of Kelly Creek Vista as recorded under AFN 8410160215 records of said County, said corner being on the Bonney Lake City Limits Line; Thence North along said City Limits Line and the easterly prolongation of said Plat to the North margin of Church Lake Road East; Thence continuing along said City Limits Line and said North margin, West to the East line of the West half of the Southwest Quarter, of the Southwest Quarter, of the Southwest Quarter of said Section 27; Thence continuing along said City Limits Line and leaving said North margin, North along the East line of said West half to the North line of the South half of the Southwest Quarter of the Southwest Quarter of said Section 27; Thence continuing along said City Limits Line, West along said North line to the West line of the Southwest Quarter of said Section 27; Thence continuing along said City Limits Line, North along said West line to the Northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 27; Thence continuing along said City Limits Line, East along the North line of the Southwest Quarter of the Southwest Quarter of said Section 27 to the Southwest corner of the East Half of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of said Section 27; Thence continuing along said City Limits Line as described in Bonney Lake Ordinance Number 162-A, North along the West line of said East Half to an angle point in Tract ‘B’ of Church Lake Waterfront Tracts Division No. 1 as recorded under AFN 1931505 of said County; Thence continuing along said City Limits Line and said Ordinance.
description East along said Tract B a distance of 100 feet to an angle point therein; Thence continuing along said City Limits Line and said Tract 'B' North a distance of 300 feet to the North line of the Southeast Quarter of the Northwest Quarter of the Southwest Quarter of said Section 27; Thence continuing along said City Limits Line and leaving said Tract 'B' East along last said North line to the Northeast corner of the Southeast Quarter of the Northwest Quarter of the Southwest Quarter of said Section 27 said point being the Southwest corner of Lot 2 of Pierce County Short Plat No. 79-307; Thence continuing along said City Limits Line and the South line of said Lot 2 to the Southeast corner thereof; Thence continuing along said City Limits Line, North along the east line of said Short Plat to the Northeast corner of Lot 1 thereof; Thence continuing along said City Limits Line, West to the West line of the Northeast Quarter of the Southwest Quarter of said Section 27; Thence continuing along said City Limits Line, and last said West line, North to the Northwest corner of the Northeast Quarter of the Southwest Quarter of said Section 27 and the True Point of Beginning.
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

Department/Staff Contact: P&CD/Bob Leedy
Council/Wrkshp Mtg Date: 11/28/06
Agenda Item Number ABO6-333

Ordinance Number: D06-334 and D06-335
Resolution Number: 
Councilmember Sponsor: 

BUDGET INFORMATION

2006 Budget Amount | Required Expenditure | Impact | Remaining Balance
--- | --- | --- | ---
0 | 0 | 0 | 0

Explanation:

Agenda Subject: “Annexation Area 1-A” – island method (RCW 35A.14.295-299)

Administrative Recommendation: Adopt both ordinances making annexation effective and applying R-1 zoning.

Background Summary:
City Council authorized initiation of an unincorporated island method of annexation for Area 1-A. The requisite notice was made, joint public hearing held and Notice of Intention to Commence Annexation Proceedings was filed with the Pierce Co. Boundary Review Board. The BRB’s 45-day review period ended on November 16, 2006; jurisdiction was not invoked. The attached two ordinances will (1) make the annexation effective – following a 45-day referendum period; and (2) assign R-1 zoning to the area.

Council Committee Dates: Agency/Commission Dates: Board/Hearing Examiner Dates:
Finance Committee: Planning Commission: 7/19/06, 8/15/06, 9/6/06 Park Board:
Public Safety Committee: Design Commission:
Community Development & Planning Civil Service Commission:
Committee: 6/5/06, 7/17/06, 8/28/06, 11/20/06
Council Meeting: 7/25/06, 8/15/06, 9/12/06

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

11/15/06
COMMUNITY DEVELOPMENT COMMITTEE

DATE: November 20, 2006

ORIGINATOR: Bob Leedy TITLE: Planning

SUBJECT: Annexation Area 1-A” – island method (RCW 35A.14.295-299)

Please refer to attached staff report for background. In accordance with RCW 35A.14.295, Resolution 1531:

- Establishes R-1 zoning for proposed annexation area
- Establishes geographic boundaries of area
- States that the annexation area will assume current city indebtedness
- States approximate number of registered voters in the area (90)
- States measurements for acreage and city boundaries – meeting RCW 35A.14.295(1)(a)
- States that a joint public hearing will be held between City Council and Planning Commission on Wed. 8/15/06 at 5:30 to hear testimony on the proposed annexation and R-1 zoning.

Attachments:
- Timeline for processing “Annexation Area 1-A” (draft 7/5/06
- July 17, 2006 Staff Report
- Resolution 1531 and Exhibit A (legal), Exhibit B (map)

ORDINANCE/RESOLUTION # D06-334 – D06-335
REQUEST OR RECOMMENDATION BY ORIGINATOR:

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

BUDGETED ITEM: Budget Impact 0

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

James Rackley, Chairman 
Mark Hamilton 
David Bowen

DATE APPROVED DISAPPROVED

11-20-06

COMMITTEE COMMENTS:

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

Please schedule for City Council Meeting date of: November 20, 2006

Consent Agenda: ☐ Yes ☑ No
ORDINANCE NO. D06-335

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, APPLYING R-1 ZONING TO THE AREA COMMONLY REFERRED TO AS “ANNEXATION AREA 1-A”

WHEREAS, pursuant to Chapter 35A.14 RCW, the City of Bonney Lake must designate a zoning classification for the area annexed by Ordinance D06-334 under the procedures for amendments to the comprehensive plan and development code outlined in BLMC 14.140; and

WHEREAS, the Bonney Lake City Council finds that the zoning classification, “R-1” (BLMC 18.14) for annexation Area 1-A is the proper classification which would best serve the health, safety and welfare of the citizens of Bonney Lake; and

WHEREAS, on 7/20/06 an environmental checklist was completed for the proposed zoning of the annexation area; and

WHEREAS, on 7/27/06 a Determination of Nonsignificance was issued by the responsible official; and

WHEREAS, on 7/27/06, a Notice of Determination of Nonsignificance and Environmental Checklist were mailed to SEPA lead agencies for their review; and

WHEREAS, on 7/27/06 and 8/3/06, a Notice of Determination of Nonsignificance was published in local area newspapers; and

WHEREAS, on 8/15/06, the Bonney Lake Planning Commission and City Council held a duly advertised joint public hearing on the zoning for this annexation area pursuant to BLMC 14.140.080; and

WHEREAS, on 8/15/06, the SEPA comment period ended and no appeals were filed; and

WHEREAS, on 9/12/06 the Bonney Lake Planning Commission recommended that the City Council zone the annexation area for “R-1” (BLMC 18.14); and

WHEREAS, upon the date fixed in the ordinance of annexation, Ordinance D06-334, the annexed area shall become part of the City of Bonney Lake, subject to its laws and ordinances, pursuant to RCW 35A.14.299; and

WHEREAS, the Comprehensive Plan for the City of Bonney Lake was adopted on May 30, 1995 with amendments approved in 1996, 1998, 2000, 2001, 2002 and 2004. Bonney Lake’s Urban Growth Area was originally approved on May 28, 1996 with amendments approved in September, 1996 and the Comprehensive Plan designates the annexation area as Single-Family Residential; and

WHEREAS, the Bonney Lake City Council has determined that the health, safety and welfare of the citizens of the City of Bonney Lake and those who applied for annexation will be best served if said territory is annexed to and becomes part of the City of Bonney Lake;
NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. The City of Bonney Lake zoning for Annexation Area 1-A shall be “R-1” (BLMC 18.14) and shall be applied to the real property within the annexed areas as described in Exhibit ‘A’ and depicted on Exhibit ‘B’ attached hereto and incorporated herein by reference.

Section 2. This ordinance shall take effect and be in force five days from and after its passage, approval and publication as required by law; provided that this ordinance shall not take effect prior to January 12, 2007.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS 28TH DAY OF NOVEMBER, 2006.

______________________________
Neil Johnson, Mayor

ATTEST: APPROVED AS TO FORM:

______________________________
Harwood T. Edvalson, CMC
City Clerk

______________________________
Jim Dionne, City Attorney

Passed:
Valid:
Published:
Effective Date:
CITY OF BONNEY LAKE  
SUB AREA “A”  
ANNEXATION LEGAL DESCRIPTION  

Beginning at the Northwest corner of the Northeast Quarter of the Southwest Quarter of Section 27, Township 20 North, Range 5 East, Willamette Meridian, Pierce County, Washington, said point being on Bonney Lake City Limits Line; Thence East along said City Limits Line and the North line of said subdivision to the Northeast corner of the Southwest Quarter of said Section 27; Thence continuing along said City Limits Line, South along the East line of said Southwest Quarter to the Southeast corner of the Northeast Quarter of said Southwest Quarter; Thence continuing along said City Limits Line, West along the South line of said Northeast Quarter to the Northwest corner of the East 495 feet of the Southeast Quarter of the Southwest Quarter of said Section 27; Thence continuing along said City Limits Line, South along the West line of said East 495 feet to the South line of the North half of the Southeast Quarter of the Southwest Quarter of said Section 27; Thence leaving said City Limits Line, West along the South line of said North half to the East line of the West 330 feet of the Southeast Quarter of the Southwest Quarter of said Section 27; Thence South along the East line of said West 330 feet to the South margin of Church Lake Road East; Thence West along said South margin to the Northeast corner of the Plat of Kelly Creek Vista as recorded under AFN 8410160215 records of said County, said corner being on the Bonney Lake City Limits Line; Thence North along said City Limits Line and the easterly prolongation of said Plat to the North margin of Church Lake Road East; Thence continuing along said City Limits Line and said North margin, West to the East line of the West half of the Southwest Quarter, of the Southwest Quarter, of the Southwest Quarter of said Section 27; Thence continuing along said City Limits Line and leaving said North margin, North along the East line of said West half to the North line of the South half of the Southwest Quarter of the Southwest Quarter of said Section 27; Thence continuing along said City Limits Line, West along said North line to the West line of the Southwest Quarter of said Section 27; Thence continuing along said City Limits Line, North along said West line to the Northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 27; Thence continuing along said City Limits Line, East along the North line of the Southwest Quarter of the Southwest Quarter of said Section 27 to the Southwest corner of the East Half of the Southeast Quarter of the Northwest Quarter of the Southwest Quarter of said Section 27; Thence continuing along said City Limits Line as described in Bonney Lake Ordinance Number 162-A, North along the West line of said East Half to an angle point in Tract ‘B’ of Church Lake Waterfront Tracts Division No. 1 as recorded under AFN 1931505 of said County; Thence continuing along said City Limits Line and said Ordinance
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CITY OF BONNEY LAKE
SUB AREA “A”
ANNEXATION LEGAL DESCRIPTION

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

| Department/Staff Contact: Admin Srves/Edvalson | Council/Wrkshp Mtg Date: November 28, 2006 | Agenda Bill Number: AB06-376 |
| Ordinance Number: D06-376 | Resolution Number: | Councilmember Sponsor: |

**BUDGET INFORMATION**

| 2006 Budget Amount | Required Expenditure | Impact | Remaining Balance |

**Explanation** – There will be no net expense to the City with the adoption of this ordinance. Any administrative expenditure associated with the tracking of the delayed collection of system connection fees will be covered by the interest rate charged on the “promissory” note.

**Agenda Subject:** Proposed ordinance to allow for the payment of sewer system connection fees on a delayed basis in the event of financial hardship and mandatory sewer hookup.

**Administrative Recommendation:** Approve.

**Background Summary:** This proposed ordinance will allow a payment plan to be set up for the payment of sewer connection charges in the event connection becomes mandatory and the impacted homeowner claims that paying the connection costs poses a financial hardship. This issue came to light with regard to mandatory sewer system hookups in the Naches Terrace Development. The issue has been discussed by the Council Community Development Committee and in Council workshop. The CDC has recommended that the availability of payment plans in the event of financial hardship be made system-wide for situations requiring mandatory connection to the sewer system.

| 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: 10/03/06 |  |  |

**Council Action:**

**Council Call for Hearing:**

**Council Hearings Date:**

**Council Referred Back to:**

Workshop:

Committee:

**Council Tabled Until:**

Council Meeting Dates: 11/28/06

**Signatures:**

Dir. Authorization:  
Mayor:  
Date City Attorney Reviewed: 11/16/06
COMMUNITY DEVELOPMENT COMMITTEE

DATE: November 17, 2006

ORIGINATOR: Woody Edvalson TITLE: Administrative Services Director

SUBJECT: AB06-376 – Proposed Payment Plan for Hardship Mandatory Sewer Connections

This proposed ordinance will allow a payment plan to be set up for the payment of sewer connection charges in the event connection becomes mandatory and the impacted homeowner claims that paying the connection costs poses a financial hardship. This issue came to light with regard to mandatory sewer system hookups in the Naches Terrace Development.

ORDINANCE/RESOLUTION # D06-376

REQUEST OR RECOMMENDATION BY ORIGINATOR: None.

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE
FINANCE DIRECTOR 11/16/06
CITY ATTORNEY 11/16/06

BUDGETED ITEM: Budget Impact 0
Retainage

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

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<td>David Bowen</td>
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COMMITTEE COMMENTS:

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

Please schedule for City Council Meeting date of: November 28, 2006
Consent Agenda: □ Yes □ No
ORDINANCE NO. D06-376

AN ORDINANCE OF THE CITY OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING ORDINANCE NOS. 1094 § 2; 1083 § 2; 968 § 2; 919 § 2; 787 §§ 1, 2; 571C § 1; 561 Art. VIII § 3 AND SECTION 13.12.100 OF THE BONNEY LAKE MUNICIPAL CODE, RELATED TO SEWER CONNECTION FEES.

WHEREAS, connecting to the City sewer system, as well as paying the connection fee, may pose a financial hardship on individuals who are required to connect to the sewer when they are not simultaneously selling their homes.

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

Section 1. Bonney Lake Municipal Code Section 13.12.100 and the corresponding portions of Ordinance Nos. 1094 § 2; 1083 § 2; 968 § 2; 919 § 2; 787 §§ 1, 2; 571C § 1; 561 Art. VIII § 3 are hereby amended to read as follows:

13.12.100 Connection fees or system development charges.

A. The fees for connection to the city’s sewer utility shall be as follows:
   1. The fee for a single-family residence (new construction) shall be $8,000, payable at the time of building permitting.
   2. The fee for an existing single-family residence served by an on-site septic disposal system shall be $8,000, payable at the time of application for sewer service.
   3. The fee for multifamily residential units shall be $8,000 per unit, payable at the time of building permit application.
   4. Commercial and industrial sewer applicants shall pay $8,000 per “unit of base flow,” or a fraction thereof. The total connection fee shall be calculated according to BLMC 13.12.105.
   5. CPI Adjustment. Beginning January 1, 2006, and for every year thereafter, the connection fees 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.

B. Connection fees shall be due and payable at the time of building permitting. Sewer applicants shall be vested at the current connection fee at the time of application for sewer service. An application for sewer service will only be accepted along with a complete building permit application or from an applicant with an existing residence served by a septic system and that also has sewer available.

C. The charges set out in this section shall not be applicable to an accessory dwelling unit permitted pursuant to BLMC 18.22.090. (Ord. 1094 § 2, 2005; Ord. 1083 § 2, 2004; Ord. 968 § 2, 2002; Ord. 919 § 2, 2001; Ord. 787 §§ 1, 2, 1998; Ord. 571C § 1, 1992; Ord. 561 Art. VIII § 3, 1985).
D. When connection to the sewer system for an existing residence becomes mandatory due to a failed septic system, septic design flaw, or other reason, and the home is not being sold contemporaneously with the mandatory sewer application, a homeowner may apply to the City to pay the connection fee on an installment payment plan. The application shall state that paying the connection fee poses a financial hardship. The City may permit the applicant to pay the fee in monthly or annual installments (not both) for a period of not more than 10 years. A reasonable interest rate, as determined by the City's Chief Financial Officer, will be charged on the balance owing to the City. The entire remaining balance of the connection fee plus interest shall be due and payable at the time of sale of the home. Any past-due installments and any remaining balance that is not paid at the sale of the home will become a lien on the property pursuant to BLMC 13.12.110.

**Section 2. 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 28th day of November, 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:
Council Agenda Bill (C.A.B.) Approval Form

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<th>Council/Wrkshp Mtg Date:</th>
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<td>Dan Grigsby – PW Director</td>
<td>November 28, 2006</td>
<td>AB06-377</td>
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<tr>
<td>Ordinance Number:</td>
<td>Resolution Number</td>
<td>1639</td>
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**BUDGET INFORMATION**

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**Explanation:**

**Agenda Subject:**
A resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, authorizing a Water Developer Extension Agreement with Lakeland East LLC for Lakeland Hills South PUD Planning Area 9.

**Administrative Recommendation:**

**Background Summary:** Approve a Water Developer Extension Agreement for Lakeland Hills S. PUD Planning Area 9.

Lakeland Hills South PUD Planning Area 9 is a 7 lot plat located inside Auburn City limits, outside Bonney Lake’s UGA, inside Bonney Lake’s water service area.
The City of Bonney Lake requires that a developer have an approved Developer Extension Agreement for water improvements to the City’s system.
This developer extension agreement enables the City to be reimbursed for plan review, inspection and testing costs of infrastructure improvements as well as establishing the terms of the City accepting the improvements when they are complete.

**Council Committee Dates:**
Finance Committee:
Public Safety Committee:
Community Development & Planning Committee: 11/20/06
Council Workshop:

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

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

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

**Signatures:**
Dept. Dir.  Mayor  Date City Attorney reviewed
Dan Grigsby  Neil Johnson  Standard
DATE: November 20, 2006

ORIGINATOR: Dan Grigsby TITLE: Public Works Director


Lakeland Hills South PUD Planning Area 9 is a 7 lot plat located inside Auburn City limits, outside Bonney Lake’s UGA, inside Bonney Lake’s water service area. The City of Bonney Lake requires that a developer have an approved Developer Extension Agreement for water improvements to the City’s system. This developer extension agreement enables the City to be reimbursed for plan review, inspection and testing costs of infrastructure improvements as well as establishing the terms of the City accepting the improvements when they are complete.

ORDINANCE/RESOLUTION # 1639

REQUEST OR RECOMMENDATION BY ORIGINATOR:

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE
FINANCE DIRECTOR ________
CITY ATTORNEY ________ N/A ________

BUDGETED ITEM: Budget Impact: $0

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

DATE APPROVED DISAPPROVED
James Rackley, Chairman 11-20-06 __________
Mark Hamilton 11-20-06 __________
David Bowen 11-20-06 __________

COMMITTEE COMMENTS:

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

Please schedule for City Council Meeting date of: November 28, 2006
Consort Agenda: ☐ Yes ☑ No

City of Bonney Lake, Washington
RESOLUTION NO. 1639

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING A WATER DEVELOPER EXTENSION AGREEMENT WITH LAKELAND EAST LLC FOR LAKELAND HILLS SOUTH PUD PLANNING AREA 9.

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 by the City Council this 20th day of November 2006.

______________________________
Neil Johnson Jr., Mayor

ATTEST:

______________________________
Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

______________________________
James Dionne, City Attorney
THIS AGREEMENT, by and between the City of Bonney Lake, a municipal corporation, hereinafter referred to as "City", and Lakeland East LLC, hereinafter referred to as "Developer".

WITNESSETH: That whereas the City of Bonney Lake, a municipal corporation, provides WATER service within the corresponding WATER service area boundary, and the above-named Developer is preparing to construct a WATER system, or additions thereto, and said development requires the City's WATER service.

WHEREFORE, THE PARTIES AGREE AS FOLLOWS:

I. Developer agrees to design and/or construct the WATER system, or additions thereto, to be connected to the City's WATER lines, and to maintain such additions until such time as the improvements are accepted by the City, with the agreements conditioned as set forth below. The WATER system, or additions thereto, shall be located within that area commonly referred to as Lakeland Hills South PUD Planning Area 9, which property is described in Exhibit "A" attached hereto and referred to hereinafter as "Premises".

II. As a condition precedent to City obligations under this agreement, the Developer shall design and/or construct the proposed WATER system, or additions thereto, within said premises in conformance with the City's "Development Policies and Public Works Standards", as adopted (and by reference made a part hereof), together with any City approved amendments thereto made, and further to conform with the City's comprehensive WATER plan, which agreement shall include oversizing of WATER mains as may be identified in the City's adopted WATER comprehensive plan or as approved by the City Engineer. As an additional condition to the City obligations under this agreement the developer shall:

A. Apply for irrigation meters separate from residential meters where the irrigation serves common areas or more than one single-family residence.

B. The applicant shall submit landscaping and irrigation plans for review and employ the best management practices available for the efficient use of water.

III. The developer agrees that the construction of the WATER system, or additions thereto, shall not commence until the following conditions have been fulfilled:

A. The developer shall furnish the City with three (3) sets of detailed plans for the water system, or additions thereto, at Developer's own expense, prepared by a qualified engineer licensed in the State of Washington.
B. The above plans shall require the review and approval by the City and its Engineer, and the cost of such review shall be at the Developer's own expense.

C. Minimum requirements for all plans for WATER system, or additions thereto, submitted to the City for review are:

1. Three (3) sets of plans and documents shall be submitted, wherein one (1) set will be returned to the applicant. Additional sets may be required by the City.

2. A preliminary plat of the area in which said WATER system, or additions thereto, are to be constructed, which plat has been approved by the City, or County as applicable.

3. A map showing the location of the plat in relation to the surrounding area.

4. A contour map of the plat with contour intervals of two feet or less.

5. A map showing the location and depth of all proposed utilities and any connections and/or interconnections to existing facilities or future extensions and connections.

6. A 1" = 50' plan of the water system showing streets, lot lines, dimensions, and location of bench marks and monuments for the proposed plat, together with an indication of the development of the adjacent property.

7. A profile 1" = 50' horizontal and 1" = 5' vertical of the finished road grades with the water system and other pertinent underground utilities located, with elevations noted thereon. The elevation datum shall be the same as used by the City. It shall be the responsibility of the Developer to confirm such datum with the City.

8. Full-sized detail sheets shall be included as part of the construction drawings, as required to clearly indicate the details for all of the water system, or additions thereto, to be constructed, consistent with City standards.

9. Specifications sufficient to fully describe the work, consistent with City's "Development Policies and Public Works Design Standard".

10. Approvals from all regulatory agencies.

D. Construction requirements in addition to the City standards and details for developer extensions, as adopted, are as follows:

1. Unless otherwise approved in writing, by the City, all streets and/or roadways shall be graded to within six inches of final grade before installation of WATER improvements.
2. All lots shall be fully staked to assist all parties involved in the proper location of the WATER system including services.

3. All hydrants and valves shall be fully staked in the field and reviewed and approved by the City prior to installation of same. Adjustments to "approval construction drawings" may be warranted and required by the City, based on actual local field conditions.

4. All contractors and subcontractors shall have a current Washington State Contractors License.

5. The Developer's WATER system, or additions thereto, on Premises shall not be connected to the City WATER system until authorized by the City, and such connection shall be performed under the supervision and direction of the City.

E. For the purpose of applying RCW 4.24.115 to this Contract, the Developer and the City agree that the term "damages" applies only to the finding in a judicial proceeding and is exclusive of third party claims for damages preliminary thereto.

The Developer agrees to indemnify and hold harmless the City from all claims for damages by third parties, including costs and reasonable attorney's fees in the defense of claims for damages, arising from performance of the Developer's express or implied obligations under this Agreement. The Developer waives any right of contribution against the City.

It is agreed and mutually negotiated that in any and all claims against the City or any of its agents or employees by any employee of the Developer, any contractor or subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the indemnification obligation hereunder shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Developer or any contractor or Subcontractor under Workman's Compensation Acts, disability benefits acts or other employees' benefit acts. The City and the Developer agree that all third party claims for damages against the City for which the Developer's insurance carrier does not accept defense of the City may be tendered by the City by the Developer who shall, if so tendered by the City, accept and undertake to defend or settle with the Claimant. The City retains the right to approve claim investigation and counsel assigned to said claim and all investigation and legal work product regarding said claim shall be performed under a fiduciary relationship to the City. In the event that the City agrees or a court finds that the claim arises from the sole negligence of the City, this indemnification shall be void and the City shall be responsible for all damages payable to the third party claimant. In the event that the City and the Developer agree or a court finds that the claim arises from or includes negligence of both the Developer and the City, the Developer shall be responsible for all damages payable by the Developer to the third party claimant under the court findings, and, in addition thereto, the Developer shall hereunder indemnify the City for all damages paid or payable to the City under the court findings in an amount not to exceed the percentage of total fault attributable to the Developer. For example, where the Developer is 25%
negligent, the Developer shall not be required to indemnify the City for any amount in excess of 25% of the claimant's total damages.

F. In the event the Developer in his operation damages or disrupts existing improvements, the repairs shall be made at the Developer's expense. In the event they are so damaged or the service disrupted and the Developer fails or is unable to immediately restore the service, then the Owners of the improvements may cause the repairs to be made by others and all costs for the same shall be at the Developer's own expense.

Where the construction crosses or is adjacent to existing utilities, the Developer shall exercise extreme care to protect such utilities from damage.

If any damage is done to an existing utility, the Developer shall notify the utility company involved who will dispatch a crew to repair the damage at the Developer's expense. All costs for the same shall be at the Developer's own expense.

The Developer shall be aware that some existing WATER facilities are known to contain asbestos cement pipe. The Developer shall conduct all work related to existing asbestos cement pipe in strict accordance with WISHA safety regulations and provisions contained within WAC 296-62077. All costs related to work in compliance with established rules and regulations shall be the responsibility of the Developer. Demolition of existing, asbestos cement pipe, if required, will be permitted only after the proper permits are obtained from the Puget Sound Air Pollution Control Agency. The Developer shall be responsible for all associated fees and permits required for asbestos removal and disposal. Work crews shall be provided with proper protective clothing and equipment. Hand tools shall be used, and the asbestos cement pipe shall be scored and broken in lieu of the sawing or other methods which release fibers into the atmosphere. Waste asbestos pipe shall be buried in the trench. Asbestos pipe to be abandoned in – place shall not be disturbed, except as noted herein, and shall remain in its original position.

The Developer is cautioned that all existing drainage systems, whether open ditch, buried pipe, or drainage structures, are not on record. It shall be the responsibility of the Developer to repair or replace all such systems found during construction, which are damaged by the Developer's construction in a manner which is satisfactory to the City.

Where the Developer is allowed to use private property adjacent to the work, the property so used shall be returned to its original or superior condition. The Developer shall make all arrangements in advance with such property owners, to insure that no conflicts will ensue after the property is restored as described above. The Developer will be required to furnish the City with a written release from said private property owners, if the City deems it to be necessary to obtain such document.

IV. The construction, of the Developer's WATER system, or additions thereto, on the Premises shall be supervised by the City in such a manner and at such times as the City deems reasonably necessary to assure that construction of the system will conform with the above-mentioned plans and specifications. The Developer herewith
agrees to allow such inspections and agrees to cooperate providing reasonable advance notice on his construction schedule during, the various construction phases as requested by the City.

V. The Developer further agrees to deposit an estimated amount of money to cover the City’s expected review fees and construction supervision expenses incurred plus 10% administrative costs, for such supervision. The City will pay for these bills out of the monies deposited. If the amount of money on deposit is depleted or reduced such that there is inadequate coverage for expected expenses, the City will stop work until the deposit account is adequate to cover expected expenses. Any accrued interest will be to the benefit of the City.

VI. The Developer’s WATER system, or additions thereto, on Premises shall not be accepted for service and use until the same have been fully inspected and approved, and the following requirements have been performed:

A. Submit to the City in Auto-CADD format, latest revision (unless otherwise approved by the City), the computer file supplied on a three and one half (3-1/2) inch disc accompanied by the original mylars, with all changes from the original design clearly marked to reflect the as-built conditions. The Developer’s Engineer shall certify the accuracy of the record drawings and shall affix his seal and signature.

B. Payment of all permit fees and equivalent assessment changes and any other applicable City charges required for Premises.

C. Payment of all plan check and inspection fees.

D. Prepare and furnish the required easements in compliance with the City’s standard form, and furnish same to the City for approval by the City Attorney, prior to recording of same. The proponent shall pay all the necessary recording, fees.

E. Furnish the City with an affidavit warranting there are no liens against the improvements constructed on Premises by the Developers, this affidavit shall be in the form prescribed by the City.

F. Furnish the City with a Bill of Sale conveying, the WATER system to the City.

G. Furnish a one year maintenance bond for 15% (or $2,000 whichever is greater) of the amount of the Bill of Sale guaranteeing that the water system will be free of defects in labor and materials. Form to be prescribed by the City.

VII. In the event any warranty repairs are required, the City agrees, whenever feasible, to provide the Developer with reasonable notice, before directly undertaking such repairs. The City reserves the right, however, to effect emergency repairs as deemed necessary by the City. The City shall be reimbursed by the Developer for all costs thereof.

VIII. Upon performing all requirements, including those as set forth in Paragraph 5 above, the City shall accept the water system, and agree therewith to operate and maintain said system.
IX. Nothing in this Agreement shall be construed to excuse Developer from requirements and conditions found in any City ordinance, resolution, plan or policy, with respect to the provision of utility service, including without limitation requirements regarding annexation or execution of covenants to annex, and the City will not provide utility service to Developer prior to Developer's satisfaction of all such requirements and conditions.

SUBMITTED this 14th day of November 2006

DEVELOPER: Martin D. Waiss
Printed Name

President
Company Title (as applicable)

1302 Puyallup Street
Address

Sumner WA 98390
City State Zip

Phone No. 253-863-6200 FAX No. 

CITY OF BONNEY LAKE
DEVELOPER AGREEMENT

ACCEPTED this ___ day of ___________________ 20__

Neil Johnson Jr., Mayor
CITY OF BONNEY LAKE
DEVELOPER AGREEMENT
EXHIBIT 'A'

PLAT NAME Lakeland Hills South PUD Planning Area 9
DEVELOPER: Lakeland East, LLC
LEGAL DESCRIPTION: ____________________________________________
_________________________________________________________________
_________________________________________________________________
_________________________________________________________________

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

Department/Staff Contact: P&CD / Heather Stinson
Council/Wrkshp Mtg Date: November 28, 2006
Agenda Bill Number: 06-357
Ordinance Number: Resolution Number
Councilmember Sponsor:

BUDGET INFORMATION

<table>
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<th>Contract Amount</th>
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Explanation:

Agenda Subject: Final Plat of Panorama West

Administrative Recommendation: Approval

Background Summary: The applicant seeks final plat approval for Panorama West. This final plat contains 224 single family residential lots, a public road system, stormwater tracts and open space tracts that received a recommendation for approval from the Bonney Lake Hearing Examiner on November 16, 2004. Final plat is in conformance with the approved preliminary plat and the conditions noted in the staff report. NOTE: This is a closed record item.

<table>
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<th>Council Committee Dates:</th>
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<td>Council Workshop:</td>
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Council Action:

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<td>Council Referred Back to:</td>
<td>Workshop: Committee</td>
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<td>Council Tabled Until:</td>
<td>Council Meeting Dates:</td>
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</table>

Signatures:

Deputy Mgr.

Mayor

Date City Attorney reviewed Standard
November 28, 2006 Report to Council
Panorama West Final Plat Approval

PROJECT DESCRIPTION:
The applicant seeks final plat approval for Panorama West Final Plat. This final plat contains 224 single family residential lots that received a recommendation for approval from the Bonney Lake Hearing Examiner on November 16, 2004. The site also contains a public road system, stormwater tracts and open space tracts.

APPLICANT:
Panorama West, LLC
10403 176th Ave. E.
Bonney Lake, WA 98391
(206) 730-9459

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

SITE LOCATION:
The site is located at 16609 Rhodes Lake East, Bonney Lake, Washington. It is within the corporate limits of the City of Bonney Lake situated in the SW 1/4 of Section 5, Township 19 North, Range 5 East, Willamette Meridian.

DATE APPLICATION DEEMED COMPLETE:
The City deemed the final plat application complete on July 10, 2006.

ATTACHMENTS:
1. Final Plat Print

STAFF FINDINGS:
1. The proposed final plat of Panorama West 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 November 16, 2004.

1. The proposal shall conform to the following City of Bonney Lake regulations and standards:

- BLMC Title 12 – Streets, Sidewalks
- BLMC Title 15 – Buildings and Construction
- BLMC Title 16 – Environmental Protection
- BLMC Title 17 – Subdivisions
- BLMC Title 18 – Zoning
- BLMC Title 19 – Concurrency Management
- City of Bonney Lake Development Policies and Public Works Design Standards

Findings:

2. Mitigation measures as outlined in the Mitigated Determination of Nonsignificance (MDNS) dated September 1, 2004 shall be completed prior to final plat approval.

"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."
Mitigation Measures:

EARTH

a. 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.
b. 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 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.
c. Per the Department of Ecology letter dated February 9, 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.

SURFACE WATER

a. Wetland buffers must be left undisturbed. Any modification of existing vegetation must be approved by the City of Bonney Lake Planning Department.
b. Wetland buffers must be marked with environmental signage. For Tracts H, F, and D, only buffers that are adjacent to residential lots must be marked. Per BLMC 16.20.130.C., the boundary between a sensitive areas tract and adjacent land shall be identified using permanent signs. All signs ashall be approved by the Planning Department before any type of development takes place. Signs shall provide for protection by informing the public or other parties that a regulated sensitive area is present, and that the area is subject to the sensitive areas code of the city.
c. All storm drains within the development should be stenciled “Dump No Waste, Drains to ______”.

NOISE:

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

HISTORIC AND CULTURAL PRESERVATION:

a. A Cultural Resources Investigation prepared by Northwest Archeological Associates, Inc. in April, 2004 did not identify any cultural or historic resources on the site. 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 April 6, 2004, the proponent shall provide the following improvements prior to issuance of building permits:

"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."
a. Site Access & Frontage Improvements

The following improvements will be required to facilitate the ingress and egress of project traffic to Rhodes Lake Road and will be installed by the project developer:

- Construct Panorama West Boulevard between Sky Island Drive and Rhodes Lake Road East. This roadway is to be constructed to City of Bonney Lake standards. Pierce County shall be included in the review and approval of plans where Panorama West Boulevard intersects with Pierce County's right-of-way.
- For construction of Panorama Boulevard West, the applicant shall secure Road Approach Permits from:
  - The City of Bonney Lake Public Works Department
  - Pierce County Public Works Department for access to Rhodes Lake Road.

b. 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 222 net new PM peak hour trips to the transportation system. The applicant shall pay the single family land use trip rate of $2,701.00 per dwelling unit per the City of Bonney Lake Transportation Impact Fee Ordinance or the adopted fee at the time of building permit issuance. The impact fee payment includes the applicant’s pro-rata share of intersection improvements at SR 410/ Sumner-Buckley Highway and SR 410/ South Prairie Road, as identified in the Traffic Impact Analysis.

c. Other Mitigation

Washington State Department of Transportation
Pro-Rata Share Contribution
WSDOT has requested a pro-rata share contribution toward the future planned SR 410 widening project from 214th Avenue East to 234th Street East. The proposal will generate 11 new PM peak hour trips on this highway segment. Based on their calculations, the pro-rata share is $18,233.

Pierce County
Off-Site Improvements

- McCutcheon Road E/96 ST. E/Riverside Drive E: Per Pierce County Public Works Policy and Procedure 922, the applicant is responsible to bring the intersection impacts back to a level of non-significance, including any right of way needs to make the improvement. Based on the recommendations in the TIA the applicant shall construct a northbound right turn pocket at this intersection. This improvement will require dedication of right-of-way and construction easements for construction to occur. The adjoining property owner is Pierce County River Improvement. The applicant will not be required to make this improvement unless Pierce County grants the required right-of-way and construction easements. If the additional impervious area required for constructing the improvements is less than 5,000 square feet, no storm drainage quality or quantity improvements will be required.
- Rhodes Lake Road East: Pierce County is undertaking a preliminary corridor study of the Rhodes Lake Road E corridor as part of an overall effort to improve the corridor. Panorama West contributes an average of 30 new project trips during the PM peak hour to Rhodes Lake Road East.

"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."
and Pierce County will require this development to contribute $53,709 as its proportionate share towards the corridor improvement.

Site access

- **Stopping Sight Distance:** The Stopping Sight Distance for a Secondary Arterial, urban conditions should be based on a 40 mph speed with corrections for existing grades. Due to the combined vertical and horizontal geometry along the corridor, the County requires that the Stopping Sight Distance at the West Access Driveway and at the new Panorama West Blvd/Rhodes Lake Road E intersection be evaluated combined with both the horizontal and vertical alignment separately, with referenced stationing, since it appears that the horizontal alignment may restrict the available sight distance.

- **Entering Sight Distance:** Due to concerns with safety issues created by the addition of driveways to the combined vertical and horizontal geometry along this roadway, the County requires that a minimum ESD for at least 30 mph along with appropriate grade corrections be provided for both the West Drive access and the intersection of Panorama West Blvd/Rhodes Lake Road E. The ESD should be evaluated for both the horizontal and vertical geometry separately along with referenced stationing.

- **Rhodes Lake Road E/West Driveway:** Due to safety issues created by constructing a new access to Rhodes Lake Road E along a section that has both horizontal and vertical curvature, the proponent is required to construct a Two Way Left Turn Lane as part of the access needs. The project developer is required to construct all Radii for Secondary Arterial Intersections per Pierce County Road Standards.

- **Rhodes Lake Road E/Panorama West Blvd. intersection:** The project developer shall construct a Left Turn Pocket on Rhodes Lake Road E at this new intersection. The minimum desirable left turn lane length of 125 feet should be constructed along with full width widening through the end of standard tapers. The design of this turn lane should also address if and how it will impact the intersection of 171 Avenue E, located just west of the proposed intersection.

- **Rhodes Lake Road E/Panorama West Blvd. Right Turn Lane:** It is anticipated that a larger volume of traffic than that indicated in the TIA will be using this corridor. Therefore, Pierce County requires that the southbound left and right turning movements be separated by constructing a southbound left turn lane or a southbound right turn lane, along with full width widening and affiliated tapers per Pierce County Road standards. All intersection radii should be constructed per Pierce County Road Standards for a Secondary Arterial.

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 Mary J. Urback dated February 20, 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.

"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."
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 applicant shall submit a landscape and irrigation plan, pursuant to BLMC Chapter 16.12, to the Planning & Community Development Department for review and approval.
3. Landscaping shall be installed and approved by the Planning & Community Development Department prior to building occupancy.
4. The applicant shall submit a maintenance bond for all required landscaping areas and replacement trees for a period of one year after installation.

FIRE:
1. Fire hydrants and mains capable of providing the required fire flow shall be provided in accordance with UFC Section 903.2 and the City of Bonney Lake, Public Works Design Standards. Fire hydrant location shall be approved by the Fire Marshal.

GEOLOGIC HAZARDOUS AREAS
1. Geologic Hazardous Areas as defined in BLMC 16.20.390(C) have been identified within the site. Supporting information and studies have been submitted stating that in its current condition (including the presence of several steep slopes) does not include any areas that constitute highly potential geologic hazard areas. Construction of the project shall comply with City regulations, including recommendations in the Geologically Hazardous Areas Addendum dated July 6, 2004.

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. No tracts within the subdivision shall combine open space with stormwater or utilities.

Finding: The stormwater plans were approved by the City of Bonney Lake on August 27, 2005.

4. 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.

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

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

Finding: The roads shall be dedicated to the city in conjunction with the filing of the final plat.

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

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
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</table>

"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."
Minimum Lot Area | 10,000 square feet
Minimum Lot Width | 65 feet
Minimum Front Setback | 20 feet
Minimum Side Yard | 5 feet minimum with combined total of 15 feet
Minimum Rear Setback | 20 feet
Maximum Height | 35 feet
Maximum lot coverage by impervious surfaces | 60%

Finding: The City did not require the developer to include this table as the requirements are met by our zoning code.

7. The maintenance of open space Tracts A and C, street trees and street lights shall be the responsibility of the Homeowner’s Association.

Finding: This language is included in the draft CCR’s of the homeowner’s association.

8. Wetland and wetland buffer Tracts D, F and H shall be dedicated to and maintained by the Homeowner’s Association.

Finding: This language is included on sheet 4 the final plat maps.

9. Tracts B, E and G, containing the public storm drainage, public sanitary sewer pump stations, and future connection to Sky Island shall be dedicated to and maintained by the City of Bonney Lake.

Finding: This language is included on sheet 4 of the final plat maps.

10. Tract J shall be divided into two separate tracts. The portion of the Tract utilized for open space shall be dedicated to and maintained by the Homeowner’s Association and the portion of the Tract utilized for public storm drainage shall be dedicated to and maintained by the City of Bonney Lake.

Finding: During design and construction, the City found that this condition was impractical. Staff and applicant agreed that the Homeowner’s association would own and maintain this tract.

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

Finding: The city has received and accepted bonding for these areas.

12. The detention / water quality pond and discharge construction shall not encroach into the wetland / wetland buffer unless approved and mitigated under Chapter 16.20.

Finding: The detention / water quality pond placement has been approved by the City.

"The City of Bonney Lake’s mission is to protect the community’s livable identity and scenic beauty through responsible growth planning and providing accountable, accessible and efficient local government services."
13. A storm drainage plan must 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: Drainage plans were approved by the City on August 27, 2006

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

Finding: The stencil was inspected and approved on November 22, 2006

15. A Department of Ecology General Baseline Permit shall be required prior to the issuance of site development permits as more than five acres will be disturbed.

Finding: This condition has been met.

16. 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.

Finding: The Erosion and Sedimentation Control Plan was approved on August 27, 2005.

17. 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 this 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.

Findings: The site has been controlled to reduce dust through site development and continually inspected by the City of Bonney Lake Public Works Department.

18. All work associated with stabilizing slopes and other disturbed areas shall be in accordance with Chapter 15.20 and in accordance with the geotechnical recommendations as outlined in Creative Engineering Options, Inc., dated July 6, 2004, shall be met.

Finding: All erosion control measures have been established on site and maintained through construction. The approved site development plans signed by the City Engineer include erosion control measures and a site stabilization plan.

19. To mitigate noise impacts associated 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.

Finding: Noise impacts were mitigated during construction of the required improvements and will be monitored during the building of homes.

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

"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."
Findings: This condition was met per verbal confirmation from the Public Works department on November 16, 2006.

21. 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: Public Works conducted daily site inspections throughout the site development portion of the project. All erosion control facilities have been maintained or if problems arose then the inspectors stopped work until all issues were resolved.

22. 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.

Finding: This condition was met as evidenced by the issuance of a Grading Permit on May 10, 2005.

23. 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 prior to commencing clearing and grading activities.

Finding: All clearing, grading and other site development on the project has been performed in accordance with plans approved on August 27, 2005. The site development was inspected and approved November 22, 2006.

24. 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.

Finding: Water mains and fire hydrants have been installed or bonded to meet the required fire flow standards and hydrant spacing as of November 22, 2006.

25. 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.

Finding: As built plans were submitted and approved September 7, 2005.

26. 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.

Finding: The applicant obtained water availability from the City of Bonney Lake in February of 2005.

27. 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.)

"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."
Finding: This condition has been met.

28. 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.

Finding: This condition has been met.

29. Any abandoned wells (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.

Finding: There were no abandoned wells on site.

30. As part of the final plat process, the applicant shall provide the necessary instrument to ensure the perpetual maintenance of all non-dedicated access ways and all other areas used or available for use in common by the occupants of the PUD.

Finding: CCR’s were submitted on November 15, 2006.

31. 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.

Finding: All building permits shall be obtained through the City of Bonney Lake.

32. 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.

Finding: This condition has been met.

33. All activity, maintenance, and mitigation of the wetlands and associated buffers shall be in accordance with BLMC Chapter 16.20.

Finding: This condition has been met.

34. 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 February 20, 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.

Finding: School impact fees are paid at time of building permit issuance.

35. All criteria listed in the Geotechnical Addendum by Creative Engineering Options, Inc., dated July 6, 2004, shall be met.

Finding: This condition was met on November 14, 2006 with the submittal of a Geotechnical Summary Report

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

"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."
Finding: Plans were approved on August 27, 2005 and the water systems inspected and approved or bonded by November 22, 2006.

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

Finding: Plans were approved on August 27, 2005 and the water systems inspected and approved or bonded by November 22, 2006.

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

Finding: Plans were approved on August 27, 2005 and the water systems inspected and approved or bonded by November 22, 2006.

39. 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.

Finding: Landscape plans were approved and bonded for as of October 31, 2006.

40. The applicant shall install a six foot high, solid board fence along with evergreen screening trees along the west property line. Lots 192, 193, and 218 shall maintain a 30 foot wide, structural setback.

Finding: Staff agreed to a modified fulfillment of this condition in the form of dedication of land to the Northwest neighboring property (parcel # 0519068021), making the 30 foot setback unnecessary and the building of a vinyl fence for the property owner to the Southwest (parcel # 0519064031).

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 November 16, 2004. Therefore, the final plat application deemed complete on July 10, 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;

"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."
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 nontangent 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;
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

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

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Explanation:

**Agenda Subject:** Berkshire Estates Preliminary Plat Approval.

**Administrative Recommendation:** Approval subject to conditions recommended by the Hearing Examiner.

**Background Summary:**

Berkshire Estates is a proposal to develop a preliminary plat consisting of 11 single-family lots on approximately 3.70 acres located at 10318 Angeline Road East. This site is currently zoned R-1 and contains steep slopes.

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**Signatures:**

[Signatures]

Date City Attorney reviewed:
Leroy Surveyors & Engineers, PLLC
1103 Shaw Road
Puyallup, WA 98372

RE: PRELIMINARY PLAT OF BERKSHIRE ESTATES

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,

STEPHEN K. CAUSSEAX, JR.
Hearing Examiner

SKC/cka
cc: Parties of Record
City of Bonney Lake

-1-
OFFICE OF THE HEARING EXAMINER

CITY OF BONNEY LAKE

REPORT AND DECISION

CASE NO.: BERKSHIRE ESTATES

APPLICANT: Leroy Surveyors & Engineers, PLLC
1103 Shaw Road
Puyallup, WA 98372

PROPERTY OWNER: Kumar Ashok
10404 Angeline Road East
Bonney Lake, WA 98390

SUMMARY OF REQUEST:

The applicant is requesting preliminary plat approval to allow development of Berkshire Estates, a residential subdivision consisting of 11 single family residential lots on approximately 3.70 acres. The site is currently zoned R-1 Residential District (BLMC Chapter 18.14) and contains steep slopes (approximately 70%) subject to BLMC 16.28 – Geologically Hazardous Areas. The site is located at 10318 Angeline Road 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 October 2, 2006, at 10:23 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
DAVID SCHREDEL appeared, presented the Planning and Community Development Department Staff Report, and testified that the applicant now proposes a 12 lot subdivision which includes the two existing homes. He introduced Exhibit “2” a revised plat map. The City and the applicant are in agreement regarding density and other issues. The site contains 2.4 net developable acres which calculates to a maximum of 12 lots. The City issued an MDNS and received no appeals. He recommended elimination of Condition M and also elimination of Tract “B”. Lot 12 will access onto Angeline Road, but lot 11 will access onto the internal plat road through Tract “B”. The site contains 3.7 gross acres and a survey clarified the amount of net acreage. The amount of lots proposed has varied between nine and 13. The applicant located the toe of the slope by survey and will provide a 15 foot wide buffer therefrom. The City has not received storm drainage plans as yet.

LYLE FOX, LeRoy Surveyors, appeared and testified that he concurs with the staff report and that they have located the lots as close to the toe of the slope as possible. The geotechnical engineer and the City agreed with the setback. He understood that the lot line would extend to the toe of the slope, but a building restriction would prevent structures within 15 feet therefrom. Tract “C” will remain in permanent open space and Tract “A” will contain entrance landscaping. They will eliminate Tract “B” and create a landscaping easement. They will construct the storm drainage pond underground along the north property line between the catch basins in the road.

MR. SCHREDEL reappeared and testified that he agrees with the easement along the north side of lot 11 as opposed to a tract. Tract “C” is a critical area and requires a 25 foot setback from the toe. The first 15 feet of that distance represents a buffer subtracted from the net developable area. The code then requires a 10 foot wide setback from the buffer. Thus, we have a 25 foot setback consisting of a 15 foot buffer and a ten foot setback. Concerning storm drainage the applicant can discharge the water down Angeline Road to a pond, but must provide water quality treatment on site.

MR. FOX reappeared and questioned whether they could mow or landscape the area adjacent to the toe of the slope. He has no problem with the building footprint restrictions as described by the staff.

MR. SCHREDEL testified that the primary concern in the MDNS was grading and tree removal. They want the buffer protected perpetually as a tract or easement, and so long as grading, tree removal, or buildings do not occur within the buffer, it will meet City requirements. The homeowners association will own Tract “C” and must protect it perpetually.

No one spoke further in this matter and so the Examiner took the request under advisement and the hearing was concluded at 10:48 a.m.

**NOTE:** A complete record of this hearing is available in the City of Bonney Lake.
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. Pursuant to the State Environmental Policy Act (SEPA) and 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 June 8, 2006. The comment period ended on June 23, 2006, making the determination final. The appeal deadline ended on July 9, 2006. The City did not receive any appeals.

3. Public notice was provided pursuant to the Bonney Lake Municipal Code.

4. The applicant has a possessory ownership interest in a generally rectangular, 3.7 acre parcel of property abutting the east side of Angeline Road approximately half way between its intersection with Rhodes Lake Road and SR-410. The applicant requests preliminary plat approval to allow subdivision of the site into 12 single family residential lots and two open space tracts.

5. The parcel abuts Angeline Road for 325 feet and measures 540 feet in depth. A single internal plat road extends west from Angeline Road near the north property line and then turns south ending in a cul-de-sac near the center of the site. Improvements on the site include two single family residential homes located adjacent to Angeline Road south of the internal plat road. Lot 12, located in the southeast corner, will retain its existing access onto Angeline Road, and lot 11 will access onto the internal plat road. All newly created lots will access onto the internal plat road. The western 150 feet of the parcel consists of steep slopes which meets the definition of a critical area, and will remain undisturbed in Tract “C” and in the ownership of the homeowners association. The plat will provide a 15 foot wide "No Touch" buffer easement measured from the toe of the slope and a ten foot wide building setback from said buffer. Tract “A”, a 2,760 square foot linear parcel separates the north side of the internal plat road from the north property line. The applicant will use said tract for entry landscaping and for the underground storm drainage system. The plat map also shows Tract “B” located between lot 11 and the internal plat road. Since lot 11 must access onto the internal plat road, the applicant will eliminate Tract “B” and provide an entry landscape easement area on lot 11. The preliminary plat proposes a minimum lot size of 5,376 square feet, an average lot size of 8,662 square feet, and a minimum lot width of 55 feet. Following deduction of the internal plat public road and the critical steep slope area, the site provides a net developable area of 2.4 acres. The net density calculates to five
6. Abutting uses include the Willowbrook subdivision with similar sized lots along the south property line, the Sky Island development along the west property line, and low density residential uses to the north. Low density residential uses also exist on the east side of Angeline Road opposite the site.

7. The City of Bonney Lake Comprehensive Plan Land Use Designation Map designates the site as Single Family Residential which encourages single family neighborhoods at a density of four to five dwelling units per net acre. Policy 3-4a of the comprehensive plan encourages infill development, and this site abuts urban density subdivisions to the south and west. The project meets the definition of infill development and also complies with Policy 3-4b which encourages creation of higher density residential development to prevent excessive outward sprawl.

8. The site is located within the Residential (R1) zone classification of the Bonney Lake Municipal Code (BLMC). Section 18.14.010 BLMC provides that the R1 classification protects single family residential neighborhoods from incompatible land uses, and allows new subdivisions with densities of four to five dwelling units per net acre. Section 18.14.020 BLMC authorizes single family detached dwellings as outright permitted uses in the R1 classification.

9. Section 18.14.060 BLMC sets forth the setback and bulk regulations for the R1 classification. Said section prescribes no minimum lot size, but authorizes a density of four to five dwelling units per net acre. Said section also requires a minimum lot width of 55 feet and front yard setbacks of 20 feet for garages and ten feet for residences. Said section also provides minimum side yard setbacks of five feet and minimum rear yard setbacks of 20 feet. Maximum lot coverage may not exceed 60%. The project satisfies all bulk regulations of the R1 classification, and the rectangular lot shapes have sufficient space to accommodate a reasonably sized single family residential dwelling while meeting all required setbacks.

10. Title 17 BLMC sets forth the subdivision requirements and the preliminary plat satisfies the requirements set forth in Chapters 17.12 and 17.20 as the applicant will provide streetlights, appropriate cul-de-sac street width of 50 feet, a 103 foot wide diameter cul-de-sac bulb, 28 foot wide pavement width, and five foot wide sidewalk. The road must have a 50 foot turning right-of-way radius, 45 foot paved turning radius, and maximum length of 600 feet. The intersection of the internal plat road and Angeline Road measures 90 degrees.

11. The preliminary plat will also satisfy the environmental protection requirements set forth in Title 16 BLMC as the applicant will provide a landscape plan meeting all requirements of Chapter 16.14 BLMC prior to the issuance of site development permits. The applicant must maintain the landscaping for a period of one year following installation and thereafter the homeowners association will assume
responsibility. The preliminary plat shows adequate protection for the geologically hazardous area on the site (steep slope) by providing a 25 foot wide buffer and building setback therefrom.

12. The applicant will satisfy concurrency management as required by Title 19 BLMC by the payment of transportation, park, and school impact fees.

13. The applicant will also satisfy City development standards and thus the City will provide both domestic water and fire flow to the site as well as sanitary sewer service.

CONCLUSIONS:

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

2. The applicant has shown that the proposed preliminary plat is consistent with the comprehensive plan and meets all bulk regulations of the R1 zone classification.

3. The proposed preliminary plat makes appropriate provision for the public health, safety, and general welfare for open spaces, drainage ways, streets, roads, alleys, other public ways, transit stops, potable water supplies, sanitary waste, parks and recreation, schools and school grounds, and safe walking conditions.

4. The proposed preliminary plat will serve the public use and interest by providing an attractive location for a single family residential subdivision in a growing area of the City and therefore should be approved subject to the following conditions:

   A. The Proposal shall conform to the following City of Bonney Lake regulations and standards:

      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
      City of Bonney Lake Development Policies and Public Works Design Standards

   B. Mitigation measures as outlined in the Mitigated Determination of Nonsignificance (MDNS) dated June 8, 2006 shall be completed prior to final plat approval, as listed below:
1. 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.

2. Only clean fill shall be used for the project and any other material, such as waste concrete, asphalt or other demolished building materials, are considered solid waste and would require a permit through the Tacoma-Pierce County Health Department before use.

3. During construction, all releases of oils, hydraulic fluids, other petroleum products, paints, solvents, and other deleterious materials 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. Approval for land clearing and tree removal is required per BLMC Chapter 16.12, including adherence to all regulatory requirements of the Chapter. The Land Clearing and Tree Removal Permit will be issued in conjunction with the Building Permit for this project.

5. The applicant shall submit a maintenance bond for all required landscaping areas and replacement trees for a period of one year after installation.

6. The applicant shall design and construct all stormwater facilities in accordance with the current edition of the Pierce County Stormwater Management Manual, as adopted by the City of Bonney Lake. Best Management Practices are required during construction.

7. All storm drains within the development should be stenciled "Dump No Waste, Drains to (underdetermined at this time)."

8. Pursuant to BLMC Section 9.44.010, to mitigate noise impacts associated with the proposal, all construction shall occur between the hours of 7:00 a.m. and 7:00 p.m., unless otherwise authorized by the Department of Planning and Community Development.
9. If during construction any significant cultural or historical artifacts are uncovered the Washington State Historic Preservation Office in Olympia shall be notified at (360)753-4405.

10. To mitigate traffic impacts to off-site intersection and roadways associated with the subject proposal, the proponent shall provide the following improvements prior to issuance of a building permit:
   a. Lot 11, with an existing residence, shall be required to access Angeline Road via the internal plat road.
   b. Lot 10, with an existing residence, shall be restricted to a single dedicated access to Angeline Road.

11. To mitigate impacts to steep slopes, the proponent shall provide the following mitigation:
   a. No grading, building construction, or tree removal may occur within 25-feet of the toe-of slope. To ensure perpetual protection, and easement shall be placed over the slope and setback areas.
   b. Provide a letter from a geotechnical engineer, prior to final plat, stating that all geotechnical recommendations were followed during design and on-site construction.

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

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

14. Fire protection must be provided per the Uniform Fire Code. Fire hydrants and mains capable of providing the required fire flow shall be provided in accordance with UFC Section 903.2 and the City of Bonney Lake, Public Works Design Standards. Fire hydrant location shall be approved by the Fire Marshal.

15. The applicant shall verify with the City that minimum fire flow can be obtained with the proposed connection to the existing City water main prior to issuance of any permits.

C. The steep slopes in the rear of lots 1, 2, and 3 shall be maintained as a separate Critical Areas Tract. The 25-foot buffer associated with these critical areas may remain as a part of Lots 1, 2, and 3. An easement shall be placed over these setback areas to ensure perpetual protection.

D. The open space tracts shall be maintained by the homeowners
association.

E. Pursuant to BLMC 17.12.035 the applicant shall be responsible for the cost of installation of street lights within the subdivision. The City will not accept dedication of street lights until at least 6 housing units are occupied.

F. 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.

G. Prior to approval of the water supply for this development, a Certificate of Water Availability shall be required as per WAC246-290 and the Public Works Design Standards. The water purveyor shall sign the final plat portion of the Certification of Water Availability prior to final plat approval.

H. 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).

I. Any abandoned well (as defined by WAC173-160) shall be properly "Decommissioned" prior to final plat approval. The TPCHD shall be contacted 48 hours prior to and decommissioning activity at the site. Contact Rich Dickerson at 253-798-2885, TPCHD for further information regarding abandoned wells.

J. The applicant shall provide proof of payment of a mitigation fee consistent with the City of Bonney Lake School Impact Fee Ordinance prior to issuance of a building permit.

K. Prior to final plat approval, the applicant shall provide proof of possession of a Forest Practices Permit from the Department of Natural Resources.

L. Prior to final plat approval, the applicant shall provide proof of possession of a Construction Stormwater General Permit from the Washington State Department of Ecology.

M. The applicant shall ensure that the paved turning radius of the cul-de-sac is 45 feet.

DECISION:
The request for preliminary plat approval of Berkshire Estates is hereby granted subject to the conditions contained in the conclusions above.

ORDERED this 13th day of October, 2006.

STEPHEN K. CAUSSEAX, JR.
Hearing Examiner

TRANSMITTED this 13th day of October, 2006, to the following:

APPLICANT: Leroy Surveyors & Engineers, PLLC
1103 Shaw Road
Puyallup, WA 98372

PROPERTY OWNER: Kumar Ashok
10404 Angeline Road East
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: BERKSHIRE ESTATES

NOTICE

Pursuant to City of Bonney Lake, this decision becomes final and conclusive on November 2, 2006, 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 October 24, 2006, 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 November 2, 2006.

   (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

| Department/Staff Contact: Admin Srvcs/Edvalson | Council/Wrkshp Mtg Date: November 28, 2006 | Agenda Bill Number: AB06-380 |
| Ordinance Number: | Resolution Number: | Councilmember Sponsor: Deputy Mayor Swatman |

**BUDGET INFORMATION**

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**Explanation** – No Budget Impact.

**Agenda Subject:** A motion rescheduling the December 5th Council Workshop to 5:30 p.m. on December 6, 2006 and setting a special dinner meeting of the City Council with the Pierce County Council at Al Lago Restaurant at 6:00 p.m. on December 5, 2006.

**Administrative Recommendation:** None.

**Background Summary:** On the evening of December 5, 2006, the Pierce County Council will hold a meeting at Lake Tapps Community Church and discuss items of interest to the City of Bonney Lake. Councilmembers plan to attend the meeting to hear the discussions. The Council’s Workshop that same evening was originally postponed to 6:30 p.m., but an invitation to dine and discuss issues of common interest with the County Council has been extended.

It is proposed the Council’s workshop be postponed to Wednesday evening, December 6th at 5:30 p.m., and the Council set a special meeting for the dinner meeting with the County Council at 6:00 p.m. on December 5th at Al Lago Restaurant, 3110 Sumner Tapps Hwy E, Lake Tapps, WA 98391.

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

**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: