I. CALL TO ORDER – Mayor Neil Johnson

A. Flag Salute:

B. Roll Call: [A1.3]

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

[Staff expected to be in attendance: Administrative Services Coordinator Don Morrison, Public Works Director Daniel Grigsby, Planning & Community Development Director Bob Leedy, Interim Police Chief Buster McGhee, Judge Jim Helbling, City Attorney Jim Dionne, and City Clerk Harwood Edvalson.]

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

1. Announcements:

2. Appointments:
   Planning Commission – Katrina Minton-Davis, L. Winona Jacobsen
   Design Commission – Thomas F. Kennedy
   Park Board – Laurie Carter

3. Presentations:
   a. Administration of Oath of Office - Mayor Neil Johnson

D. Agenda Modifications:

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:


B. Citizen Comments: [A1.5] -

You may address the City Council on matters of City business for up to 5 minutes. Those commenting about ordinances or resolutions on the “Consent Agenda” should limit their comments to one minute per item. When recognized by the Mayor, please state your name and address for the official record. Designated speakers representing a group may take up to 10 minutes on matters of general City business.
C. Correspondence:

III. COUNCIL COMMITTEE REPORTS: [A3.6.4]

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

IV. CONSENT AGENDA: [A3.6]
The items listed below may be acted upon by a single motion and second of the City Council. By simple request to the Chair, any Councilmember may remove items from the Consent Agenda for separate consideration after the adoption of the remainder of the Consent Agenda items.

A. Approval of Corrected Minutes: December 3 Special Council Meeting, December 6 Council Workshop, December 13 Council Meeting.

B. Checks/Vouchers: 2005 Expenditures: Accounts payable checks/voucher #42551 thru #42646 and wire transfer #1625983 in the amount of $288,453.97. Utility refund checks/voucher #42647 thru #42648 in the amount of $3,014.99. Accounts payable checks/voucher #42649 thru #42720 in the amount of $256,934.02. Accounts payable checks/voucher #42721 thru #42739 in the amount of $88,041.79.

2006 Expenditures: Accounts payable checks/voucher #42740 thru #42743 in the amount of $69,485.82. [F4.9]

C. Payroll: Payroll for December 1-15, 2005 for checks 24441-24479, including Deposits and Electronic Transfers in the amount of $262,278.08; Payroll for December 16-31, 2005 for checks 24480-24525, including Deposits and Electronic Transfers in the amount of $403,724.77. [F4.9]

V. FINANCE COMMITTEE ISSUES: None.

A. AB06-03 – Resolution 1518 - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With Armada (Modern Payments And Orion) For Debit And Credit Cards Services. [F4.6.3]

B. AB06-04 – Resolution 1519 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Carryover Or Payment Of Leave In Excess Of The 30 Days Maximum Authorized Vacation Carryover For Accounting Assistant Mona Musgrave. [O6.9]

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES: None.
IX. **EXECUTIVE SESSION:** RCW 42.30.110(2) - “Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded.”

X. **ADJOURNMENT**

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

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

BONNEY Lake

APPLICATION FOR MEMBERSHIP

Planning

CITY BOARD OR COMMISSION

(Please Print)

NAME Katrina Minton-Davis DATE 12/3/05

ADDRESS Bonney Lake ZIP 98391

HM. PHONE

WK. PHONE

City Resident? NO YES X How Long? 4 yrs Registered Voter? YES X NO

Name Of Employer self-employed

Employer Address

Education Background Univ. of Washington, BA Business/Marketing

Professional Experience NONE

Organization Affiliations Bonney Uk Chamber of Commerce

Why Are You Seeking Appointment? New administration

General Remarks

Katrina Minton-Davis

SIGNATURE

19306 Bonney Lake Blvd • P.O. Box 7380 • Bonney Lake, WA 98390-0944
Phone (253) 862-8602 • Fax (253) 862-8538

Last Update: 2/19/2004
APPLICATION FOR MEMBERSHIP

(Please Print)

NAME: L. Winona Jacobsen                  DATE: 1-5-06

ADDRESS: Bonney Lake                         ZIP: 98391

E. HM. PHONE: —
WK. PHONE: —


Name Of Employer: Retired

Employer Address: —

Education Background: Tacoma Comm. Col., Univ. of Puget Sound, Professional Travel School.

Professional Experience: Dial Administration Mgr. for Pacific NW Bell, Manager of Travel Agency.

Organization Affiliations: Red Cross Disaster Services, PCT Assoc. of Travel Agents, Nat'l MS Society Advocate, President Grandview Home Owners Assoc.

Why Are You Seeking Appointment? To add a more rounded & diverse perspective on the Planning Com. With 3 of the current 5 members residing south of Hwy 410 and one member residing outside the city limits, greater representation is needed from north of 410, specifically the downtown core.

General Remarks: The vision for our City must acknowledge the needs of our residents. Without them, we have no base for our commerce.

Signature: L. Winona Jacobsen

19306 Bonney Lake Blvd • P.O. Box 7380 • Bonney Lake, WA 98390-0944
Phone (253) 862-8602 • Fax (253) 862-8538

Last Update: 2/19/2004
(Please Print)

NAME ___________________________ DATE __________

ADDRESS ___________________________ HM PHONE __________

__________________________ Bonney Lake, WA ZIP 98391 WK PHONE __________

City Resident? NO____ YES X____ How Long? 4 Years, 1 Month Registered Voter? YES X____ NO____

Name Of Employer ____________________________________________

Employer Address ____________________________________________

Education Background ____________________________________________

Professional Experience ____________________________

Extensive work experience as a Boeing Liaison Design Engineer, teaming with Manufacturing and Design Engineering in a fast paced high pressure environment to resolve emergent production problems. Currently a Team Leader on the 787 Dreamliner program, developing and deploying factory-wide airframe configuration management procedures.

Organization Affiliations ____________________________________________

Why Are You Seeking Appointment? ____________________________________________

My wife and I love the City of Bonney Lake. We decided years ago to that we wanted to raise our kids here. I believe that our city is at such a critical juncture with respect to growth and development, the decisions made in the next few years will either preserve the unique character of our city or seal our fate as a city of missed opportunities.

General Remarks ____________________________________________

__________________________________________

SIGNATURE

19306 Bonney Lake Blvd َ P.O Box 7380 َ Bonney Lake, WA 98390-0944

Phone (253) 862-8602 َ Fax (253) 862-8538
CITY OF

BONNEY LAKE

APPLICATION FOR MEMBERSHIP

(City Board or Commission)

(Please Print)

NAME: Laurie Carter

ADDRESS: Bonney Lake WA 98391

ZIP: 98391

HM. PHONE: 832-6633

WK. PHONE: 832-6633

City Resident? NO YES X How Long? 8 1/2 yr Registered Voter? YES X NO

Name Of Employer: Sec. Sec. Admin.

Employer Address: 2201 C St SW Auburn WA 98001

Education Background: Legal Assistant Tech Arts

Professional Experience: Claims Rep @ SSA; Legal Asst; Cust. Serv.

Organization Affiliations: Footsteps Trail Coalition, Natl Wildlife Federation; AFGCE/AFL-CIO, Block Watch leader

Why Are You Seeking Appointment? Since working on the Park Bond I have continued to work towards seeing more parks, trails & someday a community site in our city. If we all work together this can happen.

General Remarks: I regularly attend City Mtgs and keep abreast of issues in a weekly newsletter

Laurie Carter

SIGNATURE

19306 Bonney Lake Blvd • P.O. Box 7380 • Bonney Lake, WA 98390-0944
Phone (253) 862-8602 • Fax (253) 862-8538
Location: Public Safety Building—Training Room—at 18421 Old Sumner-Buckley Highway.

Call to Order: Bonney Lake Mayor Robert Young called the meeting to order at 10:03 a.m.

Elected Officials Attendance Sign-in:

City of Bonney Lake: Mayor Bob Young, Deputy Mayor Dan Swatman, Councilmember Phil DeLeo, Councilmember Mark Hamilton, Councilmember Neil Johnson and Councilmember James Rackley.

City of Orting: Mayor Dale Jones, Councilmember Doug Bishop, Councilmember Scott Drennan, Councilmember Dick Ford, Councilmember Stanley Holland, Councilmember Veronica Kuebler and Councilmember Cheryl Temple.

City of Sumner: Councilmember Mike Connor, Councilmember Dave Enslow and Councilmember Ed Hannus.

Pierce County: Councilmember Shawn Bunney

Additional Participation: Appointed staff from each of the Cities and County, as well as representatives from the Washington State Department of Transportation, private consultants, the Cascadia Development, members of the press and private citizens were in attendance.

Agenda Items

1. Welcome and Introductions.

Mayor Young welcomed participants and invited self-introductions by those in attendance. Facilitator, Bonney Lake Councilmember Mark Hamilton, also welcomed participants. He said the Traffic Summit was organized to facilitate an open discussion on the future transportation needs of East Pierce County. He said he hoped the gathered jurisdictions would better understand how they can cooperate to achieve their common interests and receive a more equitable distribution of state transportation funds. Participants were invited to make a statement regarding their purpose in attending the Summit.

2. Facilitated Open Discussions.

The group was invited to identify local priorities for funding within their respective jurisdictions. Common themes included addressing traffic congestion on SR 162, SR 167 and SR 410. Relieving
local congestion was another common theme and desired additional local and regional road connections were identified.

Larry Toedtli of The Transpo Group gave an overview of regional transportation data and projections for regional traffic patterns. Mike Mariano, Mariano & Associates, spoke about the various regional groups and models for joint action by jurisdictions. Attendees discussed whether an existing group or a new group might best represent the attendees’ common interests. Pierce County Councilmember Shawn Bunney described the Regional Transportation Investment District and its relationship to the Puget Sound Regional Council, Pierce County Regional Council, Sound Transit and the Regional Access Mobility Project.

After a brief lunch break, Orting City Administrator Mark Bethune announced an Orting Town Hall Meeting on Wednesday, December 7th at 7:00 p.m. to discuss “gridlock” on SR 162. Group discussion continued about methods for joint funding of projects and group representation. Pierce County Councilmember Shawn Bunney announced the next meeting of RAMP on December 14th at 8:00 a.m. at the Tacoma-Pierce County Chamber of Commerce Chamber Building at 9th and Pacific. He invited representation from all the cities in attendance at the Traffic Summit who would then caucus after the meeting to discuss representation issues.


Bonney Lake Councilmember Hamilton thanked those in attendance for participating in the Traffic Summit. Members of the group also expressed appreciation to Councilmember Hamilton for organizing the Summit.

5. Adjournment.

The meeting was adjourned by common consent at approximately 2:00 p.m.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Mayor

Documents submitted for or at the Special Council Meeting of December 3, 2005:

- Traffic Summit Workshop Attendees – Sign-in Sheet
- “Welcome to Our Traffic Summit”
- “Regional Travel & Transportation Needs”
- Map of Future Road Improvements
- “A Joint 2005 Legislative Agenda on Transportation” – King County
- Regional Access Mobility Project (RAMP)
- “FAST Corridor – Improving Freight Mobility”
- “South County Area Transportation Board – 2005 Work Program”
- “Bonney Lake Transportation Vision”
- City of Bonney Lake – Six Year Transportation Improvement Program (2006-2011)
- “SR 410/Sumner-Buckley Highway Intersection & Roadway Improvements”
- “Fight Gridlock on SR 162”
Call to Order:
Mayor Robert Young called the December 6th Council Workshop to order at 5:41 p.m.

Roll Call:
Also in attendance were Deputy Mayor Dan Swatman, Councilmember Phil DeLeo, Councilmember Mark Hamilton, Councilmember Dave King, Councilmember Cheryle Noble, and Councilmember Jim Rackley. Councilmember Neil Johnson arrived while the meeting was in progress.

Staff members attending were Administrative Services Coordinator (ASC) Don Morrison, Finance Director John Weidenfeller, Public Works Director Dan Grigsby, Planning and Community Development Director Bob Leedy, Interim Police Chief Buster McGehee, Judge Jim Helbling, Planning Manager Steve Ladd, Senior Human Resources Analyst Jennifer Young, City Attorney Jim Dionne and City Clerk Harwood Edvalson.

Agenda Items:


Mayor Young reopened the public hearing at 5:42 p.m. Councilmember King asked for clarification on the proposed budget for FY2006. Director Weidenfeller explained that the proposed budget for FY2006 has the same allocation to funds as the 2005 Budget as directed by the City Council. Mayor Young asked that those wishing to address the Council on the topic of the budget please come forward. There were none. Mayor Young closed the public hearing at 5:44 p.m.


Councilmember Rackley moved to set the public hearing. Councilmember DeLeo seconded the motion.

Motion approved 7 – 0.


Director Grigsby introduced Susan Graham, Division Manager with Parametrix. Ms. Graham used a series of poster boards to describe the alternatives studied for the 192nd Avenue East Corridor. She said the draft report recommends Alternative #1 which scored highest on an evaluation matrix used to rate six different criteria for each alternative. Ms. Graham responded to Council questions.
Director Grigsby explained that two different petitions were received—one from the Fennel Ridge Homeowners Association and the other from the Bonney Lake Manor Homeowners Association. He displayed a plot map of the properties represented by the petitions.

Keith Stanley, 10900 193rd Ave. E., President of the Bonney Lake Manor Homeowners Association, described the petition in support of Alternative #1. He spoke specifically in favor of connecting the cul-de-sac at the north end of 189th Ave. E. to the proposed 192nd Ave. E. Corridor. He said that homeowners in his neighborhood understood the connection to the cul-de-sac would be made when possible. He added that he believed the connection would reduce traffic safety issues at the intersection of 192nd Ave. E. and 109th St. E.

Kathleen Edman, 10705 189th Ave. E., President of the Fennel Ridge Homeowners Association, said she understood the traffic safety concern for the 109th St. E. intersection, but said the issues would be similar for the new intersection created by opening up the cul-de-sac on 189th Ave. E. She spoke in favor of only making a pedestrian pathway connection through the cul-de-sac, and said that preservation of the neighborhood is important to the homeowners in Fennel Ridge.

John McDonald, Fire Marshal, Eastside Fire and Rescue, said the Fire District favors increased access to neighborhoods. He said while the Fennel Ridge Neighborhood is overlapped for emergency response by two stations, the response time from the Headquarters Station on Old Sumner Buckley Highway would be reduced with the opening up of the cul-de-sac. He added that if the Council wanted to consider allowing a connection through an emergency access gate, then the gate should be controlled by an Opticom device.

The City Council discussed options with staff and representatives from the Fire District and homeowners associations.

At 6:38 p.m., Mayor Young declared a five minute break in the meeting. The meeting resumed at 6:48 p.m.

After the break, Director Grigsby asked if there were any more questions about the draft study. Councilmember Rackley asked if staff could investigate the possibility of selling the city-owned cul-de-sac property back to the homeowners association for their installation of an emergency access gate to the neighborhood. He also asked Ms. Edman to check their association by-laws to see if they actually had the ability to participate in such a transaction. Councilmember King suggested the sale would have to include the responsibility to the homeowners association to fully improve the access for emergency vehicles.

Director Grigsby explained that the next step in the consideration process for the 192nd Ave. Corridor is to go through the SEPA process. He said a final report would follow the SEPA process and then the Council could take action to approve the plan. Concluding comments included discussion of other alignment problems that will have to be evaluated and resolved at the Walmart end of the corridor. Ms. Graham pointed out that the projected cost for construction of the road is in line with the general cost for road construction in the area. Director Grigsby said one of his goals is to minimize the number of relocations necessitated by this project.

4. Open Discussion

New Public Works Staff. Director Grigsby introduced the new Public Works Department Staff—Andrew Fonda, Engineering Technician; Art Larson, Project Manager; and Doug Budzynski,
Utilities/Assistant City Engineer. Director Grigsby said the Engineering Division of the Department is at full strength.

Payment of DDJ Outside Regular Voucher Approval Process. Director Weidenfeller asked the Council to add an agenda item to approve the payment to DDJ for completed work on the Driftwood Point Water Main, Peaking Off Site Storage and E. Tapps Water Main Projects in the amount of $247,416.39. Director Grigsby explained that the contractor has three different projects going for the City, and for a small contractor, has tied-up a great deal of funds in the projects. He said they have asked the City to expedite its payment, and recommended supporting their request.

Councilmembers questioned the lag time in the City process to meet these requests for payment. Director Weidenfeller replied that the check should have been expedited in the last check cycle.

Councilmember King moved to amend the agenda and bring the request for payment forward for Council action. Councilmember Rackley seconded the motion.

Motion approved 6 - 1; Deputy Mayor Swatman voted no.

Councilmember King moved to authorize the payment to DDJ outside the regular voucher process in the amount of $247,416.39. Councilmember Rackley seconded the motion.

Councilmember Johnson noted that the request for payment is barely 30 days old. Director Grigsby replied that the contractor has asked for expedited payment and based on their performance, again, recommended approval of their request. Councilmember DeLeo said that although he dislikes action items on the Workshop agenda, he recognizes the special circumstances of this request and recommended approval. Councilmember Hamilton concurred.

Motion approved 7 - 0.

Ordinance 1168. Director Weidenfeller said that he had sent out to Council the previous night the additional information for Ordinance 1168. He explained the ordinance is a housekeeping ordinance to consolidate the budget amendment actions either already taken or anticipated next week by the Council. He added that the ordinance is needed to meet state audit standards for documentation. Councilmember DeLeo asked about the Cumulative Reserve Fund. Mayor Young suggested the discussion should occur a little later in the evening’s agenda.

Ordering Police Vehicles. Councilmember DeLeo asked about the police vehicle purchase discussed by the Finance Committee and mentioned at the last Council meeting. Director Grigsby explained that a meeting would soon take place between the Police Chief and manager of the Equipment Repair and Replacement Fund to review the replacement policy and vehicles to be replaced next year. Councilmember DeLeo expressed concern that the City will miss the opportunity to participate in the state bid for police vehicles. Director Grigsby said he would inquire whether the City would be penalized for pulling out of the bid later if an order were placed now and cancelled at some later date.

Code Enforcement Issues. Deputy Mayor Swatman said he had received no feedback on code enforcement issues such as the buffer at Cedarview Plaza and a couple of abandoned homes he had previously mentioned. Director Leedy said the Planning staff are working on the buffer
issue. He explained that the 206th St. property was going to have a demolition contract awarded, when the owner’s appeared and asked for time to clear up the confusion with their own attorney and hire their own contractor to do the work. Director Leedy said he would see that the Deputy Mayor received follow-up on these issues.

**Home Depot Traffic Signal.** Deputy Mayor SWATMAN asked for confirmation that the City’s position continues to be that the new Home Depot will not open until there is a signalized intersection on 214th. Both Director Leedy and Director Grigsby confirmed that is the position of the City and the County.

**Nuisance Vehicles.** Councilmember Rackley asked if there is an update on the abatement of nuisance vehicles on 198th. Interim Chief McGehee said he will have more information on Wednesday after speaking with the City Attorney’s Office.

**Temporary Increase in Salary of Administrative Services Coordinator.** Councilmember Rackley asked if the Council would support a temporary increase in January to compensate ASC Morrison for the recent loss of wages. Councilmember DeLeo advised consulting the City Attorney to determine if the action would be legal.

**Moriarty House Preservation.** Councilmember Hamilton said he has been working with the Historical Society who continues to express interest in using the Moriarty House as a museum. He asked if the Public Works Department would investigate the cost to turn the heat back on in the house. Mayor Young said staff will investigate the cost and report back to the Council.

**Restaurant MDNS.** Councilmember DeLeo asked if the restaurant which is the subject of a recent Mitigated Determination of Non-significance in the Eastown area will be constructed with a frontage road. Director Leedy said the Eastown Plan has not yet been adopted, but said the proposal fits with the anticipated scheme for the area.

**Parking Behind Cedarview Plaza.** Deputy Mayor SWATMAN said the buffer behind Cedarview Plaza has been encroached upon with the addition of a gravel parking lot. Director Leedy said he will follow-up.

**Abandoned Building on Old Sumner Buckley Highway.** Councilmember King asked for a report on how the abandoned building next to the Bonney Lake Auto Parts Store will be secured or abated. Mayor Young replied that a report will be forthcoming.

**Cell Tower – Flag Pole.** Councilmember DeLeo asked for a report on the cell tower-flag pole. Director Leedy said the tattered flag had been removed and that staff was waiting for a return call about the installation of a new flag. Councilmember DeLeo asked if it is still technically a flag pole if the owners elect not to raise a new flag. Director Leedy responded, no.

**Council Ward Re-districting.** Councilmember King asked if an agreement had been signed to conduct re-districting of the City’s Wards based on recent annexations. Deputy Mayor SWATMAN reminded Council that another annexation is in the works for another 900 people. Councilmember DeLeo said the Council had decided to wait until after the election to decide about a survey for redistricting. Director Leedy said an official census would have to be done, but may not address all the imbalances. He said he believes that redistricting must be based on the Decennial Federal Census. Councilmember King said the Council may need to consider other methods to address the changing populations in wards.
Christmas Tree Lights. Councilmember Rackley asked when the Christmas Tree frame at Ascent Park would be erected. Director Grigsby said it will be erected on Wednesday when the flags are lowered to half-staff in remembrance of Pearl Harbor Day.

Council-sponsored Community Dinner. Councilmember DeLeo asked the Council if they are still interested in hosting a community dinner on December 26th. General support was expressed from the Council. Councilmember DeLeo agreed that he will continue to make needed arrangements.

5. Review of Minutes: November 15, 2005 City Council Workshop and November 22, 2005 City Council Meeting.

Councilmember Noble asked that on Page 6 of the November 22nd meeting minutes, the guest identified at the Public Safety is Mr. Luther, not “Lucca.” She also noted that Councilmember King should be noted as the one who reported on the recent Pierce County Regional Meeting, also on Page 6. Councilmember Hamilton noted that on Page 10 for Resolution 1408, he should have been included in those voting yes, and Councilmember King included with those voting no.


Director Leedy reminded Council that the Planning Commission recommendations had been presented at the last Council meeting with a recommendation that they be adopted. He recommended that Council take action on at least the two items amending the Park and Transportation Elements of the Comprehensive Plan. He said the others were not as urgent and could be considered early next year. After brief Council discussion, there was a majority consensus to bring forward all the recommendations to the Council for action at the next Council meeting. Councilmember Johnson asked that the items be considered individually by Council at the meeting. Councilmember King praised the work of the Planning Commission and staff on these proposed amendments. Deputy Mayor Swatman and Councilmember Noble agreed with the sentiments.


Director Weidenfeller explained that this is a housekeeping document intended to incorporate all the Council-directed changes in the FY2005 Budget. Council asked questions about the Cumulative Reserve Fund and the Fund for Local Improvement Districts 11 and 12. Deputy Mayor Swatman suggested that the Finance Committee look at the proposed ordinance one more time and bring it forward as an action item on the next Council meeting agenda. Director Weidenfeller said he will research the answers to the Council’s questions and report back.


Councilmember Rackley said this ordinance appears to get the City into the next year and rolls over the projected expenditures as directed. Deputy Mayor Swatman said the Council anticipates that the new mayor will review the budget and, with his new administration, recommend appropriate changes. Councilmember King asked that Mayor Young tell the Council what the budget was when he first took office. Mayor Young responded that the total budget was about $15 million.

Mayor Young said this ordinance provides for a 3.7% increase, while keeping the level of benefits the same. Director Grigsby said he had been nominated by the exempt employees to speak on their behalf. He reviewed the points justifying the proposed increase from a letter he distributed to the Council. He said the 3.7% increase was justified based on the increase in the cost-of-living as calculated by the consumer price index. He noted that keeping pace with inflation would help the City attract and retain qualified employees. He asked that the Council take action at the next Council meeting because the Council could not make the increase retroactive to the start of the year if they chose to wait until a Council meeting in January.

The City Council discussed the proposal from the exempt employees. The continuing validity of a merit increase salary system was questioned. The Council urged the new mayor to look at the compensation system and propose appropriate changes in 2006. There was a majority consensus to have the ordinance modified to grant a 3% increase in January with the expectation that exempt compensation will be reviewed again in January 2006.

10. Discussion: AB05-263 – Resolution 1501 – Interlocal Agreement with the City of Sumner for Animal Control Services.

Interim Chief McGehee explained a language change resulting from the recent Public Safety Committee meeting. He said that a requirement for at least 20 hours per week of patrolling/enforcement was inserted into the agreement’s language. Deputy Mayor Swatman said he appreciates the work done on the agreement, but would prefer to see the City do its own animal control. Councilmember King said the additional language will provide a tool for measuring performance. He urged the City to be diligent in its monitoring of the agreement. Mayor Young said the agreement will be presented for Council action at the next Council meeting.

11. Discussion: AB05-306 – Resolution 1513 – Abatement of Property on 188th St.

Mayor Young said this is an issue on which Code Enforcement and Planning have worked on. He added that he has personally met with neighbors in the area, and the proposed action is a step forward. There was general consensus expressed that this proposal is appreciated. Deputy Mayor Swatman asked that the Council receive more timely information. Councilmember King asked for any available photographs. Mayor Young said they will be forwarded.


Mayor Young explained that this is the standard motion to allow payment of claims and payroll when the Council cancels its last two meetings of the year. He said it will be moved forward to the next meeting.

13. Executive Session: Mayor Young announced that following a five minute break, the City Council will adjourn to executive session to consider real estate sales and lease (RCW 42.30.110(c)) and guild negotiation issues (RCW 42.30.140(4)(a)). He said the duration will be 40 minutes. The executive session started at 8:40 p.m. and concluded at 9:49 p.m.

7. Adjournment

At 9:50 p.m., Deputy Mayor Swatman moved to adjourn the meeting. Councilmember Noble seconded the motion.
Motion approved 7 – 0.

Documents submitted for/at the Council Workshop of December 6, 2005:

- City of Bonney Lake – *Parametrix Draft 192nd Ave. E. Corridor Study* – Dan Grigsby, Public Works Director.
- City of Bonney Lake – *192nd Ave. E. Alignment Petitioners* – Dan Grigsby, Public Works Director.
- City of Bonney Lake – *Request authorization to pay DDJ* – John Weidenfeller, Finance Director.
- City of Bonney Lake – *Ord. 1168 – Amending The Annual Budget for Calendar Year 2005* – John Weidenfeller, Finance Director.
- City of Bonney Lake – *Interlocal Agreement with Sumner for Animal Control (Revised)* – “Buster” McGehee, Interim Police Chief.
I. CALL TO ORDER – Deputy Mayor Dan Swatman called the meeting to order at 7:07 p.m.

A. Flag Salute - Deputy Mayor Swatman led the audience in the Pledge of Allegiance.

B. Roll Call [A1.3]

City Clerk Edvalson called the roll. In addition to Deputy Mayor Swatman, elected officials attending were Councilmember Phil DeLeo, Councilmember Mark Hamilton, Councilmember Dave King, Councilmember Neil Johnson, Councilmember Cheryle Noble and Councilmember Jim Rackley. Mayor Bob Young was absent due to illness.

Staff members present were Administrative Services Coordinator Don Morrison, Finance Director John Weidenfeller, Planning and Community Development Director Bob Leedy, Public Works Director Daniel Grigsby, Interim Police Chief ‘Buster’ McGeehe, Judge James Helbling, City Attorney Jim Dionne, Planning Manager Steve Ladd, Court Administrator Kathy Seymour and City Clerk Harwood Edvalson.

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

1. Announcements: None

2. Appointments: None.

3. Presentations:


      Deputy Mayor Swatman read a proclamation from Mayor Young proclaiming 2006 as the Health Youth Awareness Year. Fred Whang, representing the American Leadership Forum, said that this non-profit organization looked at the problems associated with childhood obesity and developed a program to help the youth lead and mentor one another to a healthier lifestyle. He expressed hope that youth from Bonney Lake would have the opportunity to participate in the program in the coming year or two. He thanked the City for the proclamation of support.

   b. Oaths of Office.

      City Clerk Edvalson administered the Oath of Office to Judge James
Helbling for his next four year term on the Bonney Lake Municipal Court Bench. Judge Helbling praised Court Administrator Seymour and the other court staff for their dedicated work. Judge Helbling then administered the Oath of Office to Mayor-elect Neil Johnson and Councilmembers-elect David Bowen, David King and Daniel Swatman.

At 7:20 p.m., Deputy Mayor Swatman called for a 15 minute break for a small reception honoring Judge Helbling for his twenty-years of service with the Bonney Lake Court. The meeting resumed at 7:36 p.m.

D. Agenda Modifications

1. Deputy Mayor Swatman moved to add AB05-313 – Resolution 1516 to the agenda under Finance Committee Issues, V(A) and AB05-303 – Final Plat Approval for Woodland Meadows under Community Development Issues VI(B). Councilmember Rackley seconded the motion.

Motion approved 7 – 0.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: [A3.6.12]

1. AB05-249 - Final Public Hearing for the 2006 Budget.

Deputy Mayor Swatman opened the public hearing at 7:38 p.m. There were no speakers. Deputy Mayor Swatman closed the public hearing at 7:38 p.m.

2. AB05-296 – Surplus and Disposal of Utilities Equipment.

Deputy Mayor Swatman opened the public hearing at 7:38 p.m. There were no speakers. Deputy Mayor Swatman closed the public hearing at 7:39 p.m.

B. Citizen Comments:

Keith Stanley, 10900 193rd Ave. E., President of the Bonney Lake Manor Homeowners Association, identified several residents of his neighborhood in attendance. He urged the Council to support the connection of 189th Ave. E. to the 192nd Ave. E. corridor. He cited public safety response times and access in support of his position. He noted that 189th Ave. E. was designed as a through street once 192nd Ave. E. is developed. He said this connection would reduce the current traffic conditions at 192nd Ave. E and 109th St. E. He urged the installation of sidewalks as an additional safety consideration.

Councilmember Hamilton asked if the same congestion at 109th St. E. existed at the intersection of 192nd and 111th. Mr. Stanley responded that he did not know, but observed that there is no cross traffic at that intersection. He reiterated his and the neighbors concerns for speeding and the need for sidewalks.
Louisa Smith, 20112 Church Lake Road, spoke of the increased work load of the
court staff over the years and expressed support for the current staffing level. She
also discussed the Christmas Tree at Ascent Park. She reminded the Council that the
tree was purchased with the Council discretionary funds of former Councilmember
Diane Marshall for the benefit of the community.

Councilmember Rackley said that he has heard comments from others that the City
of Bonney Lake has one of the most professional court systems in the state.

Jamie Brennan, 11014 193rd Ave. E., spoke in support of the installation of sidewalks
or paved walking paths on 192nd Ave. E. He said he obtained a quote for an asphalt
sidewalk of about $18,000. He said there is a lot of foot traffic that is trying to
safely negotiate the street’s shoulders.

Deputy Mayor Swatman said the Council will be working with residents on a
sidewalk plan.

Dan Decker, 20401 70th St. E., expressed congratulations to Mayor-elect Johnson
and Councilmembers-elect Bowen, King and Swatman. He said he is looking
forward to the New Year. He said he is contemplating one recall of a
Councilmember who has violated the law.

Councilmember King said that at this last official Council meeting of the year, it
would be appropriate to recognize the 100 or so employees who have been involved
in an incredibly busy year for the City of Bonney Lake. He noted the hard work of
all the appointed Boards and Commissions as well. He asked that department heads
express the Council’s appreciation to their fellow employees.

C. Correspondence: None.

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. Resolution 1516 for payment or carryover of excess vacation time for Judge
   Helbling and Court Administrator Kathy Seymour;
2. Resolution 1515 for the surplus of equipment;
3. Ordinance 1168 which is a substitute ordinance for 2005 Budget Amendment;
4. AB05-310 accepting a $2700 Local Records Grant; and
5. Resolution 1517 regarding a retail lock-box service.
6.

B. Community Development Committee
Councilmember Rackley said the Committee met on December 5th. He noted that their regular meeting of December 19th is canceled. The Committee discussed the following:

1. Latecomer payments for Crystal Meadows;
2. A developer extension agreement with Vanderhoek;
3. The City Hall Roof Replacement Project;
4. An annexation and utilities extension agreement with Forest Canyon Estates;
5. Completion of the refurbishing of the Tacoma Point Wells; and
6. The final plat approval for Woodland Meadows.

C. Public Safety Committee
Councilmember DeLeo said the Public Safety Committee met on Monday, December 5th. He said the one item coming forward from the meeting to the Council agenda is the agreement with Sumner for animal control.

Other Reports:
Councilmember Rackley distributed a newsletter from the Puyallup River Watershed Council. He said he will keep the Council informed, and has been attending the Council meetings for about one year.

IV. CONSENT AGENDA: [A3.6]

Councilmember Noble moved to approve the Consent Agenda. Councilmember Rackley seconded the motion. Councilmember DeLeo asked that agenda items G and K be removed for further discussion. Deputy Mayor Swatman said the items would be added as Items G and H under the Full Council Issues section of the agenda.

City Clerk Edvalson read the titles of the ordinances remaining on the Consent Agenda.

A. Approval of Corrected Minutes: November 15 Council Workshop and November 22 Council Meeting.

B. Checks/Vouchers: Accounts payable checks/voucher #42347 thru #42487 and Wire Transfer #110405123 in the amount of $1,741,853.94. Utility Refund checks/vouchers #42488 thru # 42545 in the amount of $4,398.44. Accounts payable checks/voucher #42546 in the amount of $9912.50. [F4.9]

C. Payroll: Payroll for November 16-30, 2005 for checks #24390-24440, including Deposits and Electronic Transfers in the amount of $348,319.83. [F4.9]

D. AB05-270 – Ordinance 1172 – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Ordinance No. 1090, Relating To The Acquisition Of Real Property By Purchase Or Condemnation. [A3.13.3.3]

E. AB05-82 – Resolution 1413 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing Annexation And Utilities Agreements With Renae Carnay For Parcels 0520074028 And 0520074029 And
With Kenneth Atkinson For Parcels 0520074015, 0520074030, 0520074031, And 0520074033 For Forest Canyon Estates Development. [A3.13.12]

F. **AB05-196 – Resolution 1472** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Disposal Of Surplus Materials In Accordance With The Provisions Outlined By Ordinance 872. [F4.6.2]

G. **AB05-306 – Resolution 1513** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing And Directing The Hearing Examiner To Determine Whether A Violation Of The BLMC Has Occurred And Whether Abatement By The City Should Proceed. [O6.9]

H. **AB05-307** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington Authorizing The Finance Director To Approve Payment Of Accounts Payable And Payroll Between The Dates Of December 14 And December 31, 2005. [A3.6.10] [F4.8]


J. **AB05-309** – A Motion of the City Council Of The City Of Bonney Lake, Pierce County, Washington Accepting The Tacoma Point Control Retrofit Project As Complete. [A3.6.10] [O4.10.1]

K. **AB05-310** – A Motion Of The Bonney Lake City Council Authorizing The Mayor To Accept A Local Records Express Grant In The Amount Of $2,700. [F5.2.12] [A3.6.10]

L. **AB05-314** – A Motion Of The Bonney Lake City Council To Waive Council Policies And Procedures (BLMC 2.04.710) To Allow Action On The Same Agenda Following A Public Hearing For Agenda Bills AB05-249 And AB05-296. [A1.1.2] [A3.6.10]

Amended motion approved 7 – 0.

**V. FINANCE COMMITTEE ISSUES:**

A. **AB05-313 – Resolution 1516** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing Judge Jim Helbling And Court Administrator Kathy Seymour To Be Paid For Or To Carryover Leave In Excess Of The 30-Days Maximum Authorized Vacation Carryover.

Councilmember DeLeo moved to approve Resolution 1516. Councilmember Rackley seconded the motion.

The City Council discussed the accumulation of excess vacation for these two employees. Councilmember Rackley indicated that the Finance Committee had expressed hope that a working solution to this continuing situation would be reached during the First Quarter of 2006. After further discussion, there was consensus to pay-off the excess accumulation of vacation for Court Administrator Seymour and to carry-over Judge Helbling’s vacation for another year. The Council strongly encouraged the use of vacation by these two employees.
VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:


Councilmember Hamilton moved to approve Resolution 1512. Councilmember King Rackley seconded the motion.

Motion approved 7 – 0.

B. **AB05-303** – A Motion Of The Bonney Lake City Council Approve And Accept The Final Plat For The Woodland Meadows.

Councilmember Rackley moved to approve and accept the final plat for Woodland Meadows. Councilmember Hamilton seconded the motion.

Councilmember Rackley explained that this is a 20-unit development within the City limits.

Motion approved 7 – 0.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES:

A. **AB05-251 – Ordinance 1168** – An Ordinance Of The City Of Bonney Lake, Washington, Amending The Annual Budget For The Calendar Year 2005. [F3.8]

Councilmember Rackley moved to adopt substitute Ordinance 1168. Councilmember Noble seconded the motion.

Director Weidenfeller explained that the substitute ordinance addresses the adjusted expenditures, appropriations and encumbrances for the Drug Fund. He said the other budget amendments reflect the various changes made by Council throughout the year.

Motion approved 7 – 0.

B. **AB05-252 – Ordinance 1169** – An Ordinance Of The City Of Bonney Lake, Washington, Adopting The Annual Budget For The Calendar Year 2006. [F3.9]
Councilmember Rackley moved to adopt Ordinance 1169. Councilmember Noble seconded the motion.

Deputy Mayor Swatman challenged the new mayor to review and revise this adopted budget. Councilmember King asked for confirmation that this proposed budget has not been modified from the last workshop. Director Weidenfeller said it was not. Councilmember DeLeo asked about the General Fund and the differences in the figures between 2005 and proposed for 2006. Director Weidenfeller explained that the figures in the 2005 budget were amended by the Council at their meeting of March 8, 2005.

Motion approved 7 – 0.

C. AB05-253 – Ordinance 1170 – An Ordinance Of The City Of Bonney Lake, Washington, Establishing The Non-Union Salary Scale For 2006. [A4.3.1]

Councilmember Rackley moved to adopt Ordinance 1170. Councilmember Noble seconded the motion.

Deputy Mayor Swatman discussed the differences between the ordinance found in the Council packet and a substitute ordinance that was distributed late last week. Councilmembers Rackley and Noble agreed to the substitution of the proposed ordinance in place of the one in the packet. The ordinance title remained unchanged. Deputy Mayor Swatman challenged Mayor-elect Johnson to go back through the compensation scheme for the exempt employees and recommend changes to the Council.

Councilmember Rackley moved to amend the ordinance by adding the following, “Employee Don Morrison shall receive the dollar equivalent of six additional days of pay in January 2006 for the work he performs in January.” Deputy Mayor Swatman seconded the motion.

Motion to amend approved 6 – 1.
Councilmember Hamilton voted no.

Amended main motion approved 7 – 0.

1. Bart Tracy Change of Future Land Use Map (FLUM) designation to Multi-Family; and
2. Deletion of the 300-foot FLUM gradations; and
3. UGA Expansion for Falling Water, Creekridge Glen and nearby lands—(Withdrawn);
4. Changing FLUM designation and zoning for Clearwater from C-2/C-3 to R-2; and
5. UGA expansion for 96th St. E. right-of-way and the Peaking Storage Tank site; and
6. Economic Development Plan; and  
7. Eastown Plan; and  
8. Include 104th St. improvement as a Traffic-Impact-Fee fundable project; and  
9. Include acquisition of Moriarty Property as a Parks-Impact-Fee fundable project.

Councilmember Rackley moved the adoption of Ordinance 1177.  
Councilmember Hamilton seconded the motion.

The City Council discussed with the City Attorney the appropriate way to discuss and approve this ordinance dealing with multiple amendments to the Comprehensive Plan. There was a general consensus to discuss the ordinance as a whole and make any appropriate amendments.

Councilmember King spoke in favor of the staff recommendation to deny the Bart Tracy Application. He also suggested additional emphasis to the exclusion of Falling Waters and Creekridge Glen from the City’s Urban Growth Area. There was general consensus on the part of the Council.

Councilmember King moved to amend Section 3 to read as follows: “The City denies the proposal to expand the urban growth area to include Falling Waters, Creekridge Glen and other rural lands.” Councilmember Noble seconded the motion.

Motion to amend approved 7 – 0.  
Amended original motion approved 7 – 0.

E. AB05-263 – Resolution 1501 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Interlocal Agreement With The City Of Sumner For Animal Control Services For The Period Of One Year (January 1, 2006 – December 31, 2006). [O1.1]

The item was put on the floor for consideration by common consent of the Council. Deputy Mayor Swatman encouraged the City to be its own and perhaps a regional provider of animal control services. Councilmember King thanked Interim Chief McGehee for his successful negotiation of this transition in service from the Humane Society to the City of Sumner. He suggested there may be a better way to provide for the service in the future and encouraged the City to reach out to local veterinarians in Bonney Lake for assistance. Councilmember Johnson said that this item will be on the administration’s agenda for 2006.

Motion approved 7 – 0.

F. AB05-312 – Resolution 1515 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Disposal Of Surplus Materials In Accordance With The Provisions Outlined By Ordinance 872. [F4.6.3] (Utilities Items.)
Councilmember Noble moved to approve Resolution 1515. Councilmember Rackley seconded the motion.

**Motion approved 7 – 0.**

G. **AB05-306 – Resolution 1513** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing And Directing The Hearing Examiner To Determine Whether A Violation Of The BLMC Has Occurred And Whether Abatement By The City Should Proceed. [06.9]

Councilmember Noble moved to approve Resolution 1513. Councilmember Johnson seconded the motion.

Councilmember DeLeo explained that he didn’t feel the action was appropriate for the consent agenda. He thanked Code Enforcement and the Planning and Community Development staff for the work done on this issue.

**Motion approved 7 – 0.**

H. **AB05-310** – A Motion Of The Bonney Lake City Council Authorizing The Mayor To Accept A Local Records Express Grant In The Amount Of $2,700. [F5.2.12] [A3.6.10]

This item was put on the floor by common consent of the Council. Councilmember DeLeo said he asked that this item be moved from the Consent Agenda because the Council had not had an opportunity to consider it. Deputy Mayor Swatman reported that it had been discussed in the Finance Committee Meeting earlier in the evening. Councilmember King said he was pleased the state was granted funds to preserve records in the microfilm format. Councilmember DeLeo asked how the funds would be expended. City Clerk Edvalson said the grant will be used to microfilm commercial building permit records for preservation in the State Archives. He added that the Department of Planning and Community Development had agreed to dedicate the appropriate staff time to prepare the documents for filming.

**Motion approved 7 – 0.**

**IX. EXECUTIVE SESSION:** Pursuant to RCW 42.30.40(4)(a), Deputy Mayor Swatman announced the Council will meet in executive session for 30 minutes to discuss labor negotiations. The executive session commenced at 8:45 p.m. At 9:19 p.m., the Council extended their executive session for another 5 minutes.

**X. ADJOURNMENT**

At 9:25 p.m., Councilmember Noble moved to adjourn the meeting. Councilmember Johnson seconded the motion.

**Motion approved 7 – 0.**
Documents submitted for or at the Council Meeting of December 13, 2005:

➢ City of Bonney Lake – AB05-303 Approval of Woodland Meadows Final Plat – Harwood Edvalson, City Clerk.
➢ City of Bonney Lake – AB05-313 – Resolution 1615 – John Weidenfeller, Finance Director.
➢ City of Bonney Lake – AB05-251 – Ordinance 1168(Amended) – John Weidenfeller, Finance Director.
ACCOUNTS PAYABLE AND
UTILITY REFUND CHECKS/VOUCHERS

01/10/06

2005 Expenditures:
Accounts payable checks/voucher #42551 thru #42646 and wire transfer #1625983 in the amount of $288,453.97.

Utility refund checks/voucher #42647 thru #42648 in the amount of $3,014.99.

Accounts payable checks/voucher #42649 thru #42720 in the amount of $256,934.02.

Accounts payable checks/voucher #42721 thru #42739 in the amount of $88,041.79.

2006 Expenditures:
Accounts payable checks/voucher #42740 thru #42743 in the amount of $69,485.82.
PAYROLL CERTIFICATION
2005

Payroll for December 1-15, 2005 for checks 24441-24479, including Deposits and Electronic Transfers in the amount of $262,278.08.
PAYROLL CERTIFICATION

2005

Payroll for December 16-31, 2005 for checks 24480-24525, including Deposits and Electronic Transfers in the amount of $403,724.77.
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

<table>
<thead>
<tr>
<th>Department/Staff Contact:</th>
<th>Council Meeting Date:</th>
<th>Agenda Item Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>James Helbling, Judge</td>
<td>January 10, 2006</td>
<td>06-003</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ordinance</th>
<th>Resolution Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ordinance</td>
<td>1518</td>
</tr>
</tbody>
</table>

**BUDGET INFORMATION**

<table>
<thead>
<tr>
<th>2006 Budget Amount</th>
<th>Required Expenditure</th>
<th>Impact</th>
<th>Remaining Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>$375.00</td>
<td>$375.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Explanation:**

**Agenda Subject:** A Resolution of the City of Bonney Lake, Pierce County, authorizing agreement with Modern Payments and Orion for Debit/Credit Card Services

**Administrative Recommendation:** Authorize Mayor to sign agreement.

**Background Summary:**

The BLMC currently has an agreement for credit cards services. However this service is only available by phone or the internet and is not able to accept credit or debit card services at the counter. Staff has to decline court payments and persons attempting to pay have to either go get the funds and return to make the payment or have to send in the payment at a later time.

<table>
<thead>
<tr>
<th>Council Committee Dates:</th>
<th>Commission Dates:</th>
<th>Board/Hearing Examiner Dates:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finance Committee:</td>
<td>Planning Commission:</td>
<td>Park Board:</td>
</tr>
<tr>
<td>1/10/06</td>
<td>Civil Service Commission:</td>
<td>Hearing Examiner:</td>
</tr>
<tr>
<td>Public Safety Committee:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Development &amp; Planning Committee:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Council Workshop:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Council Action:**

<table>
<thead>
<tr>
<th>Council Call for Hearing:</th>
<th>Council Hearings Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Council Referred Back to:</th>
<th>Workshop:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Committee</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Council Tabled Until:</th>
<th>Council Meeting Dates:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Signatures:**

<table>
<thead>
<tr>
<th>Dept. Dir.</th>
<th>Mayor</th>
<th>Date City Attorney reviewed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>November 1, 2005</td>
</tr>
</tbody>
</table>
RESOLUTION NO. 1518

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING AN AGREEMENT WITH ARMADA (MODERN PAYMENTS AND ORION) FOR DEBIT AND CREDIT CARDS SERVICES.

The City Council of the City of Bonney Lake, Washington, does hereby resolve that the Mayor is authorized to execute the agreement attached hereto as Exhibit “A” and incorporated herein by this reference.

PASSED by the City Council this 10th day of January, 2006.

__________________________
Neil Johnson, Mayor

ATTEST:

__________________________
Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

__________________________
James Dionne, City Attorney
Modern Payments End-User Agreement

Client Contact Information

Business Name: Bonney Lake Municipal Court  Key Contact: Katheryn Seymour
Address: 19306 Bonney Lake Blvd, PO Box 7380  Key Contact E-Mail: SeymourK@ci.bonney-lake.wa.us
City, State, Zip: Bonney Lake, WA 98391  Federal Tax ID or SSN#: 91-0753552
Phone: 253-862-6606  Fax: 253-447-4329

Name of Office Management Software:

Processing Terms and Conditions,

The Modern Payment System is powered by The ModPay Processor. Therefore, this ACH and Credit Card Processing Agreement ("Agreement") is entered into as of the date signed ("Effective Date") by and between Modern Payment Solutions, L.L.C. ("Modern Payments") and the business entity indicated on the Client Application and information sheet ("Client").

Services
Client desires Modern Payments to provide Automated Clearing House (ACH) and Credit Card (CC) processing services as a Third Party Originator ("TPO") of transactions on behalf of the Client. These transactions ("Entries" or "Entry") will be processed pursuant to the terms of this Agreement, the Operating Rules ("Rules") of the National Automated Clearing House Association ("NACHA"), and the applicable Federal Regulations ("Regulations") governing ACH and CC transactions.

Responsibilities

1. Authorization: CLIENT WILL OBTAIN AUTHORIZATION FOR EACH ENTRY PRIOR TO DEBITING AND/OR CREDITING RECEIVER’S ACCOUNT AND SHALL MAINTAIN RECORDS OF THE AUTHORIZATION NECESSARY TO RESOLVE DISPUTES. Proper Authorizations must be in Written or Oral format. Written authorizations include any agreements between the "Client" and their customer and or any electronic signature that includes but is not limited to a digital signature or security code (Article Two – Subsection 2.1.2 of the 2004 ACH Rules). Oral Authorizations must be either (1) a tape recording of the oral authorization, or (2) provide the customer with a written notice confirming the oral authorization (Article Two – Subsection 2.1.5 of the 2004 ACH Rules). Payments initiated through the Internet will have proper notification and authorization on the Web site (Article Two – Subsection 2.10 of the 2004 ACH Rules). The Client must maintain authorizations for a period of two-years (2) after the transaction. Modern Payments reserves the request and review all authorized records.

2. Hardware and Communications Services: Client shall be solely responsible for its own computer equipment and establishing and maintaining its telecommunication lines and equipment necessary to transmit data between Client and Modern Payments.

3. Errors, Cancellations and Amendments to Entries: Client shall notify Modern Payments immediately of any Entry Client discovers it has initiated or authorized in error. Modern Payments shall use its best efforts to act on a request by Client to cancel or amend any Entry prior to transmitting it to the ACH or CC system, but shall have no liability if such cancellation is not effected. Client shall reimburse Modern Payments for any expenses, losses, or damages Modern Payments may incur in effecting or attempting to affect Client’s request for the reversal of an Entry.
4. Security and Regulatory Compliance: Client is solely and strictly responsible to establish and maintain the procedures to safeguard against unauthorized transmissions. Client shall immediately notify Modern Payments of any security breach. Client agrees to indemnify Modern Payments of any harm or liability resulting from a Client’s employee misuse or other breached safeguard.

5. Payment and Reserve Accounts: Modern Payments shall make available 100% of recovered funds to Client, less any fees and Reserve amount as indicated on Schedule A (attached hereto), no greater than six (6) business days following the effective entry date. Client shall pay Modern Payments the charges for services provided in connection with this Agreement, as set forth in Schedule A, attached hereto. Client’s Reserve shall be made available after the reserve period as indicated on Schedule A.

6. Reports and Reconciliation: Client shall be responsible for reviewing, reconciling and managing all reports provided by Modern Payments. Client agrees to regularly and promptly review all Entries and other communications sent to Client and to immediately notify Modern Payments of any discrepancy between Client’s records, Modern Payments records, or Client’s bank records. If Client fails to notify Modern Payments of any such discrepancy within (30) thirty-days of receipt of report, Client shall be precluded from asserting such discrepancy against Modern Payments.

7. Transaction Settlement: Modern Payments shall hold the funds until all preliminary returns have cleared and then the funds shall be transferred to the Client’s Designated Account indicated on Schedule C. Transactions include credit card or checking account returns, reversals, cancellations and amendments. If any Debit Entry is returned to Modern Payments (in a timely manner as described by the Rules), Modern Payments will debit Client’s Designated Account for the amount of the return item plus fees and costs incurred by Modern Payments. **MODERN PAYMENTS RESERVES THE RIGHT TO EXTEND THE HOLD PERIOD ON CLIENT’S FUNDS OR REQUIRE A RESERVE ACCOUNT SHOULD ANY QUESTIONABLE ACTIVITY OCCUR, OR IF THE CLIENT’S RETURN RATE INCREASES ENOUGH TO WARRANT A LONGER HOLD PERIOD AS REQUIRED BY LAW.** In the event there are not sufficient funds in Client’s Designated Account to cover Client’s obligations under this Agreement, Client agrees to pay Modern Payments the amount of the deficiency on demand in immediately available funds. Modern Payments may debit or credit any account maintained by Client without further notice or approval, according to the agreed upon fee schedule.

8. Indemnification: Client shall defend and indemnify Modern Payments and hold Modern Payments harmless from and against any and all liability, loss, damages, costs or expenses arising as a result of Client’s breach of this Agreement, failure to comply with current Rules, any fraudulent, wrongful or negligent act of Client or any of its employees, agents, independent contractors or customers. Modern Payments shall be responsible only as defined in the Master Agreement found in the software application as agreed to by Client.

9. Termination of Service: Client may terminate service with Modern Payments at any time. Client will notify Modern Payments thirty-days (30) in advance. After the notice, Client will discontinue creating new schedules and will delete existing schedules until all payment schedules and patients/customers in the database are deleted. Once all data has been cleared, Modern Payments will close the account.

10. Credit Card Exemptions: Client will incur SEPARATE charges from client's credit card processor for the servicing of their credit card merchant account as documented in the Merchant Agreement between client and credit card processor. Client understands that Modern Payments is not a party to that Agreement, and that the rates, fees, and charges associated with their merchant account are strictly between Client and client's credit card processor. Additionally, in the event that Client enters into a lease or financing terms, Client understands that Modern Payments is not a party to that Agreement, and that the terms and conditions of the lease or financing is strictly between Client, the lease/finance company, and the Client’s credit card processor, acting independently of Modern Payments.

11. Legal Use: Client agrees that Modern Payment services shall only be performed for lawful purposes. Any transaction or transmission that violates any Federal, State, or local laws and regulations is expressly prohibited. A substantial change in Merchant's business type, products, services, policies or practices requires advance approval in writing of Modern Payment Solutions, LLC. Modern Payments reserves the right to disapprove, disallow or revoke Modern Payment services at will.
12. Other Obligations:

a. CLIENT understands and accepts that Modern Payments and its affiliates are not responsible for the success or failure of the client's business, or the success or failure of the client's on-line site.

b. CLIENT agrees to abide by all individual software licenses, copyright, trademark and/or any applicable international, federal, state and local laws as they apply to any component, product or service, or the use thereof, of Modern Payment Solutions, LLC, products of services.

Agreement

By signing this document, Client agrees to the terms and conditions of this agreement.

<table>
<thead>
<tr>
<th>Client Authorization</th>
<th>Acceptance</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Signature of Authorized Individual

Signature of Sales Consultant

Date

Printed Name

Effective Date

Signature of Modern Payments Authorizer

Date

Title

Title
Schedule A – Processing Services and Fees

This Processing Services and Fees Schedule (Schedule A) is hereby made part of the Client Processing Agreement between the parties hereto and is subject to all the terms and conditions thereof.

1. Start-up fees
   a. One-time Setup fee
      $99.00
      Waived

2. Transaction fees
   a. Buy-rate fee schedule for EFT, CC and Debit Card transactions as follows:
      
      Number of Transactions per month
      Unlimited
      
      Amount per transaction
      $2.00
      $0.00
      $0.00
      $10.00
      $0.00
      $0.00
      $25.00
      (Defendant responsibility if occurs)

3. Credit Card/Merchant processing fees: (Please check type of account)
   - Existing Merchant Account
   - New ModPay Merchant Account
   (We will create a Merchant Account for you)

   Visa/MC Acct #:
   Processor:
   AmEx Acct #:
   Discover Acct #:

4. Transaction dollar amount limit (can be changed upon request): $10,000 (CC & ACH Limit)
   ***Please inform Modern Payments if you are going to run a transaction that is more than the limit

Schedule B – Authorized Client Representatives

The following are authorized to contact Modern Payment Solutions, LLC and edit transactions on behalf of the Client.

   Printed Name

   Printed Name
   Printed Name
   Printed Name

Schedule C – Designated Account

This Designated Account will be credited for Debit Transactions and debited for Credit Transactions. Please attach a voided check

   Bank Routing Number (9 digits):
   Account Number #
   Bank Name:

I authorize Modern Payment Solutions, LLC to credit and debit the above Designated Account(s) as agreed in the Client Transaction Processing Master Agreement.

Signature of Owner (must be an authorized signor on the account)

Printed Name of Owner
Title
Date
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

<table>
<thead>
<tr>
<th>Department/Staff Contact:</th>
<th>Council Meeting Date:</th>
<th>Agenda Item Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finance/Barbara Barth</td>
<td>January 10, 2006</td>
<td>AB06-04</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ordinance Number:</th>
<th>Resolution Number:</th>
<th>Councilmember Sponsor:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1519</td>
<td></td>
</tr>
</tbody>
</table>

**Budget Information**

<table>
<thead>
<tr>
<th>2006 Budget Amount</th>
<th>Projected Revenues</th>
<th>Impact</th>
<th>Remaining Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>Mona Musgrave</td>
<td>56.86 hours</td>
<td>- $1,298.69</td>
</tr>
</tbody>
</table>

**Agenda Subject:** A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing Accounting Assistant Mona Musgrave To Carryover Leave In Excess The Of 30 Days Maximum Authorized Vacation Carryover.

**Administrative Recommendation:** Approve

**Background Summary:**

Mona had been scheduled and approved to take off December 19th through 22nd as vacation. She was unable to take this time off because she had to complete the December utility bills before she left on vacation. Mona was unable to take the time off due to the needs of the City.

The Accounting Assistant has 56.86 hours over the 30 days (240 hour) maximum carryover. Council must approve this since accumulated vacation time cannot currently exceed 30 working days at December 31st of each year. Any vacation time voluntarily accumulated in excess of 30 days is forfeited on December 31st of each year.

Vacation carryover has been approved by Council for other employees from time to time when circumstances warrant. Given the fairly regular frequency in which this issue arises, the Administration will be reviewing the current leave carryover policy of the City and bringing to Council later this year the issues and options related to this matter.

<table>
<thead>
<tr>
<th>Council Committee Dates:</th>
<th>Commission Dates:</th>
<th>Board/Hearing Examiner Dates:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finance Committee: 1/10/06</td>
<td>Planning Commission:</td>
<td>Park Board:</td>
</tr>
<tr>
<td>Public Safety Committee:</td>
<td>Civil Service Commission:</td>
<td>Hearing Examiner:</td>
</tr>
<tr>
<td>Community Development &amp; Planning Committee:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Council Workshop:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Council Action:**

Council Call for Hearing: Council Hearings Date:  
Council Referred Back to: Workshop:  Committee  
Council Tabled Until:  Council Meeting Dates: 01/10/06

**Signatures:**

Dept. Dir.  Mayor  Date City Attorney reviewed:
RESOLUTION NO. 1519

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE CARRYOVER OR PAYOFF OF LEAVE IN EXCESS OF THE 30 DAYS MAXIMUM AUTHORIZED VACATION CARRYOVER FOR ACCOUNTING ASSISTANT MONA MUSGRAVE.

WHEREAS, Mona Musgrave was denied a request to use vacation time because of the work loads in utility billing, necessitated in part because of recent turnover in the utility billing area; and

WHEREAS, because of the denial of Musgrave's vacation time request, Musgrave stands to lose vacation time through no fault of her own; and

WHEREAS, the Council finds that Musgrave should not have to forfeit said vacation time;

Now, Therefore, The City Council Of The City Of Bonney Lake Does Hereby Resolve As Follows:

The Mayor of the City of Bonney Lake is authorized to either carryover or payoff 56.86 hours of accrued vacation in excess of the 30 day maximum allowed by Bonney Lake Municipal Code Chapter 2.32.020 for Accounting Assistant Mona Musgrave. This action shall be a one time consideration that is not precedent setting.

PASSED by the City Council this 10th day of January, 2006.

________________________
Neil Johnson, Mayor

ATTEST:

________________________
Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

________________________
James Dionne, City Attorney