Call to Order: Mayor Neil Johnson

Roll Call:
Mayor Neil Johnson, Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Phil DeLeo, Councilmember Mark Hamilton, Councilmember Dave King, Councilmember Cheryle Noble and Councilmember James Rackley.

Expected Staff Members: City Administrator Don Morrison, Director of Planning and Community Development Bob Leedy, Public Works Director Dan Grigsby, Community Services Director Gary Leaf, Interim Police Chief Buster McGehee, Chief Financial Officer Beth Anne Wroe, Judge James Helbling, City Attorney Jim Dionne and Administrative Services Director/City Clerk Harwood Edvalson.

Agenda Items

1. Discussion: AB06-344 -- Regarding Testimony From Public Hearing on Annexation Area 3. (30 Mins.)

2. Discussion: AB06-225 -- Regarding Public Hearing on Proposed Vacation of Streets. (30 Mins.)

3. Discussion: AB06-341 -- Regarding Public Hearing on Final Assessment Roll for L.I.D. No. 05-13. (20 Mins.)

4. Council Open Discussion. (20 Mins.)

5. Review of Minutes: October 3rd Council Workshop, October 10th Special Joint City Council/Planning Commission Meeting and October 10th City Council Meeting. (5 Mins.)


7. Executive Session: The City Council may meet in Executive Session. If so, the topic(s) and duration of the session will be announced in the meeting.

8. Adjournment.

[Times are estimates only and not intended to limit discussion.]
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

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<th>Council/Wrksp Mtg Date:</th>
<th>Agenda Item Number:</th>
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<td>10/17/06</td>
<td>AB 06-344</td>
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**BUDGET INFORMATION**

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**Examination:**

**Explanation:** “Annexation Area 3” discussion of testimony from public hearing 10/10/06.

**Administrative Recommendation:** Recommend proceeding with Annexation Area 3.

**Background Summary:** On 8/22/06 City Council authorized circulation of the official 60% petitions to Annexation Area 3. Petitions exceeding the requisite 60% assessed value necessary for an annexation were received; the 60% Petitions were certified (sufficient per RCW) by Pierce Co. Assessor-Treasurer on 10/3/06. Council will receive the Planning Commission recommendation on the annexation and a resolution authorizing the filing of the Notice of Intent with the Boundary Review Board at their 10/18/06 meeting. Prior to approval, staff recommends discussion of the hearing testimony from the 10/10/06 joint public hearing with the Planning Commission.

**Proposed Next Steps (subject to change):**
10/16/06 CDC: Discussion of hearing testimony and 1st reading of Res 1621 authorizing filing of Notice of Intent
10/24/06 COUNCIL MTNG: Approval of Res. 1621 authorizing staff to file Notice of Intent with BRB
10/26/06: NOI filed with BRB (45 day review period begins)
12/19/06 Council to adopt ordinance making annexation effective
1/23/07 Annexation effective date

**Attachments:**
- Staff report
- Legal description (prepared 9/1/06, approved by Pierce CO. 9/7/06)
- Map of annexation area
- Timeline for processing annexation

**Council Committee Dates:**
- Finance Committee:
- Public Safety Committee:
- Community Development & Planning Committee: 8/14/06
- Council Meeting: 8/22/06, 9/26/06 (set hearing date), 10/10/06 (hearing)

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

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

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

**Signatures:**
- Dept Dir
- Mayor
- Date City Attorney reviewed: n/a
City Council Staff Report  
Annexation Area 3 PLN 59100063  
October 3, 2006

Applicant: City of Bonney Lake  
Annexation method: Petition Method – RCW 35A.14.120  
Location: Sections 22 and 27, Township 20N, R5E W.M. 
The annexation area borders existing city limits on the south, north and west sides. The 
southern border is the south edge of parcel 5040000072; the northern border is the north 
edge of parcel 0520224011. The western border is generally the west side of Vandermark 
Rd. E. The eastern border is the Urban Growth Boundary (generally a northerly extension of 
214th Ave. E.). The area contains the preliminary plat of Bohemian Estates and a non-
contiguous segment of Vandermark Rd. E. to the south of the main annexation area. The 
segment extends in a NW direction from 214th Ave. E. toward Church Lake Dr. E. The 
eastern border is the west side of 214th Ave. E. This segment of road is currently maintained 
by the City of Bonney Lake but was erroneously omitted from prior annexation legal 
descriptions. The addition of this segment will correct the mapping error.

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

APPLICATION SUMMARY

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

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

Existing Comprehensive Plan Land Use Designation

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

Proposed Comprehensive Plan Land Use Designation

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

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

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

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

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

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

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

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

STAFF RECOMMENDATION
Receive testimony on proposed Annexation Area 3 and related zoning (R-1).
BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 20 NORTH, RANGE 5 EAST, W.M., PIERCE COUNTY, WASHINGTON; THENCE SOUTH ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 80 FEET, MORE OR LESS, TO A POINT OPPOSITE THE SOUTHEAST CORNER OF LOT 7, LAKE TAPPS CEDAR ADDITION ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 18 OF PLATS, PAGE 88, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 7 AND THE EASTERLY PRODUCTION THEREOF, A DISTANCE OF 1040 FEET, MORE OR LESS, TO THE WEST RIGHT-OF-WAY LINE OF VANDERMARK ROAD EAST; THENCE NORTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF VANDERMARK ROAD A DISTANCE OF 2300 FEET, MORE OR LESS, TO THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF VANDERMARK ROAD EAST AND THE 545 FOOT CONTOUR LINE OF THE LAKE TAPPS RESERVOIR AS SHOWN ON LOT 1, CHURCH LAKE WATERFRONT TRACTS DIVISION NO. 2 AS RECORDED IN VOLUME 22, PAGE 16, RECORDS OF PIERCE COUNTY, WASHINGTON IN THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 20 NORTH, RANGE 5 EAST; THENCE SOUTHEASTERLY, TO THE BRIDGE SHOWN ON SAID PLAT; THENCE NORTHEASTERLY ALONG SAID BRIDGE TO THE NORTHERLY RIGHT-OF-WAY LINE OF VANDERMARK ROAD EAST AT THE MOST SOUTHERLY CORNER OF LOT 1, MAPLE POINT ADDITION TO INLET ISLAND AS RECORDED IN VOLUME 24, PAGE 60, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE NORTHEASTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF VANDERMARK ROAD EAST A DISTANCE OF 160 FEET, MORE OR LESS, TO THE WESTERLY RIGHT-OF-WAY LINE OF 207TH AVENUE EAST (FORMERLY Y.M.C.A. COUNTY ROAD); THENCE NORTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF 207TH AVENUE EAST A DISTANCE OF 324 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF SECTION 22, TOWNSHIP 20 NORTH, RANGE 5 EAST, W.M.; THENCE EAST ALONG SAID SOUTH LINE A DISTANCE OF 31 FEET, MORE OR LESS, TO THE CENTERLINE OF 207TH AVENUE EAST; THENCE NORTHERLY AND NORTHWESTERLY ALONG THE CENTERLINE OF 207TH AVENUE EAST A DISTANCE OF 1460 FEET, MORE OR LESS, TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 20 NORTH, RANGE 5 EAST, W.M.; THENCE EAST ALONG SAID NORTH LINE A DISTANCE OF 1070 FEET, MORE OR LESS, TO SAID 545 FOOT CONTOUR ON THE LAKE TAPPS RESERVOIR; THENCE SOUTHEASTERLY ALONG SAID 545 FOOT CONTOUR A DISTANCE OF 240 FEET, MORE OR LESS, TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 20 NORTH, RANGE 5 EAST, W.M.; THENCE SOUTH A DISTANCE OF 1130 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID SECTION 22; THENCE SOUTH A DISTANCE OF 2840 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 20 NORTH, RANGE 5 EAST, W.M. AND POINT OF BEGINNING.

EXCEPT THAT PORTION OF 218TH AVENUE EAST LYING SOUTHERLY OF THE NORTHERLY RIGHT-OF-WAY LINE IDENTIFIED IN PIERCE COUNTY ORDINANCE NO. 91-27.
TOGETHER WITH VANDERMARK ROAD IN THE NORTHEAST QUARTER OF THE
SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 20 NORTH, RANGE 5 EAST
LYING WESTERLY OF A LINE 30 FEET WESTERLY OF AND PARALLEL WITH THE
EAST LINE OF SAID SUBDIVISION.
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**PROJECT TIMELINE**

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<td>City Council Meeting: 1st reading of AG BL 06-337.</td>
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<td>October 24</td>
<td>Council Meeting: 2nd reading of Ordinance 121 identifying the Official Land Use Designation of the Development Area.</td>
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<td>October 10</td>
<td>Joint Open Meeting: Seismic Designation meeting.</td>
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<td>September 26</td>
<td>Planning Commission Meeting: 3rd reading of Ordinance 121.</td>
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<td>September 30</td>
<td>Final hearing date (con styled) for annexation (sec 10.10.080).</td>
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<td>September 26</td>
<td>City Clerk to sign 60% petition for PDC.</td>
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<td>September 14</td>
<td>Meeting to review component (land use) with proposal remaining significant issues.</td>
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<td>September 12</td>
<td>Council Meeting: Approve for 62% minor, non-tax proposals.</td>
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<tr>
<td>August 22</td>
<td>Council Meeting: Action required. Formal motion authorizing circulation of 60% petition.</td>
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**ANNEXATION AREA: A**

Proposed Annexation Area - RW 35A/14/2120-150

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<td>December 19</td>
<td>BB8-45-day T Foley Road ends (annexation passed not invoked).</td>
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<td>December 3</td>
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**Explanation:**

**Agenda Subject:** Public Hearing for street vacation of a portion of 80th St. E. and 82nd St. E.

**Administrative Recommendation:** Hold a Public Hearing. Following the Public Hearing and subsequent Council discussion, staff will recommend that Council approve the vacation of the proposed portions of 80th Street East and 82nd Street East but maintain a 15 foot utility easement across 80th Street East, subject to the conditions in the attached staff report.

**Background Summary:** Applicant requests a vacation of approximately 145 feet of 82nd St. East and 145 feet of 80th St. East, each abutting 184th Avenue East to the west. The applicant would like to develop them as single-family lots as part of Orchard Grove II, a preliminary plat. These street sections are not on the ground – simply recorded. They will serve no purpose as connecters to other development, and except for need for an easement across 15 feet of 80th, are surplus to the needs of the City.

**Discussion:** Testimony from Public Hearing and issue of Street Vacation.

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

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

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

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

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

Date: October 3, 2006

To: Bonney Lake City Council

From: Heather Stinson, Associate Planner

Application: Street Vacation. Request to vacate a portion of 80th Street East and a portion of 82nd Street East.

Applicant: Milestone Homes, Ron Newman

Location: 184th Ave. E / 82nd St. E. and 184th Ave. E. / 80th St. E.

APPLICATION SUMMARY

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

FINDINGS

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

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

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

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

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

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

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

ANALYSIS

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

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

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

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

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

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

2. The applicant will pay for the City appraisal.

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

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

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

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

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

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

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

October 10, 2006

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

DATED this 12th day of September, 2006.

__________________________
Neil Johnson, Jr., Mayor

ATTEST:

__________________________
Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

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

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

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

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

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

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

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

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

(Legal description to be provided by applicant)

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

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

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

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

__________________________
Neil Johnson Jr., Mayor

ATTEST:

__________________________
Harwood Edvalson, City Clerk

APPROVED AS TO FORM:

__________________________
James Dionne, City Attorney

PUBLICATION DATE:____________

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

Department/Staff Contact: OFS/Beth Anne Wroe

Council/Wkshp Meeting Date: October 17, 2006

Agenda Item Number AB06-341

Ordinance Number: D06-341

Resolution Number: 

Councilmember Sponsor: 

BUDGET INFORMATION
Council Authorization: $0
Expenditure: $0
Impact: $0
Remaining Balance: $0

Explanation:
N/A

Agenda Subject:
Approving and confirming the assessments and assessment roll of Local Improvement District No. 05-13 for the construction of street improvements along a portion of 95th Street East, and levying and assessing a part of the cost and expense thereof against the several lots, tracts, parcels of land and other property as shown on the assessment roll.

Administrative Recommendation:
Recommend adopting ordinance after public hearing.

Background Summary: Finalization of LID #05-13 – 95th Street Improvement Project

Final costs for LID#05-13 are $50,271.59. I recommend the city provide financing for this LID project. The cost to obtain external financing from a bank or through a bond sale would be expensive for a loan this size.

Repayment period is 10 years, with annual installments, and interest rate set at 5.25%

DISCUSSION: WRITTEN OBJECTION AND PUBLIC HEARING.

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

Commission Dates:
Planning Commission: 
Civil Service Commission:

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

Council Action:
Council Call for Hearing: 
Council Referred Back to: Workshop: Committee 
Council Tabled Until: Council Meeting Dates: October 10, 2006

Signatures:
Dept. Dir. 
Mayor 
Date City Attorney reviewed
CITY OF BONNEY LAKE, WASHINGTON

ORDINANCE NO. D06-341


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

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

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

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

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

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

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

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

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

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

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

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

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

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

Introduced on the 10th day of October, 2006.

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

APPROVED:

__________________________
Neil Johnson, Jr., Mayor

ATTEST/AUTHENTICATED:

__________________________
Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

By__________________________
BOND COUNSEL

PUBLISHED:__________________, 2006.
<table>
<thead>
<tr>
<th>Parcel No.</th>
<th>Owner's Name</th>
<th>Site Address</th>
<th>Legal Description</th>
<th>T</th>
<th>Section</th>
<th>Township</th>
<th>Range</th>
<th>Legal Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>05-09-00</td>
<td>O'Brien, Mary B.</td>
<td>94545 Anghilll Road E.</td>
<td>Quarter 4, Kettle Creek, Kettle Creek</td>
<td>$6</td>
<td>666.25</td>
<td>33</td>
<td>2</td>
<td>Federal Way, WA 98033-2528</td>
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<tr>
<td>05-09-01</td>
<td>Smith, John A.</td>
<td>94545 Anghilll Road E.</td>
<td>Quarter 4, Kettle Creek, Kettle Creek</td>
<td>$6</td>
<td>666.25</td>
<td>33</td>
<td>2</td>
<td>Federal Way, WA 98033-2528</td>
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<tr>
<td>05-09-02</td>
<td>Johnson, Jane D.</td>
<td>94545 Anghilll Road E.</td>
<td>Quarter 4, Kettle Creek, Kettle Creek</td>
<td>$6</td>
<td>666.25</td>
<td>33</td>
<td>2</td>
<td>Federal Way, WA 98033-2528</td>
</tr>
</tbody>
</table>

**Notes:**
- The document appears to be a real estate assessment roll, listing parcels with owners' names, addresses, and legal descriptions. The parcels are located in Section 33, Township 2, Range 05, and are referenced to Federal Way, WA 98033-2528. The legal descriptions include quarter 4 of Kettle Creek, Kettle Creek.
- The document is formatted with columns for Parcel No., Owner's Name, Site Address, Legal Description, T, Section, Township, Range, and Legal Reference.
City of Bonney Lake  
19306 Bonney Lake Blvd  
Bonney Lake, WA 98391-0944  

RE: 95th Street East LID

This letter is written to protest my said portion of the assessments for the 95th Street E LID.

I have not agreed with the paving of this road from the beginning. I realize that there was a special study done that determined the paving of the road would increase my property value, but I simply don’t agree with costly one sided public studies. The only thing the paving has done is to increase the traffic volume and the speed of the vehicles on the road. I believe I mentioned at a previous meeting that the speed of the vehicles was a problem even before paving, and has only gotten worse.

It is my opinion that the road was never truly finished. Enclosed you will find pictures of the road. Please note the difference in the pavement from the top of the hill to the bottom. Along the road at the bottom is the “small shoulder to protect the pavement edge” that was called for in the specifications for the road. All of the homes along the road have nice asphalt aprons connecting their driveways to the new paved road—there is even one apron that goes nowhere. Some of the homes have extensive asphalt work, at who’s expense? My driveway was left in substandard condition and never attached to the new paved road, nor will you find the “small shoulder to protect the pavement edge” anywhere along the top portion of the road. There is a considerable difference in the road work between the top of the hill and the bottom. I am appalled that I should be asked to pay for something that was left unfinished. The gravel that was left between the road and my driveway is a constant maintenance issue to keep looking neat and clean.

It is also my contention that the road was not properly paved. There is no drainage, and I want no involvement in any future liability when it is determined that this is the case. I also strongly object to any type of lien being placed on my property and being left open for additional liens at the city’s discretion.

Please also find enclosed a copy of the original Covenant signed by one of the homeowners on 95th Street E. This states that they can not oppose any future LID. I signed no covenants when I purchased my property in August of 2001. The duplex was originally planned to face Angeline Road, but the builder was asked by the city to turn it to face 95th Street E. At this time, he was assured that this property would never be involved in any future LID for 95th Street E as it had an address off of Angeline Rd E. We were also assured the same by city officials when we purchased the property.

In closing, it is quite clear that the top portion of the road is just a pass through for the people who use it and benefit the most from it—the homes at the bottom of the hill; therefore, the expense should fall on their shoulders.

Sincerely,

[Signature]

David D. Halvarson
INDEX OF PICTURES

1. MY DRIVEWAY LOOKING DOWN 95TH ST E

2. MY DRIVEWAY—NOTE NO PROTECTIVE EDGE ON SIDE OF ROAD TO PROTECT ASPHALT

3. MY DRIVEWAY—NOTE NO PROTECTIVE EDGE ON SIDE OF ROAD TO PROTECT ASPHALT

4. LOOKING DOWN HILL OF 95TH ST E

5. NOTE FINISHED PROTECTIVE EDGE ON SIDE OF ROAD

6. ASPHALT APRON—NOTE PROTECTIVE EDGE ON SIDE OF ROAD

7. ASPHALT APRON—NOTE PROTECTIVE EDGE ON SIDE OF ROAD

8. ASPHALT APRON—NOTE PROTECTIVE EDGE ON SIDE OF ROAD

9. ASPHALT APRON—NOTE PROTECTIVE EDGE ON SIDE OF ROAD

10. ASPHALT APRON—NOTE PROTECTIVE EDGE ON SIDE OF ROAD
ORIGINAL

COVENANT
COVENANT

Grantor: Glen Souza

Grantee: City of Bonney Lake

Abbreviated Legal Description: Lot 6, Kelley Creek Addition
Full legal description appears on page 2 herein.

Assessor's Property Tax Parcel or Account Number: 05 20 33 3 006 0

Reference Numbers of Documents Assigned or Released: n/a
COVENANT

The GRANTOR, Glen Souza, is the owner of the property legally described as Lot 6, Kelley Creek Addition, Bonney Lake, Washington, 98390.

For and in consideration of ten and no/100 dollars ($10.00) in hand paid, the benefits derived and to be derived by the Grantee herein, and other good and valuable consideration, receipt whereof is hereby acknowledged, and as a condition to the City of Bonney Lake's approval of Grantor's development application seeking permission to develop the Property and/or to make improvements to the unimproved City right of way described in Exhibit A attached hereto (hereinafter referred to as "the Right of Way"), Grantor hereby covenants as follows:

1. Grantor agrees to construct the Right of Way improvements in a manner that is sufficient to provide emergency vehicle access to the Property.

2. Grantor agrees to maintain the Right of Way in such a manner as to provide continual emergency vehicle access to the property.

3. Grantor agrees to defend, indemnify and hold the City of Bonney Lake harmless against any and all claims for damages arising out of any use of the Right of Way improvements constructed and maintained (or required to be maintained) by Grantor under this Covenant, including all such use by Grantor, Grantor's guests, or any other third persons, whether or not such persons or their use of the right of way is actually known to Grantor.

4. Grantor agrees that he/she will not oppose any future LID or similar proposal which would include paving the Right of Way.

Grantor agrees and understands that this Covenant will be recorded with the County Auditor and will be binding upon the heirs, successors and assigns of Grantor, and Grantor and Grantee intend that this Covenant run with the Property.

This Covenant shall remain in full force and effect until such time as the Right of Way is paved, at which time this Covenant shall be deemed terminated and extinguished.

DATED this 1/ day of December, 1999.
GRANTOR

Signature

[Signature]

Print Name

GRANTEE

CITY OF BONNEY LAKE

By: 

[Signature]

Robert Young, Mayor

State of Washington ss.

County of Pierce

I certify that I know or have satisfactory evidence that Glen M. Souza is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this 4th day of November, 1999.

[Signature]

Notary Public in and for the state of Washington, residing at [Residence].

My appointment expires 4-29-2000

State of Washington ss.

County of Pierce

I certify that I know or have satisfactory evidence that Robert Young is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Mayor of the City of Bonney Lake to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this 9th day of March, 1999.

[Signature]

Notary Public in and for the state of Washington, residing at [Residence].

My appointment expires 1-16-2008

Page 3 of 4
EXHIBIT A

DESCRIPTION OF THE RIGHT OF WAY

35th Street East, West of Angeline Road in Kelley Creek Addition
Call to Order:
Deputy Mayor Dan Swatman called the October 3rd Council Workshop to order at 5:34 p.m.

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

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

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

Motion approved 4 – 0.

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


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

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

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

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


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

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

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

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

Councilmember Hamilton brought up the idea of going out for a public bond for some of the projects in the six year plan. He said the citizens should be more involved in the process so they are aware of the method used to solve traffic problems and the financial set backs which are
encountered along the way. He suggested that if the City cannot afford certain projects the citizens may be willing to fund them if they can see the City has put the work into designing and engineering them. Director Grigsby said this can be done with individual projects, but is not likely to work with larger plans. He noted that the 192nd design has been accomplished so far without the use of any city money. He said the funds have come from Cascadia mitigation fees and a ¼% interest Public Works Trust Fund loan for one million dollars. Community Services Director Leaf said the City is unlikely to get a construction loan for 192nd, but they are eligible for another million dollars for pre-construction work.

4. Open Discussion:

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

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

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

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

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

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

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

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

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


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

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

7. Executive Session: none.

8. Adjournment

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

Motion approved 4 – 0.

Harwood T. Edvalson, CMC
City Clerk

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

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

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

A. Roll Call: [A1 3]

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

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

Agenda Items:


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

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

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

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

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

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

B. Adjournment

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

Motion approved 13 – 0.

Harwood T. Edvalson, CMC
City Clerk

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

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

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

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

   1. Announcements: None.
   2. Appointments: None.
   3. Presentations: None.

D. Agenda Modifications: None.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE

A. Public Hearings: [A3.6.12]

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

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

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

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

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

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

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

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

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

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

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

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

7:17:30

B. Citizen Comments:

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

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

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

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

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

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

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

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

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

Motion approved 7 – 0.

The meeting reconvened at 7:43 p.m.

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

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

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

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

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

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

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

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

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

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

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

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

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

Motion approved 7 – 0.

The meeting reconvened at 8:44 p.m.

C. Correspondence:

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

b. Kathy Greenwood – Letter objecting to Photo Speed Enforcement

III. COUNCIL COMMITTEE REPORTS:

[4:3.6.4]

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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

**Motion approved 7 – 0.**

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

VI. **COMMUNITY DEVELOPMENT COMMITTEE ISSUES:**


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

**Motion approved 7 – 0.**


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

**Motion approved 7 – 0.**

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

VIII. **FULL COUNCIL ISSUES:**

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

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

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

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

Motion approved 7 – 0.

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

X. ADJOURNMENT

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

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Mayor Neil Johnson, Jr.

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

➢ Bonney Lake Resident – U-Turn Options with Photographs – Ken Freed
➢ Bonney Lake Resident – Email Re: City Council Meeting Tuesday 7pm 10-10-06 – Ken Freed
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

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

Ordinance D06-346
Resolution Number: Councilmember Sponsor:

BUDGET INFORMATION

2006 Budget Amount Required Expenditure Impact Remaining Balance
Not Applicable

Explanation:

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

Administrative Recommendation: Discuss and give direction regarding further consideration of this proposed ordinance from the Public Safety Committee.

Background Summary:

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

Council Committee Dates: Commission Dates: Board/Hearing Examiner Dates:
Finance Committee: Planning Commission: Park Board:
9/12/06 Public Safety Committee: Civil Service Commission: Hearing Examiner:
Community Development & Planning Council Workshop:
Committee:

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
August 24, 2006
ORDINANCE NO. D06-346

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

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

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

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

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

CHAPTER 10.32

VEHICLE IMPOUNDMENT AND TOW TRUCK OPERATORS

10.32.010 Definitions

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

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

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

   (a) Is three years old or older;

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

   (c) Is apparently inoperable;

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

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

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

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

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

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

10.32.040  10.32.020  Adoption by reference—Authority to impound vehicles.

The City of Bonney Lake may utilize tow truck services to tow and impound abandoned, junk, unauthorized, or inoperable vehicles. As authority for and procedure governing impounds, the following statutes are adopted by reference as set forth in full herein: RCW 46.55.040, 46.55.020, 46.55.035, 46.55.070 through 46.55.113, and 46.55.120 through 46.55.130. (Ord. 785 § 1, 1998). This Chapter is intended to work in conjunction with BLMC §§ 8.12.010 through .070.

10.32.020  10.32.030  Written form of authorization for impound.

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

10.32.030  10.32.040  Release of impounded vehicle.

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

10.32.050 Requirements for tow truck operators.

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

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

2. Be able to tow semi-trucks;

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

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

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

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

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

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

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

10.32.060 Staffing and response time.

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

10.32.070 Selection of tow truck operators.

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

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

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

10.32.090 Private requests for towing services.

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

Section 2. Severability

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

Section 3. Effective date

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

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Neil Johnson, Jr., Mayor

ATTEST:

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Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

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James J. Dionne, City Attorney

Passed:
Valid:
Published:
Effective Date: