SIGN-UP TO SPEAK FOR SPECIFIC ACTION ITEMS ON THE AGENDA: If you have signed-up prior to the Council meeting to speak with respect to a particular ordinance or resolution action item appearing on the agenda, you will be recognized to address the Council for up to one minute before the Council takes action on that item. Those wishing to address items on the “Consent Agenda” should do so during the “Citizen Comments” portion of the Agenda. If the Council chooses to discuss the item further after taking comments, they may restrict additional public comment before taking action. Please look for the sign-up sheets near the Council Chamber doorway. (See Item II B. for Citizen Comments on other items of City business.)

I. CALL TO ORDER – Mayor Neil Johnson, Jr.
   A. Flag Salute – Mayor Neil Johnson, Jr.
   B. Roll Call:
      Elected Officials: Mayor Neil Johnson, Jr., Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Dave King and Councilmember Jim Rackley.

      [Management Staff expected to be in attendance: City Administrator Don Morrison, Public Works Director Dan Grigsby, Police Chief Mike Mitchell, Planning and Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Administrative Services Director Harwood Edvalson, Community Services Director Gary Leaf, and City Attorney Jim Dionne.]

   C. Announcements, Appointments and Presentations:
      1. Announcements:
      2. Appointments:
         a. AB09-19 – Motion of the Bonney Lake City Council to confirm the Mayor’s appointment of Karen A. Witters as a Park Board Commissioner.
      3. Presentations: [A 1.2]

   D. Agenda Modifications:

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:
   A. Public Hearings: None.
   B. Citizen Comments:
      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 representatives speaking on behalf of a group may take up to 10 minutes on matters of general City business.

   C. Correspondence: [A 1.2]
III. COUNCIL COMMITTEE REPORTS:
   A. Finance Committee
   B. Community Development Committee
   C. Public Safety Committee
   D. Other Reports

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


   B. Accounts Payable Checks/Vouchers: Accounts Payable checks/vouchers #53776 thru #53883 (including wire transfer #’s 11122008 & 91000022) in the amount of $784,058.14; Accounts Payable checks/vouchers #53884 thru #53901 in the amount of $2,019.99; Accounts Payable checks/vouchers #53902 thru 53972 in the amount of $393,132.79; Accounts Payable checks/vouchers #53973 thru 54069 (including wire transfer #4215791) in the amount of $192,098.90; Accounts Payable checks/vouchers #54070 thru 54073 in the amount of $1,070.68; Accounts Payable checks/vouchers #54074 thru 54074 in the amount of $2,228.92.

   C. Payroll Certification: Payroll for December 1-15th, 2008 for checks 27807-27812, including Deposits and Electronic Transfers for $ 106,574.69 (Police Department); and Payroll for December 1-15th, 2008 for checks 27813-27842, including Deposits and Electronic Transfers for $ 252,156.13 (AFSCME and Non-represented). Payroll for December 16-31st, 2008 for checks 27843-27852, including Deposits and Electronic Transfers for $ 174,689.04 (Police Department) Payroll for December 16-31st, 2008 for checks 27853-27889, including Deposits and Electronic Transfers for $ 387,593.32 (AFSCME and Non-represented)


   E. AB09-01 – Resolution 1907 – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Grant Agreement With Pierce County To Place Historical Markers In Bonney Lake.


I. **AB09-18 – Resolution 1906** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing A Contract With Northwest Fleet Lease, Corp.

J. **AB09-02** – A Motion of the City Council of the City of Bonney Lake To Accept As Complete The Bonney Lake Blvd/183rd/Locust Roadway, Sidewalk & Watermain Improvements Contract with Les Russell Construction.

V. **FINANCE COMMITTEE ISSUES:** (See Consent Agenda.)

VI. **COMMUNITY DEVELOPMENT COMMITTEE ISSUES:** (See Consent Agenda.)

VII. **PUBLIC SAFETY COMMITTEE ISSUES:** (See Consent Agenda.)

VIII. **FULL COUNCIL ISSUES:**

A. **AB09-06 – Resolution 1910** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Opposing Proposition 1, Charter Code City.

IX. **EXECUTIVE SESSION:** Pursuant to RCW 42.30.110, the City Council may hold an executive session. The topic(s) and the session duration will be announced prior to the executive session.

X. **ADJOURNMENT**

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

THE COUNCIL MAY ADD AND TAKE ACTION ON OTHER ITEMS NOT LISTED ON THIS AGENDA
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

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**Explanation:**
$2.00 per day per inmate increase, for a total of $57.00 per day beginning January 2009.

**Agenda Subject:**
2009 Buckley Jail Service Contract Addendum

**Administrative Recommendation:**
Recommend Council authorize the Mayor and City Attorney to sign the agreement.

**Background Summary:**
An increase of $2.00 from $55.00 to $57.00 per inmate, per day for lodging. The City of Buckley has not increased their jail cost for several years while the cost for running the facility has increased substantially. The jail now offers prisoner transports, holds female prisoners, and added live scan fingerprint system. The $2.00 increase is minimal compared to the cost increases at other facilities and the increased services we have received from the Buckley facility.

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<th>Commission Dates:</th>
<th>Board/Hearing Examiner Dates:</th>
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<tr>
<td>Finance Committee: January 13, 2009</td>
<td>Planning Commission:</td>
<td>Park Board:</td>
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<tr>
<td>Public Safety Committee: January 5, 2009</td>
<td>Civil Service Commission:</td>
<td>Hearing Examiner:</td>
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<td>Community Development &amp; Planning Committee:</td>
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<td>Council Workshop:</td>
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**Council Action:**
Council Call for Hearing: Council Hearings Date:

Council Referred Back to: Workshop: Committee
Council Tabled Until: Council Meeting Dates: January 13, 2009

**Signatures:**
Dept. Dir. Mike L. Mitchell
Mayor/City Administrator
Date City Attorney reviewed
DATE: January 05, 2009

ORIGINATOR: Mike L. Mitchell
TITLE: Chief of Police

SUBJECT/DISCUSSION: 2009 Buckley Jail Service Contract Addendum

ORDINANCE/RESOLUTION # 1901

REQUEST OR RECOMMENDATION BY ORIGINATOR: Recommend Council authorize the Mayor and City Attorney to sign the agreement.

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

BUDGET INFORMATION

BUDGETED ITEM: N/A
TOTAL COST: N/A
(Note: If budgeted item, attach copy of budget page and identify)

2009 Budget Amount   Required Expenditure   Impact   Remaining Balance
55.00

Explanation:
An increase of $2.00 from $55.00 to $57.00 per inmate, per day for lodging. The City of Buckley has not increased their jail cost for several years while the cost for running the facility has increased substantially. The jail now offers prisoner transports, holds female prisoners, and added live scan fingerprint system. The $2.00 increase is minimal compared to the cost increases at other facilities and the increased services we have received from the Buckley facility.

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

DATE   APPROVED   DISAPPROVED
David King, Chairperson 1-5-09
Mark Hamilton 1-05-09
Laurie Carter 1-5-09

COMMITTEE COMMENTS:

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

Please schedule for Council Meeting date of: January 5, 2009
RESOLUTION NO. 1901

A RESOLUTION OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN THE 2009 BUCKLEY JAIL SERVICE CONTRACT ADDENDUM

WHEREAS, this addendum to a Jail Service Agreement currently in place, between the City of Buckley, a municipal corporation ("Buckley") and the City of Bonney Lake, a municipal corporation ("Bonney Lake").

WHEREAS, pursuant to Chapter 39.34 and 7048 RCW, Bonney Lake and BUCKLEY may enter into an agreement through their respective legislative bodies whereby BUCKLEY shall furnish jail facilities for Bonney Lake prisoners upon such terms as may be mutually agreed upon.

WHEREAS, The daily rate for lodging in the Buckley City Jail will increase from $55.00 per inmate, per day to $57.00 per inmate, per day.

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

The Mayor is authorized to sign the Addendum from the City of Buckley authorizing the cost increase of $2.00 per inmate, per day from $55.00 to $57.00 per inmate, per day.

PASSED BY THE CITY COUNCIL this ______ day of December, 2009.

__________________________
Neil Johnson, Jr., Mayor

ATTEST:

__________________________
Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

__________________________
James J. Dionne, City Attorney
JAIL SERVICE CONTRACT

THIS AGREEMENT, made and entered into this 1st day of January, 2009, by and between the CITY OF BONNEY LAKE, hereinafter called BONNEY LAKE, and the CITY OF BUCKLEY, hereinafter called "BUCKLEY".

WITNESSETH:

WHEREAS, pursuant to Chapters 39.34 and 70.48 RCW, BONNEY LAKE and BUCKLEY may enter into an agreement through their respective legislative bodies whereby BUCKLEY shall furnish jail facilities for BONNEY LAKE prisoners upon such terms as may be mutually agreed upon; and

WHEREAS, it is considered necessary and desirable in the public interest that BUCKLEY and BONNEY LAKE exercise the rights and privileges afforded by said statute:

NOW, THEREFORE, it is mutually agreed by and between BONNEY LAKE and BUCKLEY as follows:

1. AVAILABILITY OF JAIL FACILITIES

BUCKLEY agrees to furnish its facilities and personnel for the confinement of BONNEY LAKE prisoners in the same manner and to the same extent as BUCKLEY furnishes said services for confinement of its own prisoners. BUCKLEY jail facilities shall be made available and furnished for holding of BONNEY LAKE prisoners held upon arrest, awaiting trial and service of imposed jail terms. It is understood and agreed that BUCKLEY shall have no obligation to confine additional BONNEY LAKE prisoners when the BUCKLEY facility is at its maximum capacity and in such events, BONNEY LAKE will make diligent efforts to confine its prisoners elsewhere.

2. GUARANTEED BED SPACE

BONNEY LAKE agrees to pay BUCKLEY a daily rate for each day or portion of a day for each BONNEY LAKE Prisoner as set forth in this AGREEMENT.

   a. The term BONNEY LAKE prisoner as used in this Agreement shall mean persons confined in jail pursuant to a violation of a BONNEY LAKE ordinance or regulation chargeable as a misdemeanor or a gross misdemeanor.

   b. The daily rate for lodging, in the Buckley City Jail, shall be $57.00 per day plus medical expenses.
3. METHOD AND TIME OF PAYMENTS

The amounts under the terms of this Agreement shall be due and payable within thirty days from and after receipt of an itemized invoice by each party to the other, listing thereon the services rendered and itemized billing therefore. BUCKLEY agrees to bill monthly for all sums described hereunder.

4. COPY OF ARREST WARRANT OR CITATION

BONNEY LAKE law enforcement officers placing BONNEY LAKE misdemeanor-charged prisoners in the BUCKLEY jail shall, in every instance, first furnish an arrest warrant or citation to the BUCKLEY jail.

5. BONNEY LAKE LAW ENFORCEMENT OFFICER PRESENCE

BONNEY LAKE law enforcement officer placing arrested prisoners in custody in the BUCKLEY jail shall be required to remain in the immediate presence of the arrested person and shall be considered to have such person in their sole custody until the BUCKLEY booking officer audibly states that the BONNEY LAKE law enforcement officer may leave, and as such time and only then, will BUCKLEY come into custody of said prisoner.

6. RECORDKEEPING

BONNEY LAKE agrees to maintain its own system of arrests and disposition fingerprint cards.

7. JAIL RULES AND REGULATIONS

BONNEY LAKE agrees that when any BONNEY LAKE prisoner is being delivered to the BUCKLEY jail, persons delivering said prisoners shall comply with such reasonable rules and regulations as shall from time to time be established. BONNEY LAKE prisoners in custody at the BUCKLEY jail will be subject to all applicable rules, regulations and standards governing operation of the BUCKLEY jail, including any emergency security rules imposed by the Chief of Police.

8. BONNEY LAKE ACCESS TO PRISONERS

All BONNEY LAKE Police Officers and investigators shall have the right to interview the prisoners inside the confines of the Buckley jail subject
only to necessary security rules. Interview rooms will be made available to BONNEY LAKE Police Officers in equal priority with those of any other department, including the Buckley Police Department.

9. RELEASE OF BONNEY LAKE PRISONERS FROM BUCKLEY JAIL

No BONNEY LAKE prisoners confined in the BUCKLEY jail shall be removed except:

a. When requested by the BONNEY LAKE police department.

b. By order of the BONNEY LAKE court in those matters in which it has jurisdiction, or upon order of the Pierce County District Court, or the Pierce County Superior Court in those matters in which said courts have jurisdiction.

c. For appearance in the court in which a BONNEY LAKE prisoner is charged.

d. In compliance with a writ of habeas corpus.

e. For interviews by the BONNEY LAKE attorney or member of the BONNEY LAKE police department.

f. If the prisoner has served his sentence of the charge pending against said prisoner has been dismissed or bail or other recognizance has been posted as required by the courts.

10. HEALTH CARE

BONNEY LAKE shall be responsible for all medical, dental or mental health costs incurred by or on behalf of a BONNEY LAKE prisoner including prescriptions, appliances, supplies or other treatments ordered by the practitioner, with the exception of the services currently provided within the Jail. BUCKLEY may refuse to accept a BONNEY LAKE prisoner in obvious need of medical, dental or mental health attention. Additionally, in the event a BONNEY LAKE prisoner's medical, dental or mental condition in the judgment of the BUCKLEY Jail necessitates the attention of a medical, dental or mental health professional, BONNEY LAKE authorizes BUCKLEY to solicit such medical dental or mental health services for the BONNEY LAKE prisoner. It is understood and agreed that prior to soliciting said services BUCKLEY shall make a reasonable effort to notify either orally or in writing the BONNEY LAKE Police Department of the COPS intention. All emergency situations shall
be handled according with BUCKLEY policy, with BONNEY LAKE
being notified the next business day.

BUCKLEY shall only be responsible for a BONNEY LAKE prisoner’s
medical, dental or mental health costs if it is determined that said costs
were incurred as a result of the negligence of BUCKLEY or its
employees. BONNEY LAKE shall first notify BUCKLEY Chief of
Police as to medical or mental health costs for BONNEY LAKE Prisoners.
The parties shall make a good faith effort to resolve any disagreement
under this paragraph. If a resolution cannot be reached, the parties shall
refer the matter to an independent arbitrator selected by the parties. The
cost of arbitration shall be the responsibility of the losing party. Each
party shall be responsible for its costs and attorney fees.

11. INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

BUCKLEY LAKE agrees to indemnify and hold harmless BUCKLEY, its
elected and appointed officers, agents and employees from and against all
claims, demands and causes of action of any kind or character, including
of defense thereof arising from actions of BONNEY LAKE or its officers
or employees.

Similarly, BUCKLEY agrees to indemnify and hold harmless BONNEY
LAKE,

Its elected and appointed officers and employees from and against all
claims, demands and causes of action of any kind or character, including
the cost of defense thereof arising from actions of BUCKLEY, its officers
or employees in conducting the jail activity.

12. DURATION AND TERMINATION OF AGREEMENT

The duration of this Agreement shall be for the initial term of one year,
commencing January 1, 2009, and shall continue in effect for subsequent
calendar year terms provided that either party may terminate this
Agreement by giving 90 days written notice to the other party. Provided
further that the failure of any party to perform its obligations under this
Agreement, said failure amounting to a substantial breach of the terms and
conditions contained herein, shall constitute grounds for the withdrawal
from this Agreement by any party adversely affected by said breach.
DATE 1/31/09

CITY OF BONNEY LAKE

By: __________________________
    Mayor

By: __________________________
    Administrator

By: __________________________
    Chief of Police

Approved as to form:

By: __________________________
    City Attorney

DATE

CITY OF BUCKLEY

By: __________________________
    Mayor

By: __________________________
    Administrator

By: __________________________
    Chief of Police

Approved as to form:

By: __________________________
    City Attorney
August 7, 2008

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

RE: Jail Service Contract Daily Rate Increase

Dear Mike:

This letter is to advise you that as of January 1, 2009 the City of Buckley's daily jail rate will be increased to $57.00 per day. As you are aware rates have not increased for several years and the cost of running a jail has increased significantly. We now offer Prisoner Transports most of the time, hold females when space is available, have added Live Scan fingerprint system to save your agency clerical time, and are looking in to video arrangements, which should be installed by the first of the year. Unfortunately these changes have forced me to evaluate the current daily bed rate and determine that an increase was necessassary.

I have included with this cover letter an Addendum to the current Jail Service Contract outlining the daily rate increase. Please obtain the proper approval and signatures and return to me as soon as possible. If you have any questions or comments please feel free to contact me.

Sincerely

[Signature]

Chief James Arsanto  
Buckley Police Department  
P.O. Box 640  
Buckley, WA 98321  
jarsanto@cityofbuckley.com  
(360) 829-3157  
Cell (253) 377-9633
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

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<td>January 13, 2009</td>
<td>AB09-18</td>
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**Budget Information**

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**Explanation:**

To utilize drug fund money to lease three vehicles to be used by the Investigations unit. The approximate cost of each vehicle will be $450.00 to $500.00 per vehicle, per month. This will vary slightly per vehicle and an exact dollar figure can not be determined until the actual time of lease; however not to exceed $550.00 per month, per vehicle. The vehicles will need to be equipped with an undercover operations style lighting package and radio. This will be a one time expenditure, as the equipment can be swapped out when the leases turn over. There would be a labor fee involved with this.

**Agenda Subject:**

A RESOLUTION of the City of Bonney Lake, Pierce County, Washington, authorizing drug fund money to lease three vehicles for use in narcotic and other investigations for the City of Bonney Lake. These vehicles will replace the current vehicles that are in use.

**Administrative Recommendation:**

Recommend approval.

**Background Summary:**

The Bonney Lake Police Departments Investigations Unit is looking to take a more aggressive/proactive approach in the detection and apprehension of both narcotics traffickers and other crimes taking place within the City of Bonney Lake. The current vehicles in use by the Investigations Unit have been in service between three and four years. Surveillance of narcotics traffickers and other in progress crimes require the use of vehicles that “blend” into the surrounding landscape. The vehicles we are currently using do not “blend” well since they have been in use for over three years and have become “known” to the criminal element in the area.

Two of the current vehicles are at the end of their use cycle and are requiring more maintenance then they are worth. The other vehicle would be better suited for patrol or administrative use. With that, this would be a perfect time to replace these used vehicles with the lease program.

The use of a leased vehicle will provide us quality vehicles that will “blend” and provide the opportunity to get “fresh” vehicles every two years. This will save the city money in vehicle repairs that would be typically associated with vehicles that are used for longer than two years. The use of the drug fund to purchase these vehicles will benefit the department, the city and the community greatly.
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**Council Workshop:** Jan 6, 2009

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**Signatures:**

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<th>Dept. Dir.</th>
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<th>Date City Attorney reviewed</th>
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<td>Mike L. Mitchell</td>
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PUBLIC SAFETY COMMITTEE

DATE: January 5, 2009

ORIGINATOR: Kelly Maras TITLE: Detective Sergeant

SUBJECT/DISCUSSION: Utilization of drug funds to lease three vehicles to be used by the investigations unit.

ORDINANCE/RESOLUTION #

REQUEST OR RECOMMENDATION BY ORIGINATOR: Recommend Approval

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

BUDGET INFORMATION
BUDGETED ITEM: N/A TOTAL COST: N/A
(Note: If budgeted item, attach copy of budget page and identify)

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Explanation: To utilize drug fund money to lease three vehicles to be used by the Investigations unit. The approximate cost of each vehicle will be $450.00 to $500.00 per vehicle, per month. This will vary slightly per vehicle and an exact dollar figure can not be determined until the actual time of lease; however not to exceed $550.00 per month, per vehicle. The vehicles will need to be equipped with an undercover operations style lighting package and radio. This will be a one time expenditure, as the equipment can be swapped out when the leases turn over. There would be a labor fee involved with this.

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

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<td>Mark Hamilton</td>
<td>1-6-09</td>
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<td>Laurie Carter</td>
<td>1-6-09</td>
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COMMITTEE COMMENTS:

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

Please schedule for Council Meeting date of: January 13, 2009
RESOLUTION NO. 1906

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING A CONTRACT WITH NORTHWEST FLEET LEASE, CORP.

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

PASSED by the City Council this 13th day of January 2009

____________________________
Neil Johnson Jr., Mayor

ATTEST:
I will have the option to purchase the vehicle from you on an A-58, WHEREAS if this lease is not in default, whether I terminate the lease as permitted in paragraph 51 or the lease terminates as otherwise provided. The purchase price will be the sum of the following:

(a) $1200 purchase tax plus
(b) If the purchase is made on the delivery date, the reasonable and customary charge for the delivery of the vehicle, together with the cost of any taxes or fees levied in connection with the purchase of the vehicle, plus
(c) Any other terms and conditions listed in the contract.

I understand that I can terminate this lease at any time after the 18th day of the month following the purchase option, by giving written notice of my intention to purchase the vehicle, and I will be responsible for any remaining payments due under the lease.

I also understand that if I terminate the lease before the end of the lease term, I may be subject to an early termination fee, which may be equal to a specified number of months' payments, or a portion thereof, depending on the terms of the lease.

The vehicle may be inspected by the lessor or a representative of the lessor at any time during the term of the lease, and any repair or maintenance work required by the lessor shall be made at the lessee's expense.

Upon termination of the lease, the lessee shall return the vehicle to the lessor in the same condition as when received, except for normal wear and tear.

In the event of default by the lessee, the lessor shall have the right to repossess the vehicle and to recover all damages and costs incurred as a result of such default.

The lessor reserves the right to terminate the lease if the lessee fails to make any required payment within a reasonable time after notice of default.

The lessee shall indemnify and hold harmless the lessor from any and all claims, losses, damages, or expenses suffered as a result of any act or omission of the lessee.

By signing this contract, the lessee agrees to all the terms and conditions contained herein and acknowledges that the vehicle is delivered in good condition and repair.

[Signature]
[Date]

[Name]
[Title]
Lessor
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

Department/Staff Contact:
PW Director Dan Grigsby

Council/Wkshp Meeting Date:
January 13, 2009

Agenda Item Number
AB09-02

Ordinance Number:

Resolution Number:
N/A

Councilmember Sponsor:

BUDGET INFORMATION

2008 Budget Amount
Required Expenditure
Impact
N/A
Remaining Balance

Explanation:
Retainerage release of $42,833.61 once contract closeout documents/requirements are met.

Agenda Subject: Motion to accept as complete for the Bonney Lake Blvd/183rd/Locust Roadway, Sidewalk & Watermain Improvements Contract with Les Russell Construction

Administrative Recommendation:

Background Summary: Request Council accepts the Bonney Lake Blvd/183rd/Locust Roadway, Sidewalk & Watermain Improvements Contract with Les Russell Construction as complete.
Resolution 1819, dated May 27, 2008 awarded the construction contract to Les Russell Construction in the amount of $752,428.76. This project was to rebuild Bonney Lake Blvd and replace the water line from Locust Ave to 181st Ave, rebuild 183rd Ave from Bonney Lake Blvd to 74th St., and construct sidewalk along the west side of Locust Avenue north of Sumner-Buckley Hwy. The project included a pavement overlay, constructing curb, gutter and sidewalk along the north side of Bonney Lake Blvd and along the east side of 183rd St. and make drain auto improvements along Bonney Lake Blvd and 183rd Street.

Project Total Costs:
Design = $42,243.56
Construction costs = $872,726.60
Construction Inspections/surveying/field engineering = $29,926.76

Actual total costs for construction including construction inspections = $902,653.36
Budget total for construction including construction inspections = $887,864.76

Over Budget- $14,788.60
There were two substantial change orders to this contract, approved by Council:
$20,310.10, Resolution #1881 - price adjustment to hot mix asphalt (economic impact on WSDOT asphalt oil price index)
$23,706.73, Resolution #1887 - additional overlay work on 183rd Ave E outside the scope of the contract.

Total contract amount paid to Les Russell Construction was $872,864.76 with $42,833.61 retainage withheld with final pay estimate on December 12, 2008.

As a matter of housekeeping, this project has been reconciled, accepted by the City Engineer and project closeout documents are nearing completion. The Department of Revenue and L&I have been notified and we are awaiting confirmation from these two organizations that there are no unpaid taxes or wages.

Attachments: Res #1819, Original Agenda Bill AB08-70, Notice of Completion of Public Works Contract to Dept of Revenue, 7 photos of project under construction

Council Committee Dates:
Finance Committee:
Public Safety Committee:
Community Development & Planning Committee: 1/5/09
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:
Council Meeting Dates: 1/13/09
Council Tabled Until:
Committee

Signatures:
Dept. Dr. Mayor Date City Attorney reviewed
CLOSED END COMMERCIAL VEHICLE LEASE AGREEMENT

This is the agreement between:

LESSOR: NORTHWEST FLEETLEASE, CORP.
ADDRESS: 18110 East Valley Highway, Kent, WA 98032

and

LESSEE(S): ________________________________
ADDRESS(S): ________________________________

and covers the lease of the vehicle described below. As used in this lease the words "I," "we" or "my" refer to the lessee and "you" or "your" refer to the lessor.

NEW OR USED YEAR MAKE MODEL COLOR VEHICLE ID# MILEAGE AT DELIVERY

1. Agreement to Lease.
I agree to lease the above-described vehicle from you. I agree to be bound by the terms and agreements contained in this lease. The obligations I have under this lease will begin when you and I sign this form. If the vehicle is not delivered to me at such time, you will use your best efforts to deliver it to me as soon as practicable. It is expressly agreed that you assume no liability or responsibility for any acts or omissions of me or of my agents or employees, or for damage to any property of mine or damage to any other person's property or person caused by the vehicle. I expressly agree to assume such liability and responsibility.

2. Amounts Due Upon Lease Signing.
I will pay the amounts indicated below when I sign this lease:
(a) Capitalized Cost Reduction Payment $ __________
(b) Tax on Capital Cost Reduction Payment $ __________
(c) Pro Rata Lease/Rental Payment $ __________
(d) Tax on Pro Rata Lease/Rental Payment $ __________
(e) Refundable Security Deposit $ __________
(f) Initial Monthly Payment (incl. tax) $ __________
(g) Estimated vehicle excise tax, license, fee, and registration fees (includes $2.93 dealer administrative fee) $ __________
(h) Documentary Service Fee $ __________
(i) Other $ __________
(j) OTHER TOTAL $ __________

3. Lease Computation.
(a) Initial Term (from lease date): __________ Months

(b) Monthly Obligation:
   - Basic Monthly Payment: __________ per mo.
   - Sales Tax: __________ per mo.
   - Other: __________ per mo.
   - TOTAL MONTHLY PAYMENT: __________

(c) End of Term Residual Value: __________
(d) Discount Rate: __________
(e) The Pro Rata Lease/Rental Payment is due on the delivery date. The first monthly Payment is due by __________, and subsequent payments are due by the same day of each succeeding month. I may have a credit against the sales tax on a payment based on a trade-in I may have made.
(f) The vehicle shall be principally garaged at: ________________________________
(g) At termination the vehicle is to be returned at: ________________________________

(h) The mileage allowance for the full term of the lease will be __________ miles. In the event I drive the leased vehicle more than the miles indicated for the full term of the lease, I agree to pay you a charge equal to __________ for each mile driven in excess of the mileage indicated above.

4. Insurance.
I agree to pay for and maintain during the lease term, and until the vehicle is returned to you, insurance on the vehicle as designated below and which has the following minimum coverages:
(a) Bodily Injury Liability $ 250,000 per person, $500,000 per accident
(b) Property Damage Liability $ 100,000
(c) Comprehensive (including Fire and Theft) with a maximum deductible of $ 500
(d) Collision with a maximum deductible of $ 500

I understand that the policy must provide you with primary coverage as an ADDITIONAL INSURED under (a) and (b) and provide that you and/or your lender as your interests appear are LOSS PAYEE under (c) and (d). I will buy the Insurance from an insurance company which is acceptable to you, and the insurance must state that you shall be given at least 10 days advance written notice of any cancellation, reduction or material change in coverage. I will furnish you with whatever written proof of coverage you may request. I understand that you may revise the types and amounts of required coverages to reflect changes in the risks you are assuming in connection with this lease. I agree to obtain endorsements providing the revised coverage within 10 days of your request. I also understand that the payment of any deductibles or of any deficiencies between the insurance coverages and my liabilities under this lease is my responsibility. I further understand that lapse or cancellation of the required insurance shall be an immediate and automatic default of the lease on my part.

5. Official Fees and Taxes.
I will pay when due to you or as you direct all sales, use, property or other taxes and all official fees and charges of any nature, including titling and registration fees (together with any interest or penalties arising from your negligence) imposed in connection with the lease or levied on the vehicle by any federal, state, county, or local government authority (excepting, however, any taxes based on your net income).

I understand that my liability on early termination of this lease is discussed in paragraphs 7, 11, 17 and 18. The term "Lease Balance" is used in connection with calculating my early termination liability. At any point in time, the lease balance equals the remaining stream of payments due under the lease discounted to present value at the discount rate shown in paragraph 3(d) plus the End of Term Residual Value shown in paragraph 3(e) similarly discounted.

I have read both sides of this lease and received a completely filled in copy before signing below.

Date __________
By ________________________________
Title ________________________________

SECURITY INTEREST

This lease and the vehicle are subject to a security interest granted to "Bank," my rights are subordinate to Bank's lien. Bank may enforce any of your rights under this lease but has assumed none of your duties. If Bank directs me to make lease payments to Bank, I will do so as Bank directs. Bank's rights are free of any defenses, offsets or counterclaims I may have against you.

NWFL 01107

11/19/2008 WED 11:50 [TX/RX NO 8279] 0 002
COMMITTEE DEVELOPMENT COMMITTEE

DATE: January 5, 2009

ORIGINATOR: Dan Grigsby  TITLE: Public Works Director

SUBJECT: Motion to accept as complete for the Bonney Lake Blvd/183rd/Locust Roadway, Sidewalk & Watermain Improvements Contract with Les Russell Construction
Resolution 1817, dated May 27, 2008 awarded the construction contract to Les Russell Construction, in the amount of $752,428.76. This project was to repaint both the inside and outside of the 800,000 gallon water tank located near Lakeridge Middle School.
Project Total Costs:
Design = $22,014.50
Construction costs = $268,113.93
Construction Inspections/surveying/field engineering = $8,881.77

Actual total costs for construction including construction inspections = $276,995.70
Budget total for construction including construction inspections = $298,789.57
Under Budget = $21,793.87

Total contract amount paid to HIC Industrial & Marine Coatings, Inc. was $265,417.73 with $12,197.51 retainage withheld with final pay estimate on July 18, 2008.
As a matter of housekeeping, this project has been reconciled, accepted by the City Engineer and project close out documents are nearing completion. The Department of Revenue and L&I have been notified and we are awaiting confirmation from these two organizations that there are no unpaid taxes or wages.

ORDINANCE/RESOLUTION:

REQUEST OR RECOMMENDATION BY ORIGINATOR:

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

2008 Budget Amount Current Balance Required Expenditure Remaining Balance
Explaination:
Retainage release of $42,833.61 once contract close out documents/requirements are met.

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

DATE                      APPROVED                      DISAPPROVED
James Rackley, Chairman   1-5-09                        
David Bowen               1-5-09                        
Dan Decker                1-5-09                        

COMMITTEE COMMENTS:

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

Please schedule for City Council Meeting date of: January 13, 2008
Consent Agenda: ☐ Yes ☐ No
City of Bonney Lake, Washington
Council Agenda Bill (C.A.B.) Approval Form

<table>
<thead>
<tr>
<th>Department/Staff Contact:</th>
<th>Council/Wkshp Meeting Date:</th>
<th>Agenda Item Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Engineer John Woodcock</td>
<td>May 27, 2008</td>
<td>AB08-70</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Ordinance Number:</th>
<th>Resolution Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1819</td>
<td></td>
</tr>
</tbody>
</table>

**Budget Information**

<table>
<thead>
<tr>
<th>2008 Budget Amount</th>
<th>Required Expenditure</th>
<th>Impact</th>
<th>Remaining Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street $649,000</td>
<td>$477,798.00</td>
<td>$887,864.76</td>
<td>$217,621.00 (Street and Sidewalk)</td>
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<tr>
<td>Sidewalk $239,000</td>
<td>$57,145.00</td>
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<td></td>
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<tr>
<td>Water $1,376,512</td>
<td>$217,485.76</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total $2,302,000</td>
<td>Contingency (10%) $75,242.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Construction Eng. (8%) $60,194.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Explanation:**
301.097.595.30.065 Street Reconstruction Program
301.098.595.30.065 Street Overlay Program
301.098.595.30.065 Sidewalk Reconstruction Program
401.999.594.13.065 Water Improvements

**Agenda Subject:** Award the Bonney Lake Blvd and 183rd St. Reconstruction Contract to Les Russell Construction.

**Administrative Recommendation:**

**Background Summary:** This project will rebuild Bonney Lake Blvd and replace the water line from Locust Ave to 181st Ave, rebuild 183rd Ave from Bonney Lake Blvd to 74th St, and construct sidewalk along the west side of Locust Avenue north of Sumner-Buckley Hwy. The project will include a pavement overlay, constructing curb, gutter, and sidewalk along the north side of Bonney Lake Blvd and along the east side of 183rd St. and make drainage improvements along Bonney Lake Blvd and 183rd St.

The City opened bids on May 15, 2008. The City received 10 bids and Les Russell Construction was the low bidder with a bid of $752,428.76. Public Works is requesting to include 10% of the bid ($75,242.00) for contingencies, and 8% ($60,194.00) for construction management, inspection, and survey not included in the contractor’s bid.

Attachments: Bid Result Tabulation, Bid Documents

**Council Committee Dates:**

<table>
<thead>
<tr>
<th>Finance Committee:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Safety Committee:</td>
</tr>
<tr>
<td>Community Development &amp; Planning Committee: 5/19/08</td>
</tr>
<tr>
<td>Council Workshop:</td>
</tr>
</tbody>
</table>

**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: 5/27/08 |

**Signatures:**

[Signature]

[Signature]

[Signature]

Date City Attorney reviewed
NOTICE OF COMPLETION OF PUBLIC WORKS CONTRACT

From:

<table>
<thead>
<tr>
<th>Name &amp; Address of Public Agency</th>
<th>Department Use Only</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Bonney Lake</td>
<td></td>
</tr>
<tr>
<td>PO Box 7380</td>
<td></td>
</tr>
<tr>
<td>Bonney Lake, WA 98391</td>
<td></td>
</tr>
</tbody>
</table>

Notice is hereby given relative to the completion of contract or project described below

Description of Contract
Bonney Lake Blvd/183rd/Locust Roadway, Sidewalk & Watermain

Contractor's Name
Les Russell Construction

Contractor's Address
1002 39th Ave., SW, Suite 301 Puyallup, WA 98373

Date Work Commenced | Date Work Completed | Date Work Accepted
6/18/08             | 10/1/08             | 12/5/08

Surety or Bonding Company
Travelers Casualty and Surety Company of America

Agent's Address
Propel Insurance, 1201 Pacific Ave., Suite 1000 Tacoma, WA 98402

<table>
<thead>
<tr>
<th>Contract Amount</th>
<th>$ 734,838.76</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additions</td>
<td>$ + 121,776.46</td>
</tr>
<tr>
<td>Reductions</td>
<td>$ -</td>
</tr>
<tr>
<td>Sub-Total</td>
<td>$ 856,615.22</td>
</tr>
</tbody>
</table>

Amount of Sales Tax Paid at 8.8% $ 16,114.37

Liquidated Damages $ |
Amount Disbursed $ 829,895.98
Amount Retained $ 42,833.61

TOTAL $ 872,729.59

Comments: * A portion of the contract amount is not subject to sales tax ($ 673,495.19)

Disbursing Officer

Signature

Type or Print Name John Woodcock

Phone Number 253-447-4336

The Disbursing Officer must complete and mail THREE copies of this notice to the Department of Revenue, PO Box 47474, Olympia, WA 98504-7474, immediately after acceptance of the work done under this contract. NO PAYMENT SHALL BE MADE FROM RETAINED FUNDS until receipt of Department's certificate, and then only in accordance with said certificate.

To inquire about the availability of this document in an alternate format for the visually impaired, please call (360) 753-3217. Teletype (TTY) users please call (800) 451-7985. You may also access tax information on our Internet home page at http://dor.wa.gov.

REV31 0020e (6-27-01)
RESOLUTION NO. 1819

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AWARDING THE BONNEY LAKE BOULEVARD / 183RD AVE E / LOCUST AVE 2008 ROADWAY, SIDEWALK AND WATERMAIN IMPROVEMENTS TO LES RUSSELL CONSTRUCTION

WHEREAS, the City Council approved the design of the Bonney Lake Blvd and 183rd Ave E Roadway, Sidewalk, and Watermain Improvements Project by Resolutions 1675 and 1745 on April 10, 2007 and August 28, 2007 respectively; and

WHEREAS, the City advertised and opened bids for construction on May 15, 2008 and has determined the lowest responsible bid for this contract was received from Les Russell Construction; and

WHEREAS, the City Council adopted this project in the Street CIP budget for construction in 2008; and

NOW, THEREFORE, BE IT RESOLVED that the City of Bonney Lake Council does hereby authorize the Mayor to sign the attached contract with RW Scott Construction in the amount of $752,428.76, which includes tax.

BE IT FURTHER RESOLVED that the City of Bonney Lake Council does hereby authorize a 10% Construction Contingency ($75,242.00) amount based on the contract bid amount as well as an 8% Construction Engineering ($60,194.00) amount based on the contract bid.

PASSED and adopted by the City Council this 27th day of May 2008.

Neill Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

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

<table>
<thead>
<tr>
<th>Department/Staff Contact: Legislative</th>
<th>Council/Wrkshp Mtg Date: 1/13/09</th>
<th>Agenda Bill Number: AB09-06</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ordinance Number:</td>
<td>Resolution Number: 1910</td>
<td>Councilmember Sponsor: Laurie Carter</td>
</tr>
</tbody>
</table>

**BUDGET INFORMATION**

- **2009 Budget Amount**
- **Required Expenditure**
- **Impact**
- **Remaining Balance**

**Explanation:** The public and private costs to develop and implement a city charter, as well as hold the elections, are estimated to be between $170,000 and $416,000. If a new charter meant the replacement of key staff, there would be additional financial implications in addition to a loss of continuity and institutional knowledge.

**Agenda Subject:**
A resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, opposing Proposition 1, Charter Code City.

**Administrative Recommendation:**

**Background Summary:**
Councilmember Dan Decker filed a Petition pursuant to Chapter 35A.08 RCW to submit to the voters the question of whether the City of Bonney Lake shall become a charter code city. Based on Councilmember Decker’s petition, a special election will be held February 3, 2009 to vote on Proposition 1, which proposition would change the City of Bonney Lake’s classification under Revised Code of Washington Title 35A to a charter code city and would authorize a charter commission consisting of fifteen elected charter commissioners to study and draft a charter for submission to the voters for their consideration at a subsequent election. The City Council discussed the proposed resolution at the January 6th Council Workshop and by consensus suggested minor modifications which have been incorporated.

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

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

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

**Council Action:**
- Council Call for Hearing:
- Council Referred Back to: Workshop:
- Council Tabled Until: Council Meeting Dates: 01/13/09

**Signatures:**
- Mayor: [Signature]
- Date City Attorney Reviewed: [Date]
RESOLUTION NO. 1910

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, OPPOSING PROPOSITION 1, CHARTER CODE CITY.

WHEREAS, a Petition was filed pursuant to Chapter 35A.08 RCW to submit to the voters the question of whether the City of Bonney Lake shall become a charter code city; and

WHEREAS, a special election will be held February 3, 2009 to vote on Proposition 1, which proposition would change the City of Bonney Lake’s classification under Revised Code of Washington Title 35A to a charter code city and would authorize a charter commission consisting of fifteen elected charter commissioners to study and draft a charter for submission to the voters for their consideration at a subsequent election; and

WHEREAS, the City Council wishes to take action at an open public meeting to express a collective decision to oppose Proposition 1 to become a Charter Code City; and

WHEREAS, required notice of the Council’s intent to take has been given by publishing such ballot proposition title and number on the Council’s Agenda;

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

Section 1: The City Council hereby opposes Proposition 1 to become a Charter Code City for the following reasons:

A. There are 138 Mayor-Council Non-Charter Code Cities in the State of Washington. There are ZERO Mayor-Council Charter Code Cities in the state, and only 1 Charter Code City in the State (Kelso, with a Council-Manager form of government). While other cities have had similar elections to become a charter code City, the voters of those cities have soundly rejected the proposition. It has not been found to be necessary elsewhere, and is not necessary here. The current form of government is flexible and can be easily amended as needed to meets the needs of the citizens.

B. Councilmember Dan Decker submitted the petition to change to a charter code city. The last initiative he submitted was to switch to a Council-Manager form of government. That initiative was soundly defeated by the voters. This proposition is not necessary, was not initiated by the full council, and the voters have already spoken regarding adoption of the council-manager plan of government.

C. The public and private costs to develop and implement a city charter, as well as hold the elections, are estimated to be between $170,000 and $416,000. If a new charter meant the replacement of key staff, there would be additional financial implications in addition to a loss of continuity and institutional knowledge. While a new City charter could theoretically reduce the costs of government, it is more likely to increase them significantly. Moreover, nervous or displaced City employees may seek employment elsewhere, taking with them valuable and irreplaceable institutional knowledge of the City and its operations. Experts estimate that the cost of replacing a single employee is equivalent to 150% of the average employee’s annual
compensation, and 200% to 250% of annual compensation for managerial positions.

D. The City has made significant progress on a number of fronts in the past few years. The City has finally turned the corner and been able to make significant community progress, reach out to the community, and develop a positive reputation in the state.

E. Should Proposition 1 be approved, the 15 freeholders who have filed for office would be charged with developing the City charter. There is no guaranty that this group of charter commissioners would develop a better plan of government. There is no guaranty they would follow the model city charter developed by the National Civic League. The cost of legal consultation is unknown.

F. Proposition 1 would bring confusion and chaos to the City government. At the same election in which voters decide on whether to approve the city charter that was developed by the freeholders, they would also vote for the candidates who had to file for the offices created under the proposed charter. At the same time they would also vote for the mayor and 3 councilmembers who are up for election next year under the current form of government. This would likely mean simultaneous elections. All current elected officials would have to run for office again if they wanted a seat on the new government. People would have to run for any new additional offices created by the Charter. If the charter was approved, the current form of government would cease, the new plan would take effect, and the newly elected officials would take office. The Bonney Lake Municipal Code would have to be rewritten to accommodate a new Charter.

Section 2: The City Council encourages all citizens to study the relative advantages, disadvantages, and costs of creating a City Charter; and further encourages all registered voters to exercise their right to vote on the matter according to their individual findings as to the benefit of becoming a charter code city, and the impacts of such a decision upon the City government. After due deliberation and study, the majority of current city council members encourage all registered voters to vote NO on Proposition 1 – Charter Code City.

PASSED BY THE CITY COUNCIL this 13th day of January, 2009.

__________________________________________
Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

__________________________________________
James J. Dionne, City Attorney