CITY COUNCIL WORKSHOP

November 2, 2010
5:30 p.m.

AGENDA

The City Council may act on items listed on this agenda, or by consensus give direction for future action. The council may also add and take action on other items not listed on this agenda.

Location: City Hall Council Chambers, 19306 Bonney Lake Blvd., Bonney Lake.

AGENDA

I. Call to Order:
Mayor Neil Johnson

II. Roll Call:
Elected Officials: Mayor Neil Johnson, Jr., Deputy Mayor Dan Swatman, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin and Councilmember Jim Rackley.

Expected Staff Members: City Administrator Don Morrison, Chief Financial Officer Al Juarez, Public Works Director Dan Grigsby, Community Development Director John Vodopich, Police Chief Mike Mitchell, Community Services Director Gary Leaf, Administrative Services Director/City Clerk Harwood Edvalson and City Attorney Jim Dionne.

III. Agenda Items:

A. Council Open Discussion


C. Discussion: From Public Hearing (10/26/10) - AB10-167 - Resolution 2080 - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Development Agreement With Swiss Sportmans Club Of Tacoma.


IV. Executive Session:

Executive Session: Pursuant to RCW 42.30.110, the City Council may meet in executive session. The topic(s) and duration will be announced prior to the executive session.

V. 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.
Location: City Hall Council Chambers, 19306 Bonney Lake Blvd, Bonney Lake.

I. Call to Order: Mayor Johnson called the Workshop to order at 5:35 p.m.

II. Roll Call: [A1.3]

Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Mayor Neil Johnson, elected officials attending were Deputy Mayor Dan Swatman, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin and Councilmember James Rackley.

[Staff members in attendance were Executive Assistant Brian Hartsell, Public Works Director Dan Grigsby, Police Chief Mike Mitchell, Community Development Director John Vodopich, Community Services Director Gary Leaf, Chief Financial Officer Al Juarez, Administrative Services Director/City Clerk Harwood Edvalson, and Administrative Specialist Shawn Campbell.]

III. Agenda Items:

Council agreed by general consent to move the Pierce Transit presentation to the top of the agenda.

Presentation: Tina Lee, Principal Planner with Pierce Transit – “The Preservation Plan”

Tina Lee offered Council information on Pierce Transit’s efforts to meet the needs of citizens with lower revenues. They have implemented several cost savings measures. They will increase fares to all full fair riders in November 2010, and have cancelled and/or delayed capital projects, and layoffs at the managerial level, with some service reduction.

Ms. Lee said Pierce Transit is currently working on two separate plans and budgets. The first is the “Preservation Plan”, which entails preserving current service levels, provides more frequent service during commute times, and adds service to DuPont, Orting and Buckley. The preservation plan will require a proposition in the February 2011 election that calls for an increase of 0.3% in local sales tax. The second plan is the “Reduction Plan” if the proposition fails in 2011, the “Reduction Plan” would reduce service by 35% across the board.

Council thanked Ms. Lee and Pierce Transit for keeping them informed. Councilmember Rackley stated the “Preservation Plan” is an improvement for the City. Councilmember Lewis asked if Proposition 1 fails, how long until another proposition could be added to a ballot. Ms. Lee said as soon as the board voted a proposition could be added to the next election. Mayor Johnson said he is very happy with the progress, and applauds Pierce Transit for their effort. Mayor Johnson said if anyone is interested in being on the “For” or the “Against” committees for Proposition 1 to contact him.
A. Council Open Discussion:

Class “B” Water System: Councilmember Rackley asked for clarification from Council on a policy allowing citizens to amend water service agreements that require hook up to City water when it becomes available. Deputy Mayor Swatman gave a brief recap of the amendment to the previous water service agreement. Council voted to allow one member of a three-person class “B” water system to amend his agreement in May 2010. At that time, Council did not pursue the other two members but had decided if they came forward and wished to amend their agreements the council would allow them to do so. Councilmember Rackley asked if that is the City’s policy for all water service agreements of this nature. Deputy Mayor Swatman stated each agreement would be evaluated on a case-by-case basis. Councilmember Hamilton said it would be difficult to deny another property owner request now that the City has approved one. Councilmember Decker asked about variances and the size of the properties. Mayor Johnson said that each water system was permitted at the time of installation. Deputy Mayor Swatman stated that a concern of property owners is the cost of tying into City Water. He would be interested in creating an incentive that helps property owners with the fees associated. It would be difficult to make a property owner hook up to City water if they have a working water system. Councilmember Rackley suggested that the City create a policy similar to the sewer hookup policy where property owners are required to hookup to City sewer when the current sewer system fails or the property is sold.

Staff Recognition: Mayor Johnson congratulated Shawn Campbell on receiving her Certified Municipal Clerks Designation from the International Institute of Municipal Clerks.

Prairie Ridge Community Coalition: Councilmember Carter attended the meeting on October 11, 2010. The main topic was the number of suicides in the area. They plan to have counselors available and schedule meetings to speak with the community.

Senior Center Pancake Breakfast: Councilmember Carter and Councilmember Rackley attended the Aging Options Radio Show with Rajiv Nagaich during the breakfast. He was very informative. The Senior Center is going to have Mr. Nagaich return and give a seminar on finances and retirement planning called Baby-boomers and Beyond.

Shoreline Master Plan Open House: Councilmember Carter attended the Open House on October 18, 2010. Several maps and handouts were provided at the open house. Deputy Mayor Swatman suggested having the Homeowners Associations that are directly affected by the Shoreline Master Plan be sent registered letters to ensure they are provided notice of proposed changes. Director Vodopich stated that phone calls, two newspapers articles and notices were provided to the area HOA’s.

Family First Coalition: Councilmember Carter reported the next meeting would be Monday, October 25, 2010 in Buckley at Glacier Middle School.

Sumner School District: Councilmember Carter and Councilmember Lewis attended the Lakeridge Middle School Ribbon Cutting and Open House. She enjoyed seeing all the changes.

Councilmember Carter stated the Eismann Elementary Ribbon Cutting and Open House is Wednesday, October 27, 2010 at 5:00pm. The school is located at 13802 Canyon Falls Boulevard.

Councilmember Carter said the Community Leaders Coffee would be October 29, 2010 from 7:30am to 8:30am. If you plan to attend, RSVP’s need to be sent by October 22, 2010.
Councilmember Lewis shared that when the remodel is complete on Bonney Lake Elementary the school district plans to move the students from McAlder Elementary to Eismann Elementary and rebuild McAlder. They will be able to do this due to the 20 to 40 million dollar cost savings of having Eismann Elementary to house students while the schools are being remodeled and rebuilt.

Midtown Plan: Councilmember Carter thanked the staff for creating the new Midtown Map. She commented how complete the map was and that it will be a good planning tool in creating a Midtown Plan. She would like to have a Joint Planning Commission meeting to discuss a Midtown Plan. Deputy Mayor Swatman said he would like to have a Midtown Plan that establishes road networks. Council discussed possible dates to have a joint meeting and will present dates for November 4th and November 18th to the Planning Commission.

Viking Dog Park: Deputy Mayor Swatman congratulated all who had a hand in the dog park for its success. He asked if the City could coordinate with volunteers to restock supplies after hours and on weekends. Director Leaf said he is working with Grant Sulham to provide a way for volunteers to help with the maintenance of the park. Director Leaf shared that Director Grigsby found grant funding for pet waste disposal bags.

Eastown Sewer Water Design: Deputy Mayor Swatman asked if the City had received any more easements from the Eastown homeowners. He said the City needs to have an accurate count on the number of easements before the City can move forward. Mayor Johnson stated the Council needs to know how many easements the City has by mid November so the Council can decide whether to move forward with the project. Director Grigsby has not received any additional easements. He will contact the remaining property owners and give them a November 15, 2010 deadline for returning the easements. Councilmember Hamilton said the plan would be the City’s plan whether the current property owners signed the easements or not. Deputy Mayor Swatman said if the property owners did not give the easements to the City it significantly increases the price of the project. When the City went into the project it was a partnership and the City need the property owners to hold up their end of the partnership. Mayor Johnson stated there are two aspects here, the first is designing the plan and the second is financing the project. If the property owners do not provide the easements, it will be hard for the Council to move forward with the design of the plan.

Compass Point Easements: Councilmember Decker asked about the status of the Compass Point easements. Mayor Johnson stated that we have not heard from them and there is no new information. Fortunately, the City will not require this easement to be able to move forward and will not need to condemn the property.

YMCA Piggy Bank: Councilmember Carter shared that she now has $100 in the YMCA Piggy Bank.

River Undone – Effort to Save the Puyallup River Watershed: Councilmember Carter shared about a movie which highlights the efforts being taken to save the watershed. The movie will be shown at the University of Washington, Tacoma Campus at William Philip Hall on October 28, 2010 at 5:30pm. Contact Marian Betzer to RSVP.

B. Review of Council Minutes: October 5, 2010 Council Workshop; and October 12, 2010 Council Meeting.
The minutes were forwarded to the October 26, 2010 Meeting for action.

C. **Discussion: AB10-166 – Resolution 2080 - A Resolution Of The City Council of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Development Agreement With Swiss Sportsman’s Club Of Tacoma**

Mayor Johnson stated the City is trying to find solutions for property owners on an individual basis rather than rewrite the code. Deputy Mayor Swatman said the Swiss Park is zoned public facilities and he wants to make certain that the property owner is not trying to develop a commercial property. The Council has a policy to require a commercial developer to be hooked up to the City sewer. Director Vodopich confirmed that the Swiss Park is zoned public facilities and the code requires commercial developments to be tied into the City sewer system. The Swiss Park does rent out part of their facility and the proposed addition would benefit that. Councilmember Carter stated the WSU forest was also zoned public facilities and rented out areas of the forest. Councilmember Decker pointed out that the Swiss Park is a nonprofit organization and as such could not be commercial. Councilmember Lewis stated the Swiss Park mainly serves the public of the area; he looks at it as a service to the public. Councilmember Carter asked if the Swiss Park was in the Park Element of the Comprehensive Plan. Director Leaf stated that they are listed but not as available to the public.

Councilmember McKibbin asked if the agreement allows them to have two septic systems or to expand the existing one. Director Vodopich said his understanding is that they will be expanding the existing septic system. They will have to submit all permits with the building plans. Councilmember Hamilton asked if the Sewer Main ran in front of the property would they be required to tie into the City Sewer. He also asked if a homeowners association could use the agreement as a template. Director Vodopich said if the City sewer was available Swiss Park would be required to tie into that instead of changing the current septic tank and HOA’s are not typically zoned public facilities, other property owners could not use this agreement as a template unless the property is zoned public facilities.

D. **Discussion: AB10-171- Resolution 2083 - A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, authorizing the Mayor to sign a lease agreement with Edward Jones.**

Mayor Johnson stated the cost benefit analysis of this lease does not make sense. It would take seven years for the City to break even on this lease. The City could save money by cancelling the lease on the Annex modular and moving the staff to the Interim Justice Center. Councilmember Lewis asked about the City’s right to cancel the lease of a tenant in the Interim Justice Center. Executive Assistant Hartsell stated the tenant is willing to accept after five years, six months notice and $5,000 in moving expenses as a cancellation clause. He also pointed out the leasehold excise tax is not on the spreadsheet provided but it is included in the rent rate per square foot. He said the real-estate broker indicated part of the issue with leasing space in the Interim Justice Center is tenant parking. Councilmember Decker said the cost of doing the tenant improvements is too high for the return to the City. Mayor Johnson stated some of the improvements would have to be made either way. Councilmember Rackley supports the Mayor as long as the City can afford not to have the income from the lease. Councilmember Carter asked if the City moved the staff from the modular at the Annex, would there still be space to lease out in the Interim Justice Center. She would like to see a coffee shop or something similar. Mayor Johnson said the City would still have space available. If the City wants a coffee shop or small restaurant, then
incentives probably would need to be offered to the business. Councilmember McKibbin said the City should spend the money to show an example of what the City would like in the space, the lost revenue would be worth it. Councilmember Lewis said if the City spent the money for the improvements it would plant the seed for what could be in the building. Councilmember Rackley asked if the City could offer the Annex building to Edward Jones to lease instead of the Interim Justice Center. Deputy Mayor Swatman agreed that Edward Jones is not right for the Interim Justice Center as they are not retail. He is disappointed in not having more choices from the commercial leasing agent. If the City moved all of the staff from the Annex to the Interim Justice Center then the City would not have room to grow if the annexation is approved. Councilmember Hamilton asked if the City does not use this tenant if they are obligated to pay a commission to the leasing agent. He is in favor of using the space at the Interim Justice Center for staff and to prepare the annex for leasing. Deputy Mayor Swatman talked about the value of the space and the money that will need to be spent to move staff. Councilmember Lewis stated that the plan was to have a building that could house the Court and have several tenants. At the time of the original plan the economy was in a favorable position. The economy is not in the same position now and the Council needs to be flexible to the current economic climate. He wants the best possible use of the taxpayers’ money, and moving forward with the annex staff moving into the Interim Justice Center seems to fit best at this time. Council asked about size, type and placements of signage. Director Vodopich said the signage would have to conform to the downtown design standards. As the building owner, the City could dictate how much and type of signs. He shared several options that could work for the building. Council looked at several sign options that were provided. By consensus, Council decided to not lease to Edward Jones.

IV. Executive Session: None

V. Adjournment:

At 7:20 p.m. Councilmember Rackley moved to adjourn the Workshop. Councilmember Hamilton seconded the motion.

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Jr.
Mayor

Items submitted to Council at the October 19, 2010 Workshop:

- Pierce Transit – “The Preservation Plan” - Tina Lee, Principal Planner
- City of Bonney Lake – AB10-158 – Resolution 2075 – Public Works Director Dan Grigsby
- City of Bonney Lake – South Shore Water Agreement – Public Works Director Dan Grigsby
I. CALL TO ORDER – Mayor Neil Johnson, Jr. called the meeting to order at 7:00 p.m.

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

B. Roll Call: Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Mayor Johnson, elected officials attending were Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin and Councilmember Jim Rackley. Deputy Mayor Dan Swatman was absent.

Councilmember Rackley moved to excuse Deputy Mayor Swatman’s absence. Councilmember Decker seconded the motion.

Motion approved 6 – 0.

[Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Assistant Police Chief Dana Powers, Community Services Director Gary Leaf, City Attorney Jim Dionne, Administrative Services Director / City Clerk Harwood Edvalson and Records & Information Specialist Susan Duis.]

C. Announcements, Appointments and Presentations:

1. Announcements: None.

2. Appointments: None.

3. Presentations:

   a. Recognition of Florence Massey - Senior Center Volunteer.

   Mayor Johnson thanked Ms. Massey, who has been a long-time volunteer at the Senior Center, and who donates her time about 5 days per week. He presented her with an honorary ‘Massey Way’ street sign. Senior Center Director Sue Hilberg said the street sign will be placed at the Senior Center entrance driveway. The Senior Center Advisory board thanked Ms. Massey for her service. Many members of the community were in attendance who expressed their appreciation for Ms. Massey’s service.

   Mayor Johnson called for a 5-minute recess at 7:06 p.m. The meeting returned to order at 7:12 p.m.
C.  **Agenda Modifications:**

Councilmember Mark Hamilton moved to add AB10-196, a motion setting a public hearing on ad valorem tax rates, under Finance Committee Issues Item A. Councilmember Rackley seconded the motion.

Motion approved 6 – 0.

**II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:**

A.  **Public Hearings:**


Mayor Johnson opened the public hearing at 7:12 p.m. The public hearing was closed at 7:13 p.m. with no speakers.

B.  **Citizen Comments:**

Marian Betzer, Bonney Lake, spoke to the Council about a recent presentation she and other members of the Fennel Creek Preservation Association presented at the 2010 Washington State Trails Conference. She provided Councilmembers with information and showed the display items they used. She said the group is working hard and moving toward building the Fennel Creek Trail. Councilmembers thanked Ms. Betzer for taking part in the event.

Hal Geiersbach, 8910 Main St E, Bonney Lake, said he has provided Public Defense services for the City since 1988, and prior to that he served as a pro-tem judge for the City. He expressed concern that the proposed new contract for public defense services, with its cost of $100 per case, will not provide quality services to clients.

Councilmember Rackley said the Finance Committee carefully considered the options, and the Council will closely monitor the new public defender services to be sure clients are receiving good services.

C.  **Correspondence:** None.

**III. COUNCIL COMMITTEE REPORTS:**

A.  **Finance Committee:** There was no report as the committee had cancelled its regularly scheduled meeting.

B.  **Community Development Committee:** Councilmember Rackley said the committee met October 18th and discussed the 192nd Ave corridor design. The committee also forwarded Resolution 2075, Resolution 2078, and Resolution 2082 to the current agenda for action.
C. Public Safety Committee: Councilmember Hamilton said the committee has not met since the last Council Meeting.

D. Other Reports:

White River Families First Coalition: Councilmember Carter said she and Councilmember Lewis attended the recent coalition meeting. They participated in breakout sessions with a dental services group and a drug prevention group. Councilmember Rackley encouraged them to provide information on these services to the Food Bank and Lions for Kids House.

IV. CONSENT AGENDA:

   A. Approval of Minutes: October 5, 2010 Workshop Minutes and October 21 Meeting Minutes.

   B. Accounts Payable Checks/Vouchers: Checks/Vouchers #59708 thru 59748 in the amount of $642,388.99; Accounts Payable checks/vouchers #59749 thru 59750 for accounts receivable refunds in the amount of $558.96; Accounts Payable checks/vouchers #59751 thru 59816 (including wire transfer #'s 10062010, 10162010 and 10172010) in the amount of $398,581.79.

   C. Approval of Payroll: Payroll for October 1 - 15, 2010 for checks 29369-29394 including Direct Deposits and Electronic Transfers in the amount of $399,182.42.

   D. AB10-163 – Resolution 2077 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The City To Award A Contract For Public Defender Services To The Law Offices Of Matthew J. Rusnak.

   E. AB10-162 – Resolution 2076 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Lease Agreement With The Bonney Lake Lions Foundation For The Continued Use Of The Property Located At 18429 89th Street East For The Lions 4 Kids House.

Councilmember Rackley moved to approve the Consent Agenda. Councilmember Lewis seconded the motion.

Consent Agenda approved 6 – 0.

V. FINANCE COMMITTEE ISSUES:

   A. AB10-176 – A Motion of the City Council of the City of Bonney Lake, Pierce County, Washington, Setting a Public Hearing at 7:00 p.m., or as Soon Thereafter as Possible, During the Regular Council Meeting of November 9, 2010 to Consider Revenue Sources and Possible Property Tax Increases Before Setting the Ad Valorem Property Tax Rate for 2011. Added during Agenda Modifications.

Councilmember Rackley moved to approve the motion. Councilmember Hamilton seconded the motion.
VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:


Councilmember Lewis moved to approve Resolution 2078. Councilmember Rackley seconded the motion.

Resolution 2078 approved 6 – 0.

B. AB10-165 – Resolution 2079 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Awarding The Angeline Road Force Main Replacement Project To Archer Construction, Inc.

Councilmember Lewis moved to approve Resolution 2079. Councilmember Rackley seconded the motion.

Resolution 2079 approved 6 – 0.

C. AB10-170 – Resolution 2081 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Agreement With Parametrix For Construction Engineering Services And As-Built Completion For The Angeline Road Force Sewer Main Replacement Project.

Councilmember Lewis moved to approve Resolution 2081. Councilmember Rackley seconded the motion.

Resolution 2081 approved 6 – 0.

VII. PUBLIC SAFETY COMMITTEE ISSUES:


Councilmember Decker moved to approve Ordinance 1365. Councilmember Carter seconded the motion.

Assistant Chief Powers said the ordinance has been in progress for a long time and she is pleased that it is coming forward. Councilmember Carter said citizens have asked her in the past why the City has no helmet law. She said two of her family members have been in bicycle accidents, but were wearing helmets.

Ordinance 1365 approved 6 – 0.

Councilmember Hamilton moved to approve Ordinance 1366. Councilmember Rackley seconded the motion.

Councilmember Hamilton thanked Craig Sarver and other members of the citizen’s ad-hoc Church Lake Boating Committee, who provided their time and input in drafting this ordinance. He also thanked East Pierce Fire & Rescue commissioner Rick Kuss, who has background working with other parts of the lake and who also provided valuable input. Councilmembers said the City needs to inform citizens about the new law, and suggested that staff provide information online and in newsletters, place signs at the boat launch, send information to area homeowner’s associations, and provide information to people renewing their boat launch passes.

**Ordinance 1366 approved 6 – 0.**

VIII. **FULL COUNCIL ISSUES:** None.

IX. **EXECUTIVE SESSION:** None.

X. **ADJOURNMENT:**

At 7:35 p.m., Councilmember Rackley moved to adjourn the meeting. Councilmember Carter seconded the motion.

Motion approved 6 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items presented to Council at the October 26, 2010 Meeting:

- City of Bonney Lake – **AB10-176** – Motion to Set a Public Hearing to Consider Revenue Sources and Possible Property Tax Increases Before Setting the Ad Valorem Property Tax Rate for 2011 – Chief Financial Officer Al Juarez.
- Fennel Creek Trail Association – **Fennel Creek Watershed Brochure** and **2010 Washington State Trails Association Conference Presentation** – Marian Betzer.
- City of Bonney Lake – **Pierce County Flood Management Open House Brochure** – Councilmember Carter.
City of Bonney Lake, Washington  
City Council Agenda Bill (C.A.B.) Approval Form

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<th>Workshop / Meeting Date:</th>
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**Agenda Subject:** Swiss Park Development Agreement

**Proposed Motion:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN A DEVELOPMENT AGREEMENT WITH SWISS SPORTMANS CLUB OF TACOMA

**Administrative Recommendation:**

**Background Summary:** Staff has been working on a Development Agreement with Swiss Park for the construction of a restroom/shower facility. A public hearing before Council was held on October 26th and no testimony was given. A signed copy of the Development Agreement is attached to the agenda bill.

**BUDGET INFORMATION:**

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**Budget Explanation:**

**COMMITTEE/BOARD REVIEW:**

- Subcommittee Review Date:  
- Commission/Board Review Date:  
- Hearing Examiner Date:  

**COUNCIL ACTION:**

- Workshop Date(s): October 19 & November 2, 2010  
- Public Hearing Date(s): October 26, 2010  
- Meeting Date(s):  
- Tabled To Date:  

**Signatures:**

- Director Authorization: John P. Vodopich, AICP
- Mayor
- Date City Attorney Reviewed: October 1, 2010
RESOLUTION NO. 2080

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN A DEVELOPMENT AGREEMENT WITH SWISS SPORTMANS CLUB OF TACOMA

WHEREAS, Chapter 36.70B authorizes local governments to enter into development agreements that set forth the “development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement”; and

WHEREAS, the City desires to enter into a development agreement with the Swiss Sportmans Club of Tacoma, the owners of real property at 21514 SR 410, Bonney Lake, WA; and

WHEREAS, RCW 36.70B.200 requires development agreements to be approved by ordinance or resolution after a public hearing; and

WHEREAS, a public hearing was held on October 26, 2010;

NOW THEREFORE, the City Council of the City of Bonney Lake, Washington, does hereby authorize the mayor to sign a Development Agreement with the Swiss Sportmans Club of Tacoma, for the development of a restroom/shower facility with an attached covered patio area.

PASSED by the City Council this day of 2010.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney
DEVELOPMENT AGREEMENT

This DEVELOPMENT AGREEMENT ("Agreement") is made between the City of Bonney Lake, Washington ("City") and Swiss Sportsmans Club of Tacoma ("Swiss Park") (hereinafter collectively referred to as "the Parties"), under the authority of RCW 36.70B.170 et seq.

RECITALS

WHEREAS, Swiss Park intends to construct an approximately 960 square foot restroom/shower facility with an approximately 860 square foot attached covered patio area; and

WHEREAS, the Swiss Park project is located in the Public Facilities (PF) zone, which does not allow commercial structures; and

WHEREAS, the Bonney Lake Municipal Code exempts in excess of 250 feet from a sewer main from connecting to sewer, unless the development is a commercial structure, residential subdivision, or multi-family residential structure; and

WHEREAS, the Swiss Park property is in excess of 250 feet of a public sewer line; and

WHEREAS, the City Public Works Standards require frontage improvements for commercial and residential development; and

WHEREAS, a restroom/shower facility in a private, non-profit recreational facility is neither a commercial nor a residential use, but is properly considered a public facilities use; and

WHEREAS, under RCW 36.70B.170, cities are authorized to enter into development agreements for real property in order to "set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement."

NOW, THEREFORE, the Parties agree as follows:

The purpose of this Development Agreement is to determine that the proposed restroom/shower facility is a public facilities use, not a commercial, or residential use, and therefore does not require connection to the public sewer system or frontage improvements along 198th Avenue Eas. The Swiss Park must adhere to all City planning and permitting requirements, which are unaffected by this agreement. The following terms shall govern the Development:

A. This Development Agreement shall be for the construction of an approximately 960 square foot restroom/shower facility with an approximately 860 square foot attached covered patio area. Any future development on-site may require connection to the public sewer system; connection to and extension of City water to the site; and/or
frontage improvements along 198th Avenue East including, but not limited to curb, gutter, and sidewalk improvements.

B. Prior to the issuance of a building permit for this project, Swiss Park will submit to the City a copy of a valid written permit from the Pierce County Health Department for an on-site septic system designed and approved to accommodate this use.

C. Per RCW 36.70B.170 (4), the City reserves the authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

D. Per RCW 36.70B.190, the City shall record this Agreement with the Pierce County Auditor, and this Agreement shall bind the Parties’ heirs, successors, and assigns for the duration of the Agreement.

E. This Agreement shall be in effect from the date of its ratification by resolution after a public hearing by the Bonney Lake City Council per RCW 36.70B.200 for a period of ten years. Provided, however, that Swiss Park shall complete construction of the shower/restroom facilities within eighteen months or the Agreement shall be null and void.

Landowners & Developers

By:  
Dave Henline, Treasurer  
Swiss Sportsman’s Club of Tacoma  
Authorized Representative

City of Bonney Lake

By:  
Neil Johnson, Jr. Mayor
October 28, 2010

Dear Council Members, Citizens, and Staff:

It is that time again to present the City’s biennial budget for the 2011-2012 fiscal biennium, which will be unveiled Tuesday, November 2nd. The Council, Administration and staff continue to work diligently, within the resources available, to provide effective and efficient service to the citizens of Bonney Lake. With a strained economy and diminishing local revenues, this budget holds the line on City expenditures while reflecting the Council’s goals and provides similar levels of service to the last biennium. The intent of the budget document is to not only lay out the spending plan of the city, but to also make the budget straightforward, readable, and easy to understand. One goal is to help citizens better understand how the City works, where the money comes from, and where it goes.

I would like to especially thank members of my executive staff, department heads, and to Chief Financial Officer Al Juarez, Accounting Manager Kassandra Raymond, Executive Assistant Brian Hartsell, and City Administrator Don Morrison for their dedication and long hours in putting together the budget document. It is no easy task. Kassandra gets my special thanks, as she again took the lead this year in compiling the budget. She has a great deal of experience in this area, and her expertise made it much easier to prepare the budget. It is our intent to again submit the budget document to the Government Finance Officers Association (GFOA) as a candidate for a national budget award. If you recall, we received this prestigious award for the 2009-2010 biennial budget, the first time the City had ever received the award.

Explanation of the Budget Document

The budget document incorporates the City Council’s priorities from the City Council Retreat and various Council workshops and adopted plans. It is my belief that the average citizen should be able to read the budget and know what services and projects are provided in the budget. This budget attempts to do just that. I hope you find it readable and informative.

While this budget is technically a combined 2011-2012 biennial budget, we have broken out 2011 and 2012 revenues and expenditures into separate columns, with distinct goals and initiatives. The funds identified for each individual year will serve as an administrative allocation for each of the two years of the biennium.

Financial Policy Decisions

The adopted budget continues the process of direct charging of service costs (cost allocation) to the appropriate fund so that we can better track expenses by fund. The appropriate fair share of selected General Fund allocation costs to utilities is transferred monthly.

We have no proposal to tap any of the “Rainy Day Fund” (Contingency Fund 126), which is currently at $1,112,545.
We have retained the same allocation and distribution of Real Estate Excise Tax (REET) funds as we have in previous years. These funds are restricted to capital improvements. With the downturn in the economy, however, REET revenue collections are running less than half of what they did in 2006, resulting in reduced funding for capital projects. REET funds are allocated 50% to Streets CIP; 35% to Parks CIP; and 15% to General Government CIP.

**Council Priorities**

This budget document incorporates key Council priorities from the Council Retreat and subsequent programs and plans adopted by the City Council. The top Council priorities from the 2010 Council retreat were:

- Lobby to maintain Pierce Transit routes in Bonney Lake. If necessary, develop alternative transit plans for the City.
- Develop a Community Culture element of the Comprehensive Plan to include historic preservation, cultural arts, public art, museum, and veteran’s memorial.
- Develop a Midtown subarea plan.
- Reconsider council ward boundaries, including possibility of all at-large council positions.
- Acquire Victor Falls site and develop a park that would be a destination draw.
- Pursue a community recreation center or YMCA.
- Develop a useable section of the Fennel Creek Trail and develop park plans to better serve parts of the City lying South of SR 410.
- Develop an off-leash dog park.
- Coordinate with Chamber and local businesses to improve streetscapes including trees, banners, flower baskets and other attractions.
- Update the City’s emergency management plan, including extended response capability in which the City can operate essential systems for 7-10 days.

City staff continues to work on all of the priorities in varying degrees. Given the state of the economy and significant revenue shortfalls, several of the plans are being developed by staff instead of consultants. This additional workload means that several of the projects will take longer than would be the case if the City had the funds to hire consultants to do the work. The ward boundary revision project will not be undertaken until 2010 Census data is available and the City knows whether the CUGA annexation is approved. The goal to acquire Victor Falls has been put on hold due to other park priorities and a significant drop in park impact fees and real estate excise taxes which fund most park land acquisition.

**Revenue Forecast**

From 2002 – 2006, General Fund revenues increased by an average of nearly $1.0 million per year, reflecting the rapid pace of growth in the City and the strength of the local economy. Although we anticipated a construction downturn in 2006, it did not materialize until 2007. Since 2007 however, there has been a general decline in housing sales. Accordingly, building permit fees are down nearly 75% over 2007 highs, as are Real Estate Excise Tax (REET) revenues.
We anticipate Bonney Lake’s economy to continue to rebound, but not to pre-recession levels. While general City sales tax collections remain consistent due to the increase in new businesses, sales tax growth has slowed dramatically, with sale tax collections from new construction off more than 50% over previous highs.

In the General Fund, the “Big Five” revenue sources are, in order of dollar amount:

1. Sales taxes
2. Property taxes
3. Building Permits
4. Utility taxes
5. Fines and Forfeitures

The City estimates to end 2010 with $3.3M in sales tax collections compared to $3.8M in 2007. While general City sales tax collections from retail sales and food establishments remain flat, getting to $3.3M was helped in large part to the increase in the number of new businesses that located to Bonney Lake in late 2009 and 2010. The other category that has been stagnant is the building industry, where sale tax collections from new construction is off more than 50% over previous highs.

Given anticipated and known commercial retail projects in Midtown and Eastown, we thus anticipate modest growth in sales tax collections, assuming the Puget Sound region experiences a modest rebound in the economy.

By state law, property tax is currently capped at a 1% increase plus the value of any annexations and new construction. For several years now, the City’s net effective tax rate has decreased because the higher assessed valuation from growth and property appreciation spreads the tax over a broader base, resulting in a lower rate. The City rate is now 1.107 mills (2010 tax rate), which is down from the 1.300 mills (2007 tax rate) levied at the beginning of the last biennium. Note: A mill is one dollar ($1.00) in property tax for every thousand dollars of assessed valuation. The City is authorized up to $1.60 per thousand, but cannot not exceed 1.107 mills without a vote of the people to “lift the lid” on the levy.

With the Bonney Lake real estate boom taking a nose dive, some building continues at diminished levels. If you recall, 2005 and 2006 set new records for license and permit revenue with 2005 topping the $1 million mark, the first time in the City’s history. Years 2006 and 2007 each ended at $1.7M; in license and building permit related revenue, then the recession hit. In 2008 license and permit revenue dropped to $687,000, and in 2009 it further dropped to $376,000. 2010 is estimated to end around $489,469, and given the desirability of the Bonney Lake area, we anticipate some continued in-fill and development in 2011. Add to this the slow but steady transition and renovation of the downtown area, the expectation of Eastown development becoming a reality, the city is well positioned to make see small gains in 2011 and 2012. It remains to be seen how the requirement to install sprinklers in all new homes will affect housing construction.
Utility taxes generally increase as the City grows and adds new utility customers. While conservation can reduce the amount of a utility bill, and thus the City’s utility tax collections, utility tax receipts have actually dropped significantly this past year. This was unforeseen and has caused a significant dent in the revenue budget. There are several factors at play. The slowdown in the economy has caused people to conserve generally. A rainier spring and summer reduced demand for water. Federal law changes in the taxing of natural gas reduced utility taxes from natural gas utilities. The reduction in hardwired phone lines (dropping land lines and relying solely on cell phones) decreased Quest phone revenues, and a higher than average vacancy rate (vacant homes without utility service) reduced the demand for utility services. We are projecting a 2010 year end total of $2.4M in utility tax collections, a drop of nearly $300,000 from last year. We anticipate $2.4M in utility tax receipts in 2011, and $2.47M in 2012, a slight increase, but a drop from 2009 high of $2.7M.

Overall, General Fund revenues are anticipated to remain flat over the next biennium. We have updated the long range financial planning model that is tied to the capital improvement plans of the City. During the biennium, we will need to continually refine and update the model to give City officials the tools we need to make sound financial decisions regarding operations and maintenance as well as capital investment. The financial resources of the City are discussed more fully in Section Three.

Expenditure Forecast

The City of Bonney Lake utilizes a modified accrual basis of accounting according to which (a) revenues are recognized in the accounting period of which they become available and measurable and (b) expenditures are recognized in the accounting period in which the fund liability is incurred, if measurable, except for un-matured interest on general long-term debt and certain similar accrued obligations, which should be recognized when due.

During 2008 the city elected to engage a biennial or two year budget therefore adopting their first biennial budget, pursuant to statute, for the period beginning January 1, 2009 through December 31, 2010. Municipal budgets in the State of Washington are required to be a balanced document in which revenues and expenditures equal. The city prepares and presents each year of the biennium within distinct columns that illustrate both revenues and expenditures for the applicable year of the biennium. We are further held accountable to the WA State Auditor for compliance with this original planning document and subsequent modifications that occur throughout the year of operations.

Expenditures are described as decreases in net current assets and may include debt service, capital outlays, and those current operating costs, which require the use of current assets.

In the General Fund, the “Big Five” expenditure allocations are as follows:

<table>
<thead>
<tr>
<th>Expenditure</th>
<th>2011 Percentage</th>
<th>2011 Dollar Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Law Enforcement</td>
<td>40.4%</td>
<td>$5,231,129</td>
</tr>
<tr>
<td>2. Community Development</td>
<td>10.8%</td>
<td>1,396,192</td>
</tr>
<tr>
<td>3. Financial Services</td>
<td>7.8%</td>
<td>1,014,287</td>
</tr>
</tbody>
</table>
4. Administrative Services  
   (Includes Information Technology)  7.4%  961,821
5. Road and Street Maintenance  7.2%  925,770
Total 2011 Proposed Budget  $9,529,199

Law enforcement, the Police Department, is segregated into multiple divisions to assist in the management and operation of the overall department. Following is the make-up of the police department as presented for the 2011 budget: (a) Administration = $814,413; (b) Investigations = $521,183; (c) Patrol = $3,254,248; (d) SWAT Operations = $25,450; (e) Marine Services = $30,800; (f) Community Services Programs = $77,535; (g) Traffic Enforcement = $63,500; (h) Property Room = $39,000; (i) Care and Custody of Prisoners = $90,000; (j) 911 Communications = $315,000.

The Community Development Department provides professional policy guidance to the Mayor, City Council, Planning Commission, Design Commission Review Board and other city departments on all matters related to land use; development review; environmental regulation; building safety; geographic information systems, code enforcement; and long range comprehensive planning within the city and its unincorporated urban growth area (UGA). Most of the expenditures are related to building permits, development review, and community planning.

The Office of Financial Services provides central services, accounting, financial management and planning, budgeting assistance, utility billing, and internal support to other departments. In addition to providing salaries and benefits for a staff of ten employees, the following statutory requirements are budgeted within this department: (a) WA State Auditors services = $60,000; (b) Contracted utility billing and lockbox services = $22,000; (c) Contracted services for credit card functionality = $13,000; (d) Armored car services for banking activities = $4,500.

The Road and Street Maintenance program provides street maintenance services, such as filling pot holes, chip sealing, maintenance overlays, installing and maintaining street signs, sidewalks and other pedestrian walkways, street lights, traffic lights, and other traffic control devices.

The Administrative Services Department consists of the Office of the City Clerk, Office of Information Services and the Office of Human Resources. The Director doubles as the City Clerk. The Clerk's office is responsible for community relations, records management, risk management, employee safety, preparation of the Council agendas, and minutes and other official proceedings. The community relations function is also supported by providing switchboard and reception activities. Information Services serves the City for all data processing and information technology. IS also coordinates all land and cellular phone systems, and assists with the City's radio communications infrastructure.

City Staffing

The City grew rapidly between 2000 and 2007, from 9,687 residents to 15,740, or 62%. This was an average annual growth rate of approximately 8%. From 2007 to 2010, City population grew to 16,690, which was an annual grow rate of only 2%. This early growth impacted all
departments of the City. Most City staff growth lagged behind general population growth by about 10%, expect in the City utilities. Due to the stagnant economy, no new positions have been added to the budget unless they were grant funded, and then very few. Because the City already employed fewer staff per capita than comparable cities, reductions in staffing would likely mean a corresponding reduction in service levels. There are no new positions included in the 2011-2012 biennial budget. I have placed a freeze on all vacant positions (e.g. Finance Specialist, Police Sergeant). These will be re-evaluated in mid-2011. Other reductions may be made in the second half of 2011 depending on how the economy rebounds and the workload demands at that time. In order to reduce the dependence on reserves for year 2012, several position reductions may need to be made during the mid-biennial budget review process unless the economy makes a significant recovery or the City otherwise grows substantially, through annexation or otherwise, along with an accompanying increase in revenue.

The AFSCME contract which covers all employees other than non-represented employees and police department personnel. Their current contract runs through 12/31/2012. AFSCME covered employees will be granted a cost-of-living adjustment (COLA) equivalent to 90% of the Seattle-Tacoma-Bremerton CPI-U, previous June to June, with a guaranteed minimum of 0%, and a maximum of 4.0%. Given the current CPI, it is estimated that AFSCME employees will receive no COLA in 2011. The contract provides that on January 1, 2012, employees will likewise be granted a cost-of-living adjustment (COLA) equivalent to 90% of the Seattle-Tacoma-Bremerton CPI-U, previous June to June, with a guaranteed minimum of 0%, and a maximum of 4.0%. Unless there is considerable inflation during the next year, it is estimated that AFSCME employees may see little or no COLA during the 2nd half of the biennium. The salary budget provides no funds for a 2011 COLA, and a 1% contingency increase in 2012, which as stated is dependent on how the CPI-U index turns out over the next year.

The two Police Guild contracts have been in negotiation (wages and medical benefits only) for 2011. A tentative agreement has been reached to maintain the status quo (no base wage increase) for 2011. The entire contract will be open for renegotiation for 2012. Due to the economy, a negative CPI, and the types of settlements being negotiated in the region, it is not anticipated that public safety wage scales will increase over the next biennium. This will likely be fairly common throughout the region as cities and sheriff’s departments continue to make cutbacks associated with the restructuring of market based wage scales in the new economy.

The salary ordinance covering non-represented employees is not part of the budget document, and is considered separately. However, if no changes are proposed in the base rates of non-represented employees, it may not be necessary to amend the salary ordinance.

**Budget Highlights**

Each department budget outlines the budget highlights and goals for the new biennium. This budget discusses each budget program individually. Some of the key programs or projects funded in the 2011-2012 biennium include:

- Maintenance of special events, arts, and city beautification programs;
• A variety of equipment and fleet replacements and acquisitions as described in the Equipment Rental and Replacement Fund budget;
• Continuation of the sidewalk, street lighting, and chip seal programs;
• Continuation of the Capital Improvement Program within the limits of available funding.
• Continued funding of the City’s share of the Sumner Family Center
• Continued funding of the City’s share of the Parks and Rec Program

Principal capital projects are budgeted for construction during the biennium include:

• Completion of the Interim Justice Center;
• Completion of the Fennel Creek Trail Link through the Safe Routes grant;
• Acquisition of a significant portion of the Fennel Creek Trail corridor
• Design of SR410 and 214th intersection improvements
• Eastown sewer lift station
• Angeline Road drainage improvements
• Lift Station 17 capacity upgrades
• Various sewer trunk line improvements
• Upgrades to the joint Sumner wastewater treatment plant
• Construct sidewalk on the north side of SR410 from 198th to 208th Avenue utilizing a TIB $1 million grant.

Use of Reserves

As a result of discussion at the budget retreat, I am proposing to move a significant amount of our General Fund Reserves into equipment and capital projects. $400,000 (maybe as little as $226K) of the City’s General Fund balance (reserves) has been allocated to general operations and maintenance. $700,000 is transferred to the Equipment Rental and Replacement Fund (ER&R) to catch up the General Fund’s portion of the unfunded depreciation in the Fund. $300,000 is transferred to the Street CIP for TBD neighborhood sidewalk improvements. $1,000,000 is transferred to the Park CIP to put towards a community recreation center/YMCA. $500,000 will be transferred to the General Government CIP to: 1) to continue the downtown civic center land assembly and related work, 2) tenant improvements to convert more space in the IJC for City use, and 3) economic development initiatives for downtown, midtown, and Eastown. $100,000 is transferred to the Street CIP to install approximately ten (10) RU2 radar units around parks, schools, and sky island. These traffic calming devices are pole mounted radar speed feedback signs to let drivers know how fast they are going, and to slow down if necessary. Studies have shown these to be effective in reducing traffic speeds. This still leaves a reserve of approximately $2.7M, or approximately 21% of the annual General Fund operating budget, which is sufficient to meet cash flow requirements and contingencies.

Precautionary Note

As a precautionary note, if the economy does not recover and the City’s projected revenues drop even further, some of the fund balance transferred for the projects listed above may need to be recaptured and returned to reserves. It is important to note that General Fund revenues dropped
an estimated $515,250 between 2008 and 2011. During this time costs have increased substantially and the City has taken on $890,000 in additional debt service for the 800MHz police communications system and the Justice Center. This required the City to draw down some of the City’s fund balance in order to meet new debt service payments. The City has held a line on the growth of city government for the past 3 years, and the 2011-2012 biennial budget continues that trend. In terms of operating costs, the General Fund is taking in more revenue than it is spending; however, when the new debt service is factored in, revenues are not covering total expenditures without the use of reserves. Our plan is for revenues to cover all expenditures by 2013, both for operating costs and debt service.

Summary

I am pleased with the positive working relationship we have established between the administration, council, and staff. It is a pleasure to work with a group of individuals who are willing to work together for the betterment of Bonney Lake. We have made considerable community progress during this past biennium despite a challenging economy. Everyone has pitched in and helped economize where possible, knowing we need to do more with less in this “new economy”.

Bonney Lake is fortunate to have a somewhat diverse tax base, which is a trend we need to enhance moving forward, while being very judicious in how we allocate scarce resources for a variety of capital needs that run into the hundreds of millions of dollars. The development of our financial planning model tied to our capital plans has helped us realistically plan and will continue to prove very helpful in identifying our challenges and options in achieving our goals. Knowing there is nowhere near enough funding to address all of the projects identified in our various comprehensive plans, we will need to be creative and pursue the full range of available funding sources. Part of this strategy is for the City to continue being active and aggressive in seeking grant funds for streets, sidewalks, public safety, and various community services. Since becoming Mayor, the City has secured over $4 million in grant funds for the community.

I would like to thank our City council, staff, citizens, service organizations, and community volunteers that make our city what it is. We have made a lot of progress this year, and I am confident that we will see considerably more progress during the next biennium.

Sincerely,

[Signature]

Neil Johnson Jr.,
Mayor