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 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 such 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.)

Location: Bonney Lake Justice & Municipal Center, 9002 Main Street East, Bonney Lake, Washington.

I. CALL TO ORDER – Mayor Neil Johnson, Jr.
   A. Flag Salute
   B. Roll Call: Mayor Neil Johnson, Jr., Deputy Mayor Dan Swatman, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, Councilmember Katrina Minton-Davis, Councilmember James Rackley, and Councilmember Tom Watson.
   C. Announcements, Appointments and Presentations:
      1. Announcements: None.
      2. Appointments: None.
      3. Presentations:
   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

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.

A. Approval of Minutes: February 19, 2013 Workshop and February 26, 2013 Meeting.

B. Approval of Accounts Payable and Utility Refund Checks/Vouchers: Accounts Payable checks/vouchers #65669-65725 including wire transfer #20130215 (voiding checks #65705, 65706, and 65707 due to multiple page remittances) in the amount of $280,171.63. Accounts Payable check/voucher #65726 in the amount of $32.00 for an AR deposit refund. Accounts Payable checks/vouchers #65727-65738 in the amount of $2,637.66 for utility refunds. Accounts Payable checks/vouchers #65739-65750 in the amount of $96,550.42. For a grand total of $379,391.71. Voids: Check #64663 – replaced with check #65556; Check #64768 – replaced with check #65497; Check #65175 – paid in error; Check #63774 – replaced with check #65400; Check #65138 – replaced with check #65524; Check #65250 – replaced with check #65749; Check #64977 – replaced with check #65549.

C. Approval of Payroll: Payroll for February 16-28th 2013 for checks #30980 - 31001 including Direct Deposits and Electronic Transfers in the amount of $ 628,791.69.


E. AB13-26 – Resolution 2277 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Declaring Surplus Property, And Authorizing The Mayor To Sell Said Property Pursuant To BLMC Section 2.70.100.


G. AB13-38 – Resolution 2289 – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Call For Bids For The Replacement Of Water Main In Evergreen Point.

V. FINANCE COMMITTEE ISSUES: None.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES: None.
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
Location: Bonney Lake Justice Center, 9002 Main Street East, Bonney Lake, Washington.

I. CALL TO ORDER – Mayor Neil Johnson, Jr. called the workshop to order at 5:31 p.m.

II. ROLL CALL:
Administrative Services Director/City Clerk Harwood Edvalson called the roll. Elected officials attending were Mayor Neil Johnson, Jr., Deputy Mayor Dan Swatman, Councilmember Randy McKibbin, Councilmember Mark Hamilton, Councilmember Katrina Minton-Davis, Councilmember Jim Rackley, Councilmember Donn Lewis, and Councilmember Tom Watson.

Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Police Chief Dana Powers, City Attorney Kathleen Haggard, Administrative Services Director/City Clerk Harwood Edvalson, and Administrative Specialist II Renee Cameron.

III. AGENDA ITEMS:

A. Council Open Discussions:

Chamber of Commerce Luncheons. Councilmember Watson said he attended the Bonney Lake Chamber’s Luncheon and they had a great presentation about the Four Seasons Mechanical Works and their toy rescue program. He said the Four Seasons Mechanical Works is having an Open House next Tuesday, February 26th. He also attended the Auburn Chamber of Commerce luncheon and Auburn Mayor Pete Lewis did a great presentation about development in Auburn. Auburn received 26 grants last year for city projects, as well as continuing renovations to the Auburn Supermall. Councilmember Hamilton asked if the City has committed staff who attended the Chamber luncheons, Mayor Johnson said that Councilmembers Watson and Rackley usually attend, as well as himself or City Administrator Morrison on occasion.

Little Caesar’s Pizza. Councilmember Watson said he wanted to follow up with a letter he sent regarding concerns with the Little Caesar’s Pizza permitting. Mayor Johnson asked Community Development Director Vodopich if he wanted to provide any update from an email that the Council received earlier today. Mayor Johnson said staff make sure businesses and citizens are taken care of and he appreciates hearing about concerns either the Chamber or others may have so they can be investigated. He said City codes have to be upheld, unless they are changed. He said first and foremost he wants to make sure that City staff are cordial and follow up with issues and concerns. Councilmember Watson said he will get in touch with those involved so they are aware of where the City is coming from.
Council Retreat Facilitator. City Administrator Morrison said he provided a memo to the Council regarding retreat facilitators who are available to assist with the Council Retreat. Council briefly discussed the two qualified facilitators and City Administrator Morrison said he will contact them to confirm their availability for the March 30th Council Retreat.

Damaged Street Signs. Councilmember Rackley asked if there is any way to protect the street signs that are constantly knocked over. He wondered if cementing them in would be beneficial. Public Works Director Grigsby said that the majority of the signs are metal posts with anchors and a number of the damaged signs were just replaced this weekend. He said they looked like they were snapped-off; however, the signs are designed to bend over instead of pulling out of the ground. Mayor Johnson asked Chief of Police Powers to check with Pierce County about damaged street signs that they’ve encountered, and whether they contact the City as a courtesy when they notice a City sign that has been damaged.


The February 5, 2013 Workshop, and February 12, 2013 Meeting minutes were forwarded to the February 26, 2013 Council Meeting for action, with three minor corrections noted by Councilmembers Lewis and Watson.

C. Discussion: Changes to City Building Names.

City Administrator Morrison reviewed the survey that was sent to the City’s employees and the Council regarding the changes to the City building names. He said there was strong consensus to rename the old City Hall the “Public Works Center.” He said there was not as much consensus regarding the renaming of the Justice Center. He said the top choice was to rename the Justice Center the “Justice & Municipal Center.” Mayor Johnson asked whether a resolution would be required for the renaming of the City’s buildings. City Administrator Morrison said the City never passed a naming policy resolution, though a draft had been done in the past. He said that the draft resolution laid out how the City would name streets, parks, buildings, etc., and in order for a building to be named after a person that individual would have to make a substantial contribution.

Mayor Johnson said that if the top choices are used, the old City Hall would become the Public Works Center (PWC), and the Justice Center would become the Justice & Municipal Center (JMC). Councilmember Hamilton said his only concern with the choice of the JMC is there is no official City Hall. Councilmembers Minton-Davis and Lewis agreed with Councilmember Hamilton.

Deputy Mayor Swatman said he would not put an official name on the Justice Center, because if the City chooses to build a downtown core or a Civic Campus later then the public may take issue with it if the City already has a “City Hall” downtown.

Councilmember Hamilton said that the Historical Society could help with finding a particular person(s) who has served the community in the City’s history. Mayor Johnson said if the Council wants to consider a historical name that it should be a process that would work itself through. City Administrator Morrison said the draft naming policy stated that a name should reflect the building’s functionality. Councilmember Minton-Davis said she likes the idea of eventually giving the building a name with a historical background.
D. Discussion: Park Board Work Plan.

Deputy Mayor Swatman said he would like to have Council discussion about implementing a Park Board Work Plan. Councilmember Minton-Davis said she thinks the Park Board could look at a park fee or use fee at Allan Yorke Park. She said that a lot of police hours are spent at Allan Yorke Park during the summer months and many of the visitors at the Park are not City residents. She said she also thought that there could be an increase on the boat launch use fee. Mayor Johnson advised that this issue is currently at the Finance Committee for consideration.

Councilmember Lewis agreed with Councilmember Minton-Davis and he said as the Safe Swim Program is implemented and other improvements are made at the Park he believes there will be even more visitors to the park. Park Board Chair Jim Bouchard was present and said he received e-mails regarding the boat launch fees, and some issues the Safety Committee was looking at regarding the fees at the Lake Tapps North Park, which is owned by the County. Park Board Chair Bouchard said he will add the park fee or use fee for Allan Yorke Park to the Park Board’s agenda. He said there will be a lot of issues for the Park Board to consider, especially if the Council wanted them implemented before this summer.

Councilmember Hamilton said he spoke with some residents who were frustrated with the City in regards to the Allan Yorke Park boat launch. He said residents already have issues during busy summer weekends, and they want to know how the City can handle a larger capacity of visitors and boats. Mayor Johnson said that eventually as it becomes more populated that the City will have to consider putting a maximum number of daily launches and that the bollards would stay up after the maximum has been reached.

Park Board Chair Bouchard asked about the new proposed development for the Park Place Apartments, and how this new development would impact traffic at Allan Yorke Park. He said obviously there will be impact as this new development would allow for a marina, with three docks and approximately 20-25 boat slips. Community Development Director Vodopich said there is a public hearing of the Planning Commission on April 14, 2013 regarding the Park Place Apartments Project.


Administrative Services Director Edvalson said there is no update to the proposed resolution which has been before the Council previously. He said the item is before the Council as an unbudgeted purchase. He advised that the current quote is not necessarily the final total amount for the project.

Councilmember Lewis said he thinks it is a great idea to have an emergency phone at Allan Yorke Park not just for the swim area, but also for the ball fields, skateboard park, and other events that happen in the area.

Mayor Johnson asked staff to firm up the bid and proceed with the emergency phone as part of the Swim Safe Program.


Community Development Director Vodopich said this is basically a housekeeping ordinance regarding state law changes and the number of permits the City will issue. This ordinance would clean up the process for applications for permits for sale of fireworks within the City limits. He said last year the City received more applications for permits than the City would allow. He said if this ordinance was enacted that it would not take effect for at least one year.
City Attorney Haggard said this ordinance would amend the practice of how the permit applications are received, to be on a first come, first served basis. Otherwise, the City could receive all of the applications, process them and then have the permits selected by a lottery. Councilmember Minton-Davis asked about the one year effective date of the ordinance and when the ordinance would apply to permit applications. Community Development Director said that this ordinance would not impact applications until 2015.

Deputy Mayor Swatman asked in which zones firework stands could be established. Community Development Director Vodopich said basically they are allowed in all commercial zones that allow retail sales.

G. Discussion: AB13-36 – Resolution 2284 - Refinancing the Municipal Debt.

City Administrator Morrison said that this is a continuation of the discussion and presentation by Senior Advisor Jim Nelson at the February 5, 2013 Council Workshop. The proposed resolution would declare the City's intent to reimburse certain capital expenditures from the proceeds of tax-exempt bonds or other obligations. He said he felt that there was a consensus from Council to proceed with the refinancing of the municipal debt and to possibly add a bit of new money to reimburse the funds, or if an opportunity came up to obtain any of the remaining properties needed to complete the Civic Center, or other needs that the City has on its list. He said he thought that the most new money to consider would be $500,000 - $1,000,000. He said if the City wanted a back up generator for the Justice Center it will be quite expensive, so that is an item to consider using funds for. He said another need is the key card system for the Justice Center, which is also costly. He said the list of seven items on Page 38 of the agenda packet are items to be considered potential uses for additional new money should Council choose to do so.

Councilmember Lewis said the key card system is a good option because it is cheaper than having to replace locks and/or keys and the system tracks who is coming in and out of the building and what access is being used.

Councilmember Rackley said the only reason to take out additional funds is to take advantage of historically low interest rates. He said it’s a risk for the City but he believes now is the time to consider taking a loan with the low interest rates. Mayor Johnson said should Council choose to proceed with additional new money in the refinancing, he doesn’t want to take too large of a loan. He said he thinks that the keycard system is an important use of the additional new funds.

Councilmember Hamilton said the only potential use of additional new money he sees as necessary would be $200,000 for the Phase II Justice Center Improvements Project. He said he also likes the idea of the key card system but he does not want to see the City take out additional loans new money of more than $200,000. Councilmembers Hamilton, Watson, Minton-Davis, McKibbin and Lewis thought that $200,000 was a reasonable amount.

Deputy Mayor Swatman agreed with Councilmember Rackley that since the interest rate is so low he thinks the City should get the money while it is available, and there are items that the City may wish to expend on capital improvement projects and other items in the future.

Mayor Johnson said if the City doesn’t expend the monies in three years then penalties are incurred. He said if another option comes to their attention then they can review and discuss it for consideration. Councilmember McKibbin asked if there will be other time to consider the City’s needs and Mayor Johnson advised that there will be.
IV. Executive Session: None.

V. ADJOURNMENT:

At 6:35 p.m., Councilmember Rackley moved to adjourn the Council Workshop. Councilmember Lewis seconded the motion.

Motion to adjourn approved 7-0.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council for the February 19th Workshop: None
I. CALL TO ORDER – Mayor Neil Johnson, Jr. called the meeting to order at 7:02 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 Deputy Mayor Dan Swatman, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, Councilmember Katrina Minton-Davis, Councilmember Jim Rackley, and Councilmember Tom Watson.

Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Chief Financial Officer Al Juarez, Police Chief Dana Powers, Administrative Services Director/City Clerk Harwood Edvalson, City Attorney Kathleen Haggard, and Records & Information Specialist Susan Duis.

C. Announcements, Appointments and Presentations:

1. Announcements: None.

2. Appointments: None.

3. Presentations:

      Judge Ron Heslop administered the Oath of Office to the City’s new Chiefs of Police. Police Chief Powers thanked the families, staff and Council for their support and for recognizing the need for these positions. She said the Assistant Chiefs will lead the department into the future. Asst. Chief Alfano also thanked the Council and said the department has wanted to go in this direction for a long time, and they have received support from other law enforcement agencies. Asst. Chief Keller thanked the Council for the opportunity, and said he has a great partner to work with.

      At 7:08 p.m. the Meeting was recessed for 15 minutes for a reception honoring the new Assistant Chiefs. Mayor Johnson called the Meeting back to order at 7:24 p.m.

D. Agenda Modifications: None.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:
A. **Public Hearings**: None.

B. **Citizen Comments**: None.

C. **Correspondence**: None.

### III. COUNCIL COMMITTEE REPORTS

A. **Finance Committee**: Deputy Mayor Swatman said the committee did not meet earlier in the evening. He said two of the Committee members attended the State Auditor’s exit interview with the Finance Department earlier in the day. He said the City received another clean audit and staff did a good job. Councilmember Rackley said this year’s audit had even fewer issues than in the past and showed a notable improvement. He thanked Councilmember Hamilton for letting him attend the interview in his place.

B. **Community Development Committee**: Councilmember McKibbin said the committee met on February 19, 2013 and did not forward any items to the current agenda. The Committee heard a presentation on a requested traffic signal on SR 410 at 204th Ave E.

C. **Public Safety Committee**: Councilmember Hamilton said the committee has not met since the last Council Meeting.

D. **Other Reports**:

**Community Reports**: Councilmember Watson said he and Councilmember Lewis attended the White River Families First Coalition on February 25th. The group heard a presentation on ‘Knowing Our Communities’ by a representative from Enumclaw Regional Healthcare. He said the agency provides several services for the plateau area, including mini-grants, a ‘Care Van’ transportation service, and dental van services. Councilmember Watson said a series of free ‘Strengthening Families’ workshops will begin on April 15th at Bonney Lake Elementary School.

Councilmember Lewis said he attended a meeting on February 22, 2013 with representatives from the Sumner School District and the Buckley Youth Activity Center to discuss a proposed bike program. Buckley is working with students from Pacific Lutheran University to set up a program to provide loaner bikes and bike repair training to youth. He said the Buckley center is a good model if Bonney Lake decides to build a youth center program in the future.

Mayor Johnson said he, department heads and other staff members attended the Bonney Lake High School Youth Forum earlier in the day. He thanked staff for participating and said it was a good event. He said the students talked about similar issues as they have in past years, saying they need more activities, more restaurants, and a YMCA. He said a group of students who live outside the City limits mentioned drug issues in the community as well. Administrative Services Director/City Clerk Edvalson said four of the six groups in one class talked about having a more cohesive downtown area. Mayor Johnson said the kids are very aware of construction and developments in the community. He said staff will distribute a full report of the event to the Council.

Councilmember Lewis asked for an update on the Transportation Survey that the City posted earlier in the month. Mayor Johnson said all the students at the Youth Forum filled
out the survey; City Administrator Morrison said about 70 people have taken the online survey as well.

IV. CONSENT AGENDA:

A. Approval of Minutes: February 5, 2013 Workshop, and February 12, 2013 Meeting.

B. Approval of Accounts Payable and Utility Refund Checks/Vouchers: Accounts Payable checks/vouchers #65050-65076 including wire transfers #11302012 in the amount of $238,117.58. (These vouchers were missed from the Council approval process in January 2013). Accounts Payable wire transfer #2013021501 in the amount of $37,032.21. Accounts Payable checks/vouchers #65540-65555 in the amount of $56,443.05 out of the 2012 budget. Accounts Payable check/voucher #65556 in the amount of $3,201.01 for an AR deposit refund out of the 2012 budget. Accounts Payable checks/vouchers #6557-65647 (including wire transfers #10796339, and20130204) in the amount of $659,218.96 out of the 2013 budget. Accounts Payable checks/vouchers #65648-65652 in the amount of $11,290.38 for AR deposit refunds out of the 2013 budget. Accounts Payable checks/vouchers #65653-65667 in the amount of $1,106.21 for Utility refunds out of the 2013 budget. For a grand total of $1,006,409.40.

C. Approval of Payroll: Payroll for February 1st - 15th 2013 for checks #30959-30978 including Direct Deposits and Electronic Transfers in the amount of $414,556.68.


E. AB13-23—Resolution 2249—A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Unbudgeted Purchase In For An Emergency Telephone At The Swim Area In Allan Yorke Park As Part Of The City’s Lake Tapps Swim Safe Program. Moved to Full Council Issues.

F. AB13-28 – Resolution 2279 – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor Sign A Hold Harmless Agreement With The Swiss Sportsmen’s Club Of Tacoma For The Use Of Their Firearms Training Facility.

G. AB13-29 – Resolution 2280 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Agreement With Bonney Lake Community Resources For Operation Of The Bonney Lake Community Garden.

H. AB13-30 – Resolution 2281 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Agreement With Bonney Lake Community Resources For Operation Of The Concession Stand At Allan Yorke Park.


Mayor Johnson said the Public Safety Committee items were reviewed by the committee, though the agenda bill sheets did not specifically show this. Deputy Mayor Swatman
requested that item D., Ordinance D13-35 and item E., Resolution 2249, be moved from the Consent Agenda to Full Council Issues as Items B. and C.

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

**Consent Agenda approved 7 – 0.**

Councilmember Watson said he noticed a lot of small expenditures on the voucher listing, and said department heads are told to spend all their budget. Mayor Johnson said that is not the case, and departments are told to try to spend below their budget lines if possible.

Councilmember Watson noted that several of the items in the current agenda packet are not marked with a council sponsor, and some items on the Consent Agenda were not marked as being forwarded to the Consent Agenda by the committee. Councilmember Hamilton said normally the agenda items are updated after they go through committee. He confirmed that all the Public Safety Committee items on the Consent Agenda were reviewed and forwarded by the Committee.

Administrative Services Director/City Clerk Edvalson said if no specific councilmember sponsored an agenda item, there is nothing listed in this field. He said a staff contact is always listed on the agenda bill form, if there are questions. Councilmember Rackley said he felt all items should have a Council sponsor, and if there is none, the Committee Chair should serve as the sponsor.

Councilmembers discussed agenda bills and sponsorships further. Deputy Mayor Swatman said it may simply be a housekeeping issue to ensure agenda bill cover sheets are updated. Mayor Johnson suggested the issue be discussed further at a Workshop.

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

VI. **COMMUNITY DEVELOPMENT ISSUES:** None.

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

VIII. **FULL COUNCIL ISSUES:**

   A. **AB13-36 – Resolution 2284** – A Resolution Of The City Of Bonney Lake, Washington, Declaring The City's Option To Reimburse Certain Capital Expenditures From The Proceeds Of Tax-Exempt Bonds Or Other Obligations.

   **Deputy Mayor Swatman moved to approve Resolution 2284. Councilmember Lewis seconded the motion.**

   City Administrator Morrison said the proposed resolution gives the Council another option and more flexibility, but does not require them to use these alternatives.
Resolution 2284 approved 7 – 0.


Deputy Mayor Swatman moved to approved Ordinance 1451 [D13-35]. Councilmember Watson seconded the motion.

Deputy Mayor Swatman questioned whether temporary fireworks sales should be allowed in the Downtown Core area. He said in the past the Planning Commission spent a lot of time to determine which uses should be allowed in the Downtown Core zone. He said the City wants the downtown area to be ‘walkable’ and he did not feel this type of business was a good fit for the area. He said he planned to vote against the proposed ordinance as written.

Councilmembers discussed the short-term nature of fireworks businesses and whether they were disruptive to neighboring businesses. Deputy Mayor Swatman noted that any change will not go into effect for two years, so existing businesses will have plenty of time to prepare.

Councilmember Lewis suggested that the ordinance could be revised to remove the ‘Downtown Core’ zone from the areas that allow fireworks sales. City Attorney Haggard said this revision would be effective and should resolve the Deputy Mayor’s concerns.

Councilmember Minton-Davis asked if any other sections of the municipal code refer to fireworks sales or temporary businesses. She expressed concern that the proposed revisions would create overlap in other areas of the code. Councilmember consensus was that the Planning Commission review the municipal code for references to temporary businesses in the downtown areas.

**Councilmember Hamilton moved to strike the phrase “Downtown Core, Downtown Mixed” from proposed ordinance AB13-35. Councilmember Lewis seconded the motion.**

Councilmember Watson said the City should contact existing fireworks businesses to let them know about the change. Mayor Johnson suggested that staff could provide a copy of the ordinance when vendors come in for their permits this year, since they have two years advance warning. Councilmember Rackley said he doesn’t feel there is an issue with the zoning language, and he planned to vote against the amendment.

**Motion to amend Ordinance 1451 approved 6 – 1. Councilmember Rackley voted no.**

Mayor Johnson confirmed that temporary uses in the Downtown zones would be added to the Planning Commission Work Plan.

Ordinance 1451 approved as amended 7 – 0.

C. **AB13-23 – Resolution 2249** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Unbudgeted Purchase For An
Emergency Telephone At The Swim Area In Allan Yorke Park As Part Of The City’s Lake Tapps Swim Safe Program.

**Councilmember Rackley moved to approve Resolution 2249. Deputy Mayor Swatman seconded the motion.**

Deputy Mayor Swatman said he thinks this is an important project and thanked staff for getting the cost down from the original quote. He asked where the funds for this item would come from. City Administrator Morrison said the project is funded by the Parks CIP and there is enough from the appropriated budget to cover this cost. Deputy Mayor Swatman said he wanted to clarify that this expenditure is not authorizing anything in excess of what was budgeted. In response to a question by Councilmember Watson, Administrative Services Director/City Clerk Edvalson said the City would incur a new monthly charge for the new phone line.

Mayor Johnson said, on a related note, that Cascade Water Alliance had sent out draft logos for the Swim Safe program earlier in the day and the project is moving forward.

**Resolution 2284 approved 7 – 0.**

**IX. EXECUTIVE SESSION:**

Pursuant to RCW 42.30.110(1)(i), the Council adjourned to enter an Executive Session with the City Attorney for 15 minutes to discuss potential litigation at 8:05 p.m.; the session began at 8:08 p.m. The Council returned to Chambers at 8:17 p.m. No action was taken.

**X. ADJOURNMENT:**

At 8:17 p.m., Councilmember Rackley moved to adjourn the Council Meeting. Councilmember Minton-Davis seconded the motion.

**Motion to adjourn approved 7 – 0.**

Harwood Edvalson, MMC  
City Clerk

Neil Johnson, Jr.  
Mayor

Items presented to Council at the February 26, 2013 Meeting: None.
City of Bonney Lake, Washington
Council Agenda Bill (CAB)

Department/Staff Contact: Executive / Maili Barber
Meeting/Workshop Date: March 12, 2013
Agenda Bill Number: AB13-44

Agenda Item Type: Ordinance
Ordinance/Resolution Number: D13-44
Councilmember Sponsor: Tom Watson

Agenda Subject: ADDITION TO CRIMINAL CODE CHAPTER 9

Full Title/Motion: An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Amending Chapter 9 Of The Bonney Lake Municipal Code To Include Laws Against Urinating in Public, Prostitution Loitering, Possession of Drug Paraphernalia, and Authority to Issue No-Contact Orders.

Administrative Recommendation: Approve.

Background Summary: In addition to currently adopted RCWs, there are additional municipal codes needed for enforcement of specific misdemeanors and gross misdemeanors. The amended Bonney Lake Municipal Code will provide for the additional four codes of Urinating/Defecating in Public, Prostitution Loitering, Possession of Drug Paraphernalia, and authority for issuing No-Contact Orders.

Attachments: 4 pages

BUDGET INFORMATION

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Budget Explanation: No Anticipated Budget Impact.

COMMITTEE, BOARD & COMMISSION REVIEW

Council Committee Review: Public Safety
Date: 3/4/13

Approvals: Hamilton, Chair
Lewis, Councilmember
Watson, Councilmember

Forward to: 3/12/13 Council Meeting
Consent Agenda: Yes

Commission/Board Review:

Hearing Examiner Review:

COUNCIL ACTION

Workshop Date(s): 3/12/13
Meeting Date(s): 3/12/13
Public Hearing Date(s):
Tabled to Date:

APPROVALS

Director: Mayor:
Date Reviewed by City Attorney: 3/4/13
(if applicable):
ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING TITLE 9 OF THE BONNEY LAKE MUNICIPAL CODE AND THE CORRESPONDING PORTIONS OF ORDINANCE NO. 1444 RELATED TO CRIMES AGAINST PUBLIC DECENCY

WHEREAS, the Bonney Lake City Council wishes to promote safety and equity in the enforcement of criminal laws within the City of Bonney Lake; and

WHEREAS, the Council wishes to amend its criminal code to include and incorporate criminal laws against urinating/defecating in public, prostitution loitering, and possession of drug paraphernalia as Bonney Lake Codes; and

WHEREAS, the Council also wishes to adopt a new Code Chapter clarifying the procedure for issuing no trespass orders.

NOW, THEREFORE, the City Council of the City of Bonney Lake do hereby ordain as follows:

Section 1. Chapter 9.08 of the Bonney Lake Municipal Code shall be retitled from “Disorderly Conduct” to “Offenses against the Public Decency.”

Section 2. New Sections 9.08.020 (“Urinating and defecating in public”) and 9.08.030 (“Prostitution loitering”) shall be added to Chapter 9.08 of the Bonney Lake Municipal Code to read as follows:

9.08.020 Urinating or defecating in public.

A. A person is guilty of urinating or defecating in public if the person intentionally urinates or defecates in a public place, other than a washroom or toilet room, or at a place and under circumstances where such act could be observed by any member of the public.

B. Urinating or defecating in public is a misdemeanor.

9.08.030 Prostitution Loitering.

A. As used in this section:

1. “Commit prostitution” means to engage in sexual conduct for money but does not include sexual conduct engaged in as part of any stage performance, play or other entertainment open to the public.
2. “Known prostitute or procurer” means a person who within one year previous to the date of arrest for violation of this section, has within the knowledge of the arresting officer been convicted of an offense involving prostitution.

3. “Public place” is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public including those which service food or drink, or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

B. A person is guilty of prostitution loitering if he or she remains in a public place and intentionally solicits, induces, entices, or procures another to commit prostitution. Prostitution Loitering is a gross misdemeanor.

C. Among the circumstances which may be considered in determining whether the actor intends such prohibited conduct are that he or she:

   1. Repeatedly beckons to, stops or attempts to stop, or engages passerby in conversation; or
   2. Repeatedly stops or attempts to stop motor vehicle operators by hailing, waiving of arms or any other bodily gesture; or
   3. Circles an area in a motor vehicle and repeatedly beckons to, contacts, or attempts to stop pedestrians; or
   4. Is a known prostitute or procurer; or
   5. Inquires whether a potential patron, procurer or prostitute is a police officer, searches for articles that would identify a police officer, or requests the touching or exposing of genitals or female breasts to prove that the person is not a police officer

Section 3. Chapter 9.13 of the Bonney Lake Municipal Code shall be retitled from “Sale and Furnishing of Liquor” to “Liquor and Controlled Substances.”

Section 4. A new Section 9.13.030 is added to the Bonney Lake Municipal Code to read as follows:


It is unlawful for any person to possess drug paraphernalia, as defined in RCW 69.50.102. A person who violates this section shall be guilty of a misdemeanor.
Section 5. A new Chapter 9.16 (“No Trespass Orders”) is added to the Bonney Lake Municipal Code to read as follows:

Chapter 9.16 —No Trespass Orders

9.16.010 No Trespass Orders

A. The police department has the authority to issue and serve no-trespass orders, informing the recipient that he or she is prohibited from entering or remaining on the city property identified in the order, upon the following:

1. Persons responsible for violation of BLMC 12.12.250; and

2. Persons who the department has probable cause to believe have committed a criminal offense or nuisance on city property. For purposes of this provision, “city property” does not include streets and city rights of way.

B. No-trespass orders shall be in writing and shall contain the following elements:

1. The signature of the issuing police officer;

2. The date of issuance;

3. The reason for issuance;

4. The duration of the order, not to exceed one year;

5. Identification of the property the recipient is prohibited from entering or remaining on;

6. Language notifying the recipient that violation of the terms of the order shall give rise to criminal prosecution under this chapter; and

7. A description of how to appeal the order pursuant to subsection C of this section.

C. Appeal. The recipient of a no-trespass order may appeal issuance or terms of the order by submitting a written appeal request to the police chief or designee.

1. Upon receipt of a request for appeal, the police chief or designee shall meet with the appellant, receive such evidence as the appellant chooses to present, and review any sworn statement of the issuing officer. If the police chief or designee determines it is more likely than not that the appellant committed the violation that prompted the trespass order, the order shall be affirmed. Upon affirming an order, the police chief or designee may, at his or her discretion, reduce the duration of the no-trespass order for good cause shown.

2. The decision of the police chief or designee shall be final.
Section 6. Severability. If any one or more sections, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.

Section 7. This ordinance shall take effect and be enforced thirty (30) days after passage, approval, and publication as required by law.

Passed by the City Council this 12th day of March, 2013.

________________________________
Neil Johnson, Jr., Mayor

ATTEST:

__________________________
Harwood Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

__________________________
Kathleen Haggard, City Attorney
City of Bonney Lake, Washington

City Council Agenda Bill (AB)

Department/Staff Contact: Executive / Don Morrison
Meeting/Workshop Date: 12 March 2013
Agenda Bill Number: AB13-26

Agenda Item Type: Resolution
Ordinance/Resolution Number: 2277
Councilmember Sponsor:

Agenda Subject: Declaration of Surplus City Property

Full Title/Motion: A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Declaring As Surplus Certain Property Of The City And Authorizing The Mayor To Dispose Of It Per Procedures Outlined In Blmc 2.70.100.

Administrative Recommendation: Approve

Background Summary: This is a routine ministerial action to surplus City property enumerated in the attached Resolution (Exhibit "A"). This includes the old single wide trailer recently acquired in the downtown, and ERR equipment scheduled to be replaced this year. Some of the equipment was scheduled to be replaced in earlier years, but was kept in service as it was still functional and cost-effective to maintain. Some of the ERR equipment would not be officially taken out of commission and sold until the new equipment was received and put into service.

Attachments: Resolution 2277, Exhibit "A" (List of Surplus Equipment)

BUDGET INFORMATION

<table>
<thead>
<tr>
<th>Budget Amount</th>
<th>Current Balance</th>
<th>Required Expenditure</th>
<th>Budget Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

Budget Explanation: NA

COMMITTEE, BOARD & COMMISSION REVIEW

Council Committee Review:
Date: 
Approvals: Yes No
Chair/Councilmember
Councilmember
Councilmember

Forward to: Consent Agenda: Yes No
Commission/Board Review:
Hearing Examiner Review:

COUNCIL ACTION

Workshop Date(s): March 5, 2013
Meeting Date(s):
Public Hearing Date(s):
Tabled to Date:

APPROVALS

Director:

Mayor:

Date Reviewed by City Attorney:
(if applicable):
RESOLUTION NO. 2277

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, DECLARING SURPLUS PROPERTY, AND AUTHORIZING THE MAYOR TO SELL SAID PROPERTY PURSUANT TO BLMC SECTION 2.70.100.

WHEREAS, the list of property and equipment attached hereto as Exhibit “A” has determined to be surplus to the ongoing needs of the City; and

NOW THEREFORE, the City Council of the City of Bonney Lake, Washington, do hereby resolve that:

1. The described property listed in Exhibit “A”, attached hereto and incorporated herein as if fully set forth, is hereby declared surplus to the City’s continuing needs and is no longer required for providing continued public service;

2. The Mayor is authorized to dispose of said property through public auction or other formal bidding procedures as established in Bonney Lake Municipal Code 2.70.100;

3. Surplussed equipment belonging to the Equipment Rental and Replacement (ERR) Fund may be kept in use until the replacement equipment is delivered to the City and placed in service.

PASSED BY THE CITY COUNCIL this 12th day of March, 2013.

__________________________
Neil Johnson, Jr., Mayor

ATTEST:

__________________________
Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

__________________________
Kathleen Haggard, City Attorney
<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>MAKE/MODEL</th>
<th>SERIAL or VIN #</th>
<th>VALUE</th>
<th>UNIT(S)</th>
<th>CONDITION</th>
<th>NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 1965 Single Wide Mobile Home</td>
<td>Marle Marlette</td>
<td>6625200002379</td>
<td>$ 4,700</td>
<td>1</td>
<td>Poor-Fair</td>
<td>Would cost more to relocate or demolish than trailer is worth</td>
</tr>
<tr>
<td>2 2000 Senior Van</td>
<td>F450 Aerotech 220</td>
<td>1FDXE45S8YHB99096</td>
<td>$ 5,200</td>
<td>1</td>
<td>Poor-Fair</td>
<td>179,000 miles; Not recommended as Work Crew van</td>
</tr>
<tr>
<td>3 2000 Admin. Services/IT vehicle</td>
<td>Dodge Stratus</td>
<td>1B3EJ46C8YN234852</td>
<td>$ 2,050</td>
<td>1</td>
<td>Poor</td>
<td>Used primarily by IT; not real suitable for computer transport</td>
</tr>
<tr>
<td>4 1995 Facilities Service Truck</td>
<td>Ford F150</td>
<td>1FTEF15N3SLB54752</td>
<td>$ 1,520</td>
<td>1</td>
<td>Poor-Fair</td>
<td>105,200 miles</td>
</tr>
<tr>
<td>5 1992 Parks Maintenance Pickup</td>
<td>Ford Ranger</td>
<td>1FTCR10U1NUD11061</td>
<td>$ 1,000</td>
<td>1</td>
<td>Poor</td>
<td>91,308 miles</td>
</tr>
<tr>
<td>6 1994 Parks Riding Mower</td>
<td>John Deer</td>
<td>MOL186X010564</td>
<td>$ 500</td>
<td>1</td>
<td>Poor</td>
<td>Will still run, but has no power or attachments</td>
</tr>
<tr>
<td>7 1991 Riding Mower Deck</td>
<td>John Deer Model 172</td>
<td>NA</td>
<td>$ 100</td>
<td>1</td>
<td>Poor-Fair</td>
<td>This is an attachment only (blades), not a riding mower</td>
</tr>
<tr>
<td>8 2000 Police Car</td>
<td>Ford Crown Victoria</td>
<td>2FAFP71W3XY174617</td>
<td>$ 2,600</td>
<td>1</td>
<td>Fair</td>
<td>80338 miles</td>
</tr>
<tr>
<td>9 1989 3-Ton Armored Van</td>
<td>GMC</td>
<td>1GDJ7D1F9KV504946</td>
<td>Scrap</td>
<td>1</td>
<td>Poor</td>
<td>275,000 miles; has some value as scrap metal</td>
</tr>
<tr>
<td>10 2005 Police Car</td>
<td>Ford Crown Victoria</td>
<td>2FAHP71W75X105207</td>
<td>$ 2,520</td>
<td>1</td>
<td>Fair</td>
<td>89,941 miles</td>
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<tr>
<td>11 2005 Police Car</td>
<td>Ford Crown Victoria</td>
<td>2FAHP71W95X105208</td>
<td>$ 2,320</td>
<td>1</td>
<td>Fair</td>
<td>96,000 miles</td>
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<tr>
<td>12 2005 Police Car</td>
<td>Ford Crown Victoria</td>
<td>2FAHP71W45X133367</td>
<td>$ 3,500</td>
<td>1</td>
<td>Fair</td>
<td>82,000 miles</td>
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<tr>
<td>13 2006 Police Car - 59K miles</td>
<td>Dodge Charger</td>
<td>2B3KA43H06H328748</td>
<td>$ 6,000</td>
<td>1</td>
<td>Fair-Sold As Is</td>
<td>Not drivable; Totalled in accident. WCIA paid $13,879 to replace</td>
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City of Bonney Lake, Washington
City Council Agenda Bill (AB)

<table>
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<tr>
<th>Department/Staff Contact:</th>
<th>Meeting/Workshop Date:</th>
<th>Agenda Bill Number:</th>
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<td>CD / Cole Elliott</td>
<td>12 March 2013</td>
<td>AB13-37</td>
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<th>Ordinance/Resolution Number:</th>
<th>Councilmember Sponsor:</th>
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<td>Resolution</td>
<td>2285</td>
<td>Randy McKibbin</td>
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**Agenda Subject:** Agreement between RomanI, LLC and City

**Full Title/Motion:** A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water Developer Extension Agreement Between Roman I, Llc And The City Of Bonney Lake For The Sunset Rv And Truck Site.

**Administrative Recommendation:**

**Background Summary:** The Developer’s of Sunset RV and Truck site has requested the City provide installation observation, along with testing observation for water mains at 20803 SR 410 East.

**Attachments:**

**BUDGET INFORMATION**

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<tr>
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</table>

**Budget Explanation:**

**COMMITTEE, BOARD & COMMISSION REVIEW**

**Council Committee Review:** Community Development
Date: 5 March 2013

**Approvals:**
- Chair/Councilmember: Randy McKibbin
- Councilmember: Katrina Minton-Davis
- Councilmember: James Rackley

**Forward to:**

**Consent Agenda:** Yes No

**Commission/Board Review:**

**Hearing Examiner Review:**

**COUNCIL ACTION**

**Workshop Date(s):**

**Meeting Date(s):**

**Public Hearing Date(s):**

**Tabled to Date:**

**APPROVALS**

<table>
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<tr>
<th>Director:</th>
<th>Mayor:</th>
<th>Date Reviewed by City Attorney:</th>
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<tbody>
<tr>
<td>John Vodopich</td>
<td>Neil Johnson Jr.</td>
<td>(if applicable):</td>
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*Agenda Packet p. 27 of 44*
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RESOLUTION NO. 2285

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BONNEY LAKE, PIERCE COUNTY, WASHINGTON,
AUTHORIZING A WATER DEVELOPER EXTENSION
AGREEMENT WITH ROMAN I, LLC FOR THE SUNSET RV AND
TRUCK SITE.

Whereas, Sunset RV and Truck is located at 21803 SR 410 East, Bonney Lake, Washington. This project is inside the city limits and within Bonney Lake’s water service areas; and

Whereas, the City of Bonney Lake requires that a developer have an approved Developer Extension Agreement for water improvements to the City’s system. The City Council finds that it is in the public interest that this agreement be carried out at this time;

Now therefore, be it resolved;

that the City Council of the City of Bonney Lake, Washington, does hereby authorize the Mayor to sign the attached Water Developer Extension Agreement with Roman I, LLC for the Sunset RV and Truck.

PASSED by the City Council this 12th day of March, 2013

________________________________
Neil Johnson Jr., Mayor

ATTEST:

______________________________
Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

______________________________
Kathleen Haggard, City Attorney
THIS AGREEMENT, by and between the City of Bonney Lake, a municipal corporation, hereinafter referred to as "City", and ROMAN I, LLC, PROP OWNER hereinafter referred to as "Developer".

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

WHEREFORE, THE PARTIES AGREE AS FOLLOWS:

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

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

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

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

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

A. The developer shall furnish the City with three (3) sets of detailed plans for the water system, or additions thereto, at Developer's own expense, prepared by a qualified engineer licensed in the State of Washington.

B. The above plans shall require the review and approval by the City and its Engineer, and the cost of such review shall be at the Developer's own expense.
C. Minimum requirements for all plans for WATER system, or additions thereto, submitted to the City for review are:

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

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

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

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

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

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

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

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

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

10. Approvals from all regulatory agencies.

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

1. Unless otherwise approved in writing, by the City, all streets and/or roadways shall be graded to within six inches of final grade before installation of WATER improvements.

2. All lots shall be fully staked to assist all parties involved in the proper location of the WATER system including services.
3. All hydrants and valves shall be fully staked in the field and reviewed and approved by the City prior to installation of same. Adjustments to “approval construction drawings” may be warranted and required by the City, based on actual local field conditions.

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

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

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

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

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

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

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

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

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

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

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

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

V. The Developer further agrees to pay an estimated amount of money to cover the City's expected review fees and construction supervision expenses incurred.

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

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

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

C. Payment of all plan check and inspection fees.

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

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

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

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

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

VIII. Upon performing all requirements, including those as set forth in Paragraph 5 above, the City shall accept the WATER system, and agree therewith to operate and maintain said system.

IX. Nothing in this Agreement shall be construed to excuse Developer from requirements and conditions found in any City ordinance, resolution, plan or policy, with respect to
the provision of utility service, including without limitation requirements regarding annexation or execution of covenants to annex, and the City will not provide utility service to Developer prior to Developer's satisfaction of all such requirements and conditions.

*1

SUBMITTED this 19th day of FEBRUARY 2013

DEVELOPER: ROMAN I, LLC Date 2/9/13

PHIL MITCHELL Signature

Printed Name

ROMAN I, LLC / MANAGING MBR

Company Title (as applicable)

910 TRAFFIC AVE

Address

SUMNER, WA, 98390

City State Zip

Phone No. 253-863-8144 FAX No. 253-863-9428

*1 (SEE ATTACHED MOU)

CITY OF BONNEY LAKE

DEVELOPER AGREEMENT

ACCEPTED this ___ day of __________________ 20

______________________________

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

PLAT NAME: ________________________________

DEVELOPER: ________________________________

LEGAL DESCRIPTION: ___________________________________________________________

____________________________________

____________________________________
February 19, 2013

City of Bonney Lake
8720 Main St E. / P O Box 7380
Bonney Lake, WA. 98390-0944

Re: Water Development Agrmt [WADEVAGMT]
Permit No: CIV-2012-00233
Roman I, LLC, 910 Traffic Ave, Sumner 98390

MEMORANDUM OF UNDERSTANDING

The City of Bonney Lake (City) and Roman I, LLC (Developer) have agreed to utilize the City's "Boiler Plate" residential plat water developer agreement, which the City has modified by removing most of the incongruous statements or phrases. This project deals with a Fire Hydrant Water Service covering Fire Public Safety requirements for the Sunset RV & Truck Sales Lot.

This property is commercially maturing through a phased commercial development process; and the ultimate final site size, use and development is contingent upon many factors falling into place. To date, for the most part, the City and Roman I, LLC (previously Sunset Partners, LLC.) have mutually cooperated in this process.

In as much as the WADEVAGMT document contains clauses which may or may not be relevant to the actual water installation and the interim status of the development process... like looping of a water system to fore stall stale water conditions, (which in this case, the water system should have enough flow to negate that condition), landscaping requirements which are inconsistent with the present interim site status, meter locations, residential lot requirements, acceptance by the City of the Plat, finite elevation of surfaces (again inconsistent with the interim status), annexation to the City (property currently resides within the City Limits), etc.

Nevertheless, the parties, the City and the Developer, agree to work with this WADEVAGMT for the above noted Permit CIV-2012-00233; because it does satisfy the Fire, Life, and Safety Regulations for the Commercial Use of the Property.

Done this ______________ day of February, 2013.

By:

Roman I, LLC, Phil Mitchell, Mng Mbr

City of Bonney Lake, John P.
Vodopich, ALCP, ComDevDir
LEGAL DESCRIPTION

THAT PORTION OF GOVERNMENT LOT 4 IN SECTION 2, TOWNSHIP 19 NORTH, RANGE 5 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON, LYING NORTH OF PRIMARY STATE HIGHWAY NO. 5, ELHI HILL TO BUCKLEY;

EXCEPT THE WEST 1105 FEET AND THE NORTH 510 FEET THEREOF;

TOGETHER WITH THAT PORTION OF GOVERNMENT LOT 3 IN SECTION 2, TOWNSHIP 19 NORTH, RANGE 5 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON, LYING NORTH OF PRIMARY STATE HIGHWAY NO. 5, ELHI HILL TO BUCKLEY;

EXCEPT THE EAST 1064 FEET AND THE NORTH 510 FEET THEREOF.

PARCEL #0519022002
LEGAL DESCRIPTION

WATERLINE EASEMENT

That portion of Government Lot 3 in Section 2, Township 19 North, Range 5 East, Willamette meridian, in Pierce County, Washington, more particularly described as follows:

COMMENCING at the intersection of the West line of said Government Lot 3 and the North margin of Primary State Highway No. 5 (State Route 410), being a 50-foot half width right-of-way; THENCE South 83°49'18" East, 212.03 feet along said North margin to the TRUE POINT OF BEGINNING;

THENCE CONTINUING South 83°49'18" East, 15.00 feet along said North margin;

THENCE North 05°10'42" East, 60.91 feet;

THENCE South 83°49'18" East, 17.55 feet;

THENCE North 05°10'42" East, 15.00 feet;

THENCE North 83°49'18" West, 17.55 feet;

THENCE North 05°10'42" East, 88.87 feet to a point of tangency;

THENCE Northerly along the arc of a curve to the left, having a radius of 307.50 feet, through a central angle of 04°48'27", and an arc length of 25.80 feet;

THENCE North 01°22'15" East, 122.09 feet;

THENCE South 88°37'45" East, 26.61 feet to the West line of the East 1064 feet of said Government Lot 3;

THENCE North 01°22'15" East, 15.00 feet along said West line;

THENCE North 88°37'45" West, 26.61 feet;

THENCE North 01°22'15" East, 7.18 feet;

THENCE West, 65.18 feet;

THENCE South, 15.00 feet;

THENCE East, 49.82 feet;

THENCE South 01°22'15" West, 128.91 feet to a point of tangency,

THENCE Southerly along the arc of a curve to the right, having a radius of 292.50 feet, through a central angle of 04°48'27", and an arc length of 24.54 feet;

THENCE South 06°10'42" West, 162.78 feet to the TRUE POINT OF BEGINNING.
# Council Agenda Bill (CAB)

<table>
<thead>
<tr>
<th>Department/Staff Contact:</th>
<th>Meeting/Workshop Date:</th>
<th>Agenda Bill Number:</th>
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<tbody>
<tr>
<td>Administration / Don Morrison</td>
<td>12 March 2013</td>
<td>AB13-38</td>
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</table>

<table>
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<tr>
<th>Agenda Item Type:</th>
<th>Ordinance/Resolution Number:</th>
<th>Councilmember Sponsor:</th>
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</thead>
<tbody>
<tr>
<td>Resolution</td>
<td>2289</td>
<td>Randy McKibbin</td>
</tr>
</tbody>
</table>

## Agenda Subject: Replacement of Evergreen Pt Water Main

**Full Title/Motion:** A Resolution of the City Council of the City of Bonney Lake authorizing the Mayor to issue bids to replace the Evergreen Point Water Main.

### Administrative Recommendation: Approve.

**Background Summary:** The PW O&M staff has patched many sections of the Evergreen Point water line over the years. We are now patching patches. On one occasion a basement flooded due to a water leak in this area. This project was designed in 2012 using PW Trust Fund (PWTF) money. However, only $60,000 of the PWTF money remains. Given the estimated $461,357 project cost, another $384,000 is needed to complete the project and close out the public works trust fund loan. This project will replace leaky 6" and 4" steel pipes with 8" ductile iron water pipe, and the old water meters will be replaced with new meters. This is the highest priority "shovel ready" water project public works has, as it has already been designed. As the project cost is well within the 2013 water capital budget adopted by the Council, no budget amendment is required.

**Attachments:** Resolution, Area Map

## BUDGET INFORMATION

<table>
<thead>
<tr>
<th>Budget Amount</th>
<th>Current Balance</th>
<th>Required Expenditure</th>
<th>Budget Balance</th>
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<tbody>
<tr>
<td>$3,975,794</td>
<td>$2,089,468</td>
<td>$461,357</td>
<td>$1,628,111</td>
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**Budget Explanation:** 401.087.034.594.34.63.04 - Leaky Main PWTF Loan 2-Phase 2F

## COMMITTEE, BOARD & COMMISSION REVIEW

<table>
<thead>
<tr>
<th>Council Committee Review:</th>
<th>Approvals:</th>
</tr>
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<tbody>
<tr>
<td>Community Development</td>
<td>McKibbin, Chair</td>
</tr>
<tr>
<td>Date: February 5, 2013</td>
<td>Rackley, Councilmember</td>
</tr>
<tr>
<td></td>
<td>Minton-Davis, Councilmember</td>
</tr>
</tbody>
</table>

**Forward to:** March 12, 2013 Full

**Consent Agenda:** Yes No

## COUNCIL ACTION

<table>
<thead>
<tr>
<th>Workshop Date(s):</th>
<th>Meeting Date(s):</th>
<th>Public Hearing Date(s):</th>
<th>Tabled to Date:</th>
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<tbody>
<tr>
<td>March 5, 2013</td>
<td>March 12, 2013</td>
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## APPROVALS

<table>
<thead>
<tr>
<th>Director:</th>
<th>Mayor:</th>
<th>Date Reviewed by City Attorney (if applicable):</th>
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</thead>
<tbody>
<tr>
<td>Dan Grigsby</td>
<td>NHJ</td>
<td>N/A</td>
</tr>
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</table>
RESOLUTION NO. 2289

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO CALL FOR BIDS FOR THE REPLACEMENT OF WATER MAIN IN EVERGREEN POINT.

WHEREAS, the City Public Works staff has patched many sections of the Evergreen Point water main over the years, and

WHEREAS, in the past three years, the City has lost an estimated 69 million gallons of water due to the old water main leaks in the Evergreen Point mains; and

WHEREAS, the engineering design has been completed to replace this section of old leaky water mains, including the replacement of 6" and 4" steel pipes with 8" ductile iron water pipe, and the replacement of old water meters with new ones; and

WHEREAS, the adopted water capital budget of the City is sufficient to fully fund this project using the balance of a Public Works Trust Fund Loan proceeds and existing capital resources; and

WHEREAS, the Council hereby finds this project to be a priority water capital improvement project;

NOW THEREFORE, the City Council of the City of Bonney Lake, Washington, does hereby resolve that the Mayor is authorized to call for bids for the replacement of water mains in Evergreen Point.

PASSED BY THE CITY COUNCIL THIS 12th DAY OF MARCH, 2012.

______________________________
Neil Johnson, Jr., Mayor

ATTEST:

______________________________
Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

______________________________
Kathleen Haggard, City Attorney
Legend

- Water Leak
- Water Meter
- Fire Hydrant
- Water Valve
- Blowoff

Water Main
Leaky Water Main
Already Replaced
Property of Interest
Tax Parcel

Building
Paved Road
Paved Driveway or Impervious Surface

Lake Tapps

Evergreen Point
Leaky Water Mains

1449 x GPM = GPM PER DAY
ALL LEAKS HAVE BEEN FIXED

City of Bonney Lake

1449 x GPM = GPM PER DAY
ALL LEAKS HAVE BEEN FIXED

February 15, 2012