

CITY COUNCIL MEETING

**February 24, 2009
7:00 P.M.**

AGENDA

City of



*The City of Bonney Lake's Mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.
Website: www.ci.bonney-lake.wa.us*

"Where Dreams Can Soar"

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.)*

I. CALL TO ORDER – Mayor Neil Johnson, Jr.

A. Flag Salute – Mayor Neil Johnson, Jr.

B. Roll Call:

Elected Officials: Mayor Neil Johnson, Jr., Deputy Mayor Dan Swatman, Councilmember David Bowen, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Dave King and Councilmember Jim Rackley.

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

C. Announcements, Appointments and Presentations:

1. Announcements:

2. Appointments:

- a. **AB09-33** – A Motion of the Bonney Lake City Council Confirming the Mayor's Reappointment of Robert Dalton to the Civil Service Commission for a term expiring on April 6, 2014.

3. Presentations: [A 1.2]

D. Agenda Modifications:

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None.

B. Citizen Comments:

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

- C. Correspondence: [A 1.2]

III. COUNCIL COMMITTEE REPORTS:

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

IV. CONSENT AGENDA:

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

- A. **Approval of Corrected Minutes:** February 3rd Council Workshop and February 10th Council Meeting.
- B. **Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #54440 thru #54525 in the amount of \$212,627.01; Accounts Payable checks/vouchers #54526 thru #54539 in the amount of \$1774.81; and Accounts Payable checks/vouchers #54540 thru 54612 (including wire transfer #'s 11609, 20509, 2152008, 9172008 & 23784140) in the amount of \$3,862,642.97.
- C. **AB09-29 – Ordinance D09-29** – An Ordinance Of The City Of Bonney Lake, Pierce County, Relating To Enforcement Of Violations Of Orders For Protection Amending Chapter 9.23 Of The Bonney Lake Municipal Code And Ord. No. 703 §2.
- D. **AB09-30 – Ordinance D09-30** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington Relating To Enforcement Of Violations Of Anti-harassment Protection Orders And Amending Chapter 9.25 Of The Bonney Lake Municipal Code And No. 703 §2.
- E. **AB09-31 – Ordinance D09-31** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Relating To The Enforcement Of Dangerous Weapons Violations Amending Chapter 9.86 Of The Bonney Lake Municipal Code And Ord. No. 1058 § 1.
- F. **AB09-32 – Ordinance D09-32** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Relating To The Regulation Of Precursor Drugs And Legend Drugs, Amending Section 9.36.010 Of The Bonney Lake Municipal Code And The Corresponding Portions Of Ord. Nos. 1194 § 1, 2006; 845 § 1, 2000; 703 § 2, 1995.
- G. **AB09-07 – Resolution 1911** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Personal Services Agreement Between The City Of Bonney Lake And The Bonney Lake Chamber Of Commerce.
- H. **AB09-37 – Resolution 1919** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Agreement With Les Russell

Construction Company For Cedar View (Phase 1) And 188th Avenue East Water Main Replacement Project.

I. **AB09-21** – A Motion Of The Bonney Lake City Council Approving The 2009 Planning Commission Annual Workplan.

J. **AB09-34** – A Motion Of The Bonney Lake City Council Authorizing Out Of State Travel For Court Administrator Seymour to Williamsburg, VA, for Court Management Training.

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

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

VII. **PUBLIC SAFETY COMMITTEE ISSUES:**

A. **AB09-35 – Ordinance D09-35** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 9 Of The Bonney Lake Municipal Code To Create A New Section 9.35 Relating To Public Nudity.

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

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

| | | |
|-------------------------------------------------------------------|-------------------------------------------------------------|----------------------------------------------|
| <u>Department/Staff Contact:</u> Admin Svcs/Jenna Young | <u>Council/Wrkshp Mtg Date:</u> February 24, 2009 | <u>Agenda Bill Number:</u> AB09-33 |
| <u>Ordinance Number:</u> | <u>Resolution Number:</u> | <u>Councilmember Sponsor:</u> |

| <u>BUDGET INFORMATON</u> | | | |
|------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------------------------|---------------------------------|
| <u>2009 Budget Amount</u> | <u>Required Expenditure</u> | <u>Impact</u> None. | <u>Remaining Balance</u> |
| <u>Explanation:</u> None. | | | |
| <u>Agenda Subject:</u> Council confirmation of the Mayor's re-appointment of Robert Dalton as a Civil Service Commissioner. | | | |

Administrative Recommendation: Approve.

Background Summary: The Park Board is the only body for which the Mayor is currently required to seek Council confirmation. However, Mayor Johnson has previously invited the Council to confirm his appointments to the various boards and commissions, and invites the Council to do so again by confirming his reappointment of Robert Dalton to the Civil Service Commission.

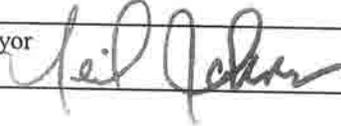
Mr. Dalton has expressed his desire to continue in his appointment on the Civil Service Commission. The term for this position expires on April 6, 2014. Mr. Dalton has served on the Civil Service Commission since May of 2002.

| | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <u>Council Committee Dates:</u> Finance Committee: Public Safety Committee: Community Development & Planning Committee: Council Workshops: | <u>Commission Dates:</u> Planning Commission: Civil Service Commission: | <u>Board/Hearing Examiner Dates:</u> Park Board: Hearing Examiner: |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|

Council Action:

| | |
|---------------------------|----------------------------------|
| Council Call for Hearing: | Council Hearings Date: |
| Council Referred Back to: | Workshop: _____ Committee: _____ |
| Council Tabled Until: | Council Meeting Dates: 02/24/09 |

Signatures:

| | | |
|--------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|-------------------------------------|
| Dir. Authorization  | Mayor  | Date City Attorney Reviewed: N/A |
|--------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|-------------------------------------|

CITY COUNCIL WORKSHOP

**February 3, 2009
5:30 p.m.**

MINUTES



"Where Dreams Can Soar"

The City of Bonney Lake's Mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.
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Audio Time
Stamp ↓

Call to Order:

Mayor Neil Johnson, Jr. called the Workshop to order at 5:30 p.m.

Roll Call: [A1.3]

City Clerk Edvalson called the roll. In addition to Mayor Johnson, elected officials attending were Deputy Mayor Swatman, Councilmember David Bowen, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton and Councilmember James Rackley. Councilmember David King was absent.

[Staff Members in attendance were City Administrator Don Morrison, Chief Financial Officer Al Juarez, Community Development Director John Vodopich, Police Chief Mike Mitchell, Community Services Director Gary Leaf, City Attorney Jim Dionne, Administrative Services Director/City Clerk Harwood Edvalson, Building Official Jerry Hight, Special Event Coordinator David Wells and Records & Information Specialist Susan Duis.]

**Councilmember Rackley moved to excuse Councilmember King's absence.
Councilmember Decker seconded the motion.**

Motion approved 6 – 0.

Agenda Items:

5:33:52

1. Council Open Discussion:

Cascade Water Alliance

Mayor Johnson attended a meeting in Bellevue on January 29, 2009 with the Cascade Water Alliance board and the representatives from Buckley, Bonney Lake, Sumner and Auburn. He said the meeting went very well and that he thinks Bonney Lake will have a role in developing governing principles and arrangements with the group. He said the Department of Energy wants all parties to work together, and CWA seems willing to work with the cities. Councilmember Bowen thanked the Mayor for spending a lot of his time on the important issue.

Rick Shannon's Retirement

Mayor Johnson said Rick Shannon retired on January 31, 2009. About 140 people attended his going-away party, where he received a plaque from the City.

Eastown Development & Sewer Updates

Councilmember Bowen said a developer in Eastown is trying to coordinate their Traffic Impact Analysis (TIA) with the road widening. He understands the TIA was rejected last week, and citizens in Eastown asked him whether the City is being flexible with Eastown development options. Mayor Johnson said he asked the state in May 2008 for input on whether they would support the developer's TIA. He said the State cited the

WAC and the Easttown Subarea Plan and said it would not approve of the developers proposal, noting the issue with a right-in/right-out access. Councilmember Bowen said a highway official told a resident that the State was willing to accept the TIA if the City requested it. Mayor Johnson asked for more information, as it differed from what he had received in writing from the state previously. Mayor Johnson said if the Council wants to modify the ordinances and Easttown plan to allow the developer's plans, they can do so.

Councilmember Rackley said the City made concessions for the Lowe's and Home Depot developments, but does not seem to be flexible for this issue. Director Grigsby noted the entrance at Home Depot is 150' from the intersection, whereas the proposed access in Easttown is about 50' from the stoplight. He also noted that SR 410 is a Class 3 highway in Easttown, and a Class 2 highway at these other developments. He said the only time a variance for access to SR 410 could apply is if there is no access to frontage or if the site cannot comply with standards due to topography or some other issue. He said the Easttown development can meet standards and has two access points. He said the decision to deny is consistent with State requirements and the Easttown Plan, and noted that the State legislature directed State agencies to enforce the related WACs in 2008. Mayor Johnson said if the City did change the Municipal Code, only the State has the power to give permits. He said the City can only go by what is received in writing.

Director Grigsby said the State plans to put in a double left-turn lane and will need to widen the road at the signal intersection. The State wrote in its letter that it would approve the TIA if the third lane was removed in front of the planned Compass Pointe development. He said if a third lane is allowed it would defeat the purpose of having a frontage road to keep local traffic off SR 410. He said he cannot know what the State might do, but feels the DOT would enforce their standards. Mayor Johnson asked why the TIA decision took so long. Director Grigsby said the TIA was submitted in July 2008 and the response came in January 2009, which seems long. Per the Mayor's request, Director Grigsby will draft a letter to the DOT asking what caused the delayed response and whether the DOT would accept the TIA if the City amended its own code.

Deputy Mayor Swatman asked for an update on Easttown sewer issues. Councilmember Bowen said he and Mr. Geinger recently discussed options, and Mr. Geinger suggested the State might purchase real estate to get the road widening started. Councilmember Bowen suggested he might donate a portion of his land for the road widening if the sewer is built. He said Easttown plans have stalled and something must happen to get it moving. Director Grigsby said the DOT still plans to advertise for the road widening in August 2009 and complete the project by the end of the 2010 construction season.

Councilmember Hamilton asked whether the developer has worked on a latecomer agreement, which would allow the developer to recoup his costs. He said if a Local Improvement District (LID) had been used, the City would put up the funds and be repaid. He said he recalls the initial plan was to do a LID but the developer felt it could complete the project more quickly. Now, he said, nothing is happening and the developer says he is being 'hung out to dry.' He said if the LID process had started the City would be well on its way to having sewer in Easttown. Councilmember Bowen said he feels some responsibility, and property owners ask him whether he is looking out for their interests. He said not much has changed since two or three years ago, and asked why the City didn't impose a time limit on the developer. Councilmember Rackley said

Mr. Frey told him the plans continue and work is progressing. Mayor Johnson said he would work on getting answers to Council's questions and discussions would continue.

Budget Contingency Plan

Deputy Mayor Swatman said the Finance Committee will review contingency plans for the budget, in case revenues continue to decrease and/or expenditures increase. Mayor Johnson said he is working with the management team on ideas and the goal is to have no layoffs.

6:13:02

2. **Review of Council Minutes:** January 6, 2009 Council Workshop, January 13, 2009 Council Meeting, January 20, 2009 Special Joint Council/Planning Commission Meeting and January 27, 2009 Council Meeting.

By Council consensus, the minutes were moved forward without correction to the February 10, 2009 Meeting with no corrections.

6:13:33

3. **Discussion:** AB09-11 – D09-11 – Building Height Definition.

Building Official Jerry Hight explained the proposed ordinance, which revises the way building height is measured to match the current International Building Code. He said it does not change any other portions of the code, and will ease interpretation and administration of the code for staff and the public. Deputy Mayor Swatman asked if there were any exceptions for specific areas of the City, etc. Building Official Hight said there are existing provisions in the code for exceptions to the 35' limit for buildings up to 50' high. By consensus the item was forwarded to the February 10, 2009 Council Meeting.

6:18:10

4. **Discussion:** AB09-12 – D09-12 – Permit Extensions.

Building Official Hight said the permit deadline has become prohibitive in the current economic climate. He said staff discussed and debated various options. The proposed ordinance would revise the deadline for permit applications from 180 days to one year, with one-180 day extension. In addition, the expiration of building permits was changed from one year to two years, with one two-year extension. The proposed ordinance would not allow permits to be active beyond one code cycle. These changes would extend the permit life to 5.5 years maximum (1.5 year maximum for permit applications, and 4 years maximum for active permits). The ordinance was first presented to Council in July 2008, when permits and building activity were dropping off. He said there is still a need for the proposed ordinance, though the situation has leveled off since last summer.

Councilmembers discussed how the proposed ordinance would affect builders and homeowners in the City. Mr. Hight reminded Council that permits may only remain active if required inspections occur every 180 days, so the builder must be actively working in order for permits to continue and receive an extension. Councilmembers Bowen and Decker expressed concern about how the four year limit would affect those who are building their own homes, and take many years to complete the process. Mr. Hight said the vast majority of homes are built within 4-6 months, and individuals might take 1-2 years to build their own homes. The few who take longer than 4 years

are an exception. He added that the Master Builder's Association supports the proposed ordinance.

Councilmembers discussed the affect of building code cycles. Building Official Hight said it is important not to let permits extend beyond one code cycle to ensure public safety and compliance. He said the current City code technically allows permits to extend indefinitely, so long as they remain active. He said while codes do not normally change a lot each cycle, they can be drastically altered after an event such as an earthquake, and it is important to use the most current codes for permitting. He said setting the four-year limit also protects builders, because if a permit expires the builder must re-apply and the new application must meet the current codes. If the City allows a permit to extend two cycles, it could be very costly for a builder to bring the project up to code.

Deputy Mayor Swatman said extending the life of permits could encourage speculative building, though that should not be an issue in the current economy. Councilmember Rackley said the Community Development Committee would review possible exceptions at an upcoming meeting, and spoke in favor of passing the proposed ordinance now. Councilmember Hamilton said he supported anything that will help people in the building trade get back to work. Council consensus was to bring the proposed ordinance forward to the February 10, 2009 Meeting, and for the CDC to discuss options for exceptions or other revisions to the code.

6:53:30

5. **Discussion:** AB09-23 – Resolution 1878 – Naming Policy for City Parks and Facilities.

City Administrator Morrison said the item came to the Park Board in January. Some changes were added since that time, including adding wording in C.2. about fundraisers and paving bricks, and revising B.4 to read “significant contribution” rather than \$1 million.” Councilmember Hamilton spoke in favor of the proposed resolution. Councilmember Rackley asked whether the Historical Society would have input in the naming process. Mayor Johnson suggested the Historical Society could participate, such as when the Park Board begins their review. Deputy Mayor Swatman spoke in favor of requiring a recommendation from the Park Board as part of the naming process. He also spoke against naming any facility or park after an elected official. Councilmember Carter noted that public school students were involved in naming Viking Park. She suggested that Section D. could be revised to address the Deputy Mayor's concerns, by allowing specific features to be named, rather than an entire park or facility.

Mayor Johnson asked for volunteers to form an ad hoc committee to review the issues for all groups involved. Deputy Mayor Swatman, Councilmember Carter and Councilmember Rackley volunteered and were named to the ad hoc committee by Council consensus. Mayor Johnson asked that the proposed naming of Miller's Corner (Resolution 1899) be delayed until the naming policy is in place. Councilmember Bowen noted that Ray Miller passed away in 2008 but was very happy to have the City recognize his work. Mayor Johnson said he felt the plaque would not be removed from the site. He asked the ad hoc committee to work on the naming policy and bring the item back for discussion at a future workshop.

6. **Discussion:** ~~AB09-10 – Resolution 1899 – Naming the City Owned Right of Way at the Intersection of Church Lake Rd, Summer Buckley Hwy and Locust Ave as Miller’s Corner.~~

This item was pulled from the agenda by Council consensus (see above).

7:08:10

7. **Discussion:** AB09-25 – D09-25 – Adoption of New Parking Stall Dimensions.

Community Development Director John Vodopich said the Council asked the Planning Commission to review parking stall sizes at their joint meeting on January 20, 2009. The proposed ordinance includes sizes for various uses, including standard, compact and motorcycle stalls. Deputy Mayor Swatman said the Council should consider different stall sizes in Downtown versus other areas. Director Vodopich said the proposed dimensions cover the entire City. Planning Commission Chair Randy McKibben spoke from the audience, saying the Commission discussed different sizes for different uses, such as retail areas where people will have bags versus industrial areas. Councilmember Rackley asked whether mixed-use zones were considered; Mr. McKibben said that was not addressed specifically.

Councilmember Hamilton asked if the proposed ordinance would help reduce the amount of impervious surfaces and increase green spaces. Director Vodopich said it was not designed for this purpose, and if parking lot sizes were reduced the building size would likely be increased to use that space. Deputy Mayor Swatman asked if the stall sizes could be applied to a specific part of town or zone, such as Downtown, where a developer is trying to work on a project currently. City Attorney Dionne said he could provide options for a more targeted ordinance at the upcoming meeting. Consensus was to bring the item forward and ask the Planning Commission to review possible standards for other areas.

8. **Executive Session:** None.

7:20:59

9. **Adjournment:**

At 7:21 p.m., Deputy Mayor Swatman moved to adjourn the meeting. Councilmember Rackley seconded the motion.

Motion approved 6 – 0.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Jr.
Mayor

No items were submitted to the Council Workshop of February 3, 2009.

CITY COUNCIL MEETING

**February 10, 2009
7:00 P.M.**

MINUTES

City of



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Audio Time Stamp ↓

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: [A 1.3]

City Clerk Edvalson called the roll. In addition to Mayor Neil Johnson, Jr., elected officials attending were, Councilmember David Bowen, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton and Councilmember Jim Rackley. Deputy Mayor Dan Swatman and Councilmember King were absent.

Councilmember Hamilton moved to excuse Councilmember King and Deputy Mayor Swatman from the meeting. Councilmember Carter seconded the motion.

Motion approved 5 – 0.

[Staff members in attendance were City Administrator Don Morrison, City Attorney Jim Dionne, 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, Building Official Jerry Hight and Records & Information Specialist Susan Duis.]

C. Announcements, Appointments and Presentations: [A 3.6.9]

1. Announcements: None.

2. Appointments: None.

3. Presentations: None.

D. Agenda Modifications: None.

7:04:12

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None. [A 3.6.12]

B. Citizen Comments: [A 1.5]

Keith Stanley, 10900 193rd Ave E, Bonney Lake, asked how much the Charter Election cost the City. Mayor Johnson said the total is not yet known as Pierce County has not yet sent an invoice. City Administrator Morrison said he estimates the total cost for staff time and County charges at about \$60,000. Mr. Stanley asked

who paid for the 'No Charter' signs around the City, and whether the petition could be filed again in the future. Mayor Johnson said a campaign group paid for the signs, and no City funds were used. Councilmember Decker said his understanding is that if an election to change the form of government does not receive at least 40% of the vote, the election petition cannot be resubmitted for two years.

Roger Watt, 22719 SR 410 E, Bonney Lake, owns a driving range on SR 410 and spoke about the right-in/right-out access issues related to the Eastown LLC development. He said he is not sure what transpired and is disappointed in the outcome. He requested and received information from Public Works Director Grigsby, including a letter from Perry Shea to Mr. Grigsby dated January 17, 2008. The letter from Perry Shea opposes the proposed right-in/right-out access for the development, citing conflicts with the Eastown Plan, mapped streets and frontage roads, and WAC 4.68.52.

He said the proposed Eastown LLC development is exactly what the City is looking for in Eastown and he worries it may not happen. He said there seemed to be agreement during the May 2008 Council discussions about variance options and getting input from WSDOT. Since then, WSDOT has denied the proposal, citing concerns with access on SR 410, which is a Class 2 Highway in that area and requires 660' between access points.

Mr. Watt said he wishes to initiate a review to change State Route 410 between 214th and 234th from a Class 2 to a Class 3 highway. He read his written request into the record and submitted a copy to the City Clerk. Councilmember Decker asked Mr. Watt if he wanted the speed limit to be reduced in that area. Mr. Watt said that is not the major issue but he would not be opposed to a slower speed limit.

Public Works Director Grigsby said only the State can change the highway classification. He said the Public Works department went through the process when Eastown was annexed and the State denied the request. He said he has recently asked for information on the process. Mr. Watt said the issue is confusing as he has heard different things from different people on who is in control of the highway classification and access. He said his main goal is for the Council to do analysis and make a good decision that helps development. Mayor Johnson said the issues are complex and should be discussed in depth at a workshop. He asked Director Grigsby to gather information on highway classifications to provide to Council.

Melissa Johnson, 4912 N Vista Dr E, Bonney Lake, has lived in Bonney Lake since 1997 and is a member of the No Charter committee. She confirmed that the 'no charter' signs were paid for through public donations from concerned citizens. She said those who voted in the recent election have spoken clearly that a City Charter is not the will of the people. She said in the difficult economic times it is unfortunate that funds were spent on the issue of whether to change the form of government. She said in recent years she has seen incredible changes in the right direction, and thanked the Council, Mayor and staff for their effort. Mrs. Johnson said she was President of the Emerald Hills PTO when Councilmember Decker was running for office. At that time the board supported candidate Decker based on the promises he made. She said she has spoken with five people who were on the PTO board at that time, and they all wish to revoke their support. She said they were promised there

would be ward meetings every 90 days, but none have been held yet. She said others in Ward 5 don't feel they are being represented as they want to be. She added that she and other Ward 5 residents came together on rezone issues and were very satisfied their voices were heard by the City. She said they plan to continue to work with the Council in the future.

George Brown, 8410 Locust Ave E, Bonney Lake, congratulated the Council, Mayor and staff for keeping their jobs. He said he is still confused about the intent of the Charter election. He said 90% of citizens voted against the measure. He said positive results of the election are having a larger part of the community aware of what is happening in the City and people getting involved earlier in the process. He asked whether a future petition could re-use the signatures gathered in 2008. City Attorney Dionne confirmed that a new petition would need new original signatures.

Phil DeLeo, 4610 N Island Dr, Bonney Lake, said he was a homeowner's association president in 1992 when the Fire Department asked him to speak to the Council about proposed budget cuts. After that, he started attending meetings. He was later asked to join the Council and was elected, served on several boards and campaigned for things like sidewalks, the skateboard park and other issues. He said he and other Councilmembers always considered the overall benefit of the citizens and the best use of funds. He said he considered sewer and water rates, and opposed rate increases he felt were extravagant. He said the recent election did not put the interests of the City first, and was a frivolous expenditure of time and money.

- C. Correspondence: None. [A 1.2]

7:35:11

III. COUNCIL COMMITTEE REPORTS: [A 3.6.4]

- A. Finance Committee: Councilmember Hamilton said the committee met at 5:30 p.m. earlier in the evening and discussed personnel updates, one item for the consent agenda, and general budget issues.
- B. Community Development Committee: Councilmember Rackley said the committee has not met since the last Council Meeting. The next CDC meeting is March 2, 2009.
- C. Public Safety Committee: Councilmember Hamilton said the committee met February 9, 2009 and discussed out of state sniper training for Police officers. He said the costs will be covered by the Drug Fund and will not affect the general fund.
- D. Other Reports: None.

7:37:37

IV. CONSENT AGENDA: [A 3.6]

- A. Approval of Minutes: January 6, 2009 Council Workshop, January 13, 2009 Council Meeting, January 20, 2009 Special Joint Council/Planning Commission Meeting and January 27, 2009 Council Meeting.
- B. Accounts Payable Checks/Vouchers: Accounts Payable checks/vouchers #54281 thru #54354 (including wire transfer #'s 1212009, 12082008 & 12302008) in the

amount of \$577,639.67; Accounts Payable checks/vouchers #54355 thru #54356 in the amount of \$307.24; Accounts Payable checks/vouchers #54357 thru 54439 in the amount of \$253,375.94.

- C. **Payroll Certification:** Payroll for January 16-31st, 2009 for checks 27975-28012 including Direct Deposits and Electronic Transfers in the amount of: \$ 579,839.49
- D. **AB09-11 – Ordinance D09-11** – An Ordinance of the City of Bonney Lake, Pierce County, Washington Relating to the Definition of Building Height in the Zoning Code and Amending Sections 18.04.020 and 18.04.70 of the Bonney Lake Municipal Code and Ord. Nos. 740 and 746.
- E. ~~**AB09-12 – Ordinance D09-12** – An Ordinance of the City of Bonney Lake, Pierce County, Washington Relating to the Permit and Permit Application Extensions and Amending Section 15.04.081 of the Bonney Lake Municipal Code and the Corresponding Sections of Ordinances 1230 and 1035. Moved to Full Council Issues.~~
- F. **AB09-25 – Ordinance D09-25** - An Ordinance of the City of Bonney Lake, Pierce County, Washington, Amending Title 18.31 BLMC with Regard to Parking Stall Dimensions.
- G. **AB09-26 – Resolution 1915** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Personal Services Agreement with Eilts & Co, PS to Prepare Financial Statements for the Year Ending December 31, 2008.
- H. **AB09-24** – A Motion of the Bonney Lake City Council Authorizing Out of State Travel for Sgt. Sasaki and Officer Kiblinger to Tampa, FL.

**Councilmember Hamilton moved to approve the Consent Agenda.
Councilmember Bowen seconded the motion.**

Councilmember Bowen requested that Item E. be moved to Full Council Issues.

Consent Agenda approved 5 – 0.

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

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

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

VIII. **FULL COUNCIL ISSUES:**

- A. **AB09-12 – Ordinance D09-12** - An Ordinance of the City of Bonney Lake, Pierce County, Washington Relating to the Permit and Permit Application Extensions and

7:38:18

Amending Section 15.04.081 of the Bonney Lake Municipal Code and the Corresponding Sections of Ordinances 1230 and 1035.

Councilmember Rackley moved to approve Ordinance D09-12. Councilmember Hamilton seconded the motion.

Councilmember Bowen said he has several concerns with the proposed ordinance, which addresses extensions, sunset dates for permits, and keeping permits 'active.' He said the language under 15.04.081, A.3., "No permit shall be active beyond more than one code cycle," is confusing. He said he is not sure if the intent is to make a permit invalid immediately when a new code cycle begins, or something else. City Attorney Dionne suggested it read "No permit shall be active beyond two code cycles" to reduce confusion.

Building Official Jerry Hight explained the intent is not to allow any permit to extend beyond one code cycle. He said if a permit were approved today, with a new code cycle beginning July 2009, the permit would remain active for a maximum of 3 more years and would expire when the next code cycle begins in 2012.

Councilmember Bowen moved to amend language in 15.04.081, A. 3., to "No permit shall be active beyond two code cycles." Councilmember Rackley seconded the motion.

Motion to amend Ordinance D09-12 approved 5 – 0.

Councilmember Bowen asked whether the Planning Commission discussed the sunset date of permits or only the extensions. Planning Commission Chair Randy McKibben and Commissioner Winona Jacobsen were present at the Meeting. Commissioner Jacobsen said the Planning Commission discussed these issues, and she recalled that she voted against recommending the proposed ordinance. Councilmember Bowen said the ordinance was first brought forward to solve the issue of extending permits, and perhaps other issues have been inserted that have not gotten due consideration.

Councilmember Rackley said the Council can always revisit, amend or repeal the ordinance if it is not working. Councilmember Hamilton said the Planning Commission felt there were more positives than negatives and he agrees. He said the ordinance is not perfect but does offer some help to builders in the short-term during the economic downturn.

Councilmember Bowen moved to table Ordinance D09-12 to the Community Development Committee for review. Councilmember Decker seconded the motion.

Councilmember Bowen said a lot of work has been put into the proposed ordinance, but he said he still has concerns and plans to vote 'no.' He said if one other Councilmember votes 'no' tonight the ordinance will fail and must start from the beginning. City Attorney Dionne confirmed that four votes are needed to pass an

ordinance. Councilmember Rackley reminded Council that the next scheduled Community Development Committee meeting is March 2, 2009.

**Motion to table approved
5 – 0.**

IX. EXECUTIVE SESSION: None.

7:53:07

X. ADJOURNMENT:

At 7:53 p.m. Councilmember Rackley moved to adjourn the meeting. Councilmember Decker seconded the motion.

Motion approved 5 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items submitted to the Council Meeting of February 10, 2009:

- Bonney Lake Citizen – *“Request to Initiate a Review of Access Control Classification of SR 410 in Eastown from 214th to 234th”* (Letter to Mayor and Council) – Roger Watt.

**ACCOUNTS PAYABLE AND
UTILITY REFUND CHECKS/VOUCHERS**

2/24/2009

Accounts Payable checks/vouchers #54440 thru #54525 in the amount of \$212,627.01.

Accounts Payable checks/vouchers #54526 thru #54539 in the amount of \$1774.81.

Accounts Payable checks/vouchers #54540 thru 54612 (including wire transfer #'s 11609, 20509, 2152008, 9172008 & 23784140) in the amount of \$3,862,642.97.

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

| | | |
|--------------------------------------------------------------|-------------------------------------------------|-------------------------------------------------------|
| <u>Department/Staff Contact:</u> Police/ AC Powers | <u>Council Meeting Date:</u> 02-24-09 | <u>Agenda Item Number</u> AB09-29 |
| <u>Ordinance Number:</u> DO9-29 | <u>Resolution Number:</u> | <u>Councilmember Sponsor:</u> Mark Hamilton |

BUDGET INFORMATON

| <u>2009 Budget Amount</u> | <u>Required Expenditure</u> | <u>Impact</u> | <u>Remaining Balance</u> |
|----------------------------------|------------------------------------|----------------------|---------------------------------|
| N/A | N/A | N/A | N/A |

Explanation:

Update/Revision to BLMC 9.23. This Ordinance will update an ordinance of the City of Bonney Lake, Washington relating to Enforcement of Violations of Orders for Protection amending Chapter 9.23 of the Bonney Lake Municipal Code and Ord. No. 703 § 2.

Agenda Subject:

Update/Revision to BLMC 9.23 Violations of Orders for Protection

Administrative Recommendation:

Recommend Approval

Background Summary:

The City finds it necessary to make revisions to the Bonney Lake Municipal Code to ensure greater enforcement of orders for protection; furthermore the City Council finds it necessary to make revisions to the Bonney Lake Municipal Code to ensure greater consistency with state criminal statutes prohibiting violations of restraining orders and no contact orders.

| | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <u>Council Committee Dates:</u> Finance Committee: Public Safety Committee: February 9, 2009 Community Development & Planning Committee: Council Workshop: | <u>Commission Dates:</u> Planning Commission: Civil Service Commission: | <u>Board/Hearing Examiner Dates:</u> Park Board: Hearing Examiner: |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|

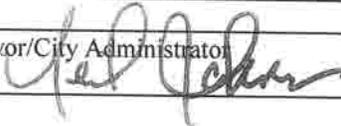
Council Action:

Council Call for Hearing: _____ Council Hearings Date: _____

Council Referred Back to: _____ Workshop: _____ Committee _____

Council Tabled Until: _____ Council Meeting Dates: February 24, 2009

Signatures:

| | | |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------|-----------------------------|
| Dept. Dir. Mike L. Mitchell | Mayor/City Administrator  | Date City Attorney reviewed |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------|-----------------------------|

PUBLIC SAFETY COMMITTEE

DATE: February ⁹2, 2009

ORIGINATOR: Dana Powers

TITLE: Assistant Chief

SUBJECT/DISCUSSION: Update/Revision to BLMC 9.23. This Ordinance will update an ordinance of the City of Bonney Lake, Washington relating to Enforcement of Violations of Orders for Protection amending Chapter 9.23 of the Bonney Lake Municipal Code and Ord. No. 703 § 2.

ORDINANCE/RESOLUTION #: DO9-29

REQUEST OR RECOMMENDATION BY ORIGINATOR: Recommend approval.

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

BUDGET INFORMATION

BUDGETED ITEM:

TOTAL COST:

(Note: If budgeted item, attach copy of budget page and identify)

| <u>2009 Budget Amount</u> | <u>Required Expenditure</u> | <u>Impact</u> | <u>Remaining Balance</u> |
|---------------------------|-----------------------------|---------------|--------------------------|
| N/A | N/A | N/A | N/A |

Explanation:

The City finds it necessary to make revisions to the Bonney Lake Municipal Code to ensure greater enforcement of orders for protection; furthermore the City Council finds it necessary to make revisions to the Bonney Lake Municipal Code to ensure greater consistency with state criminal statutes prohibiting violations of restraining orders and no contact orders.

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

| | DATE | APPROVED | DISAPPROVED |
|-------------------------|---------------|--------------------|--------------------|
| David King, Chairperson | <u>Absent</u> | _____ | _____ |
| Mark Hamilton | <u>2/9/09</u> | <u>[Signature]</u> | _____ |
| Laurie Carter | <u>2/9/09</u> | <u>[Signature]</u> | _____ |

COMMITTEE COMMENTS:

COMMITTEE'S RECOMMENDATION TO FORWARD TO:

CITY CLERK

FINANCE OFFICER

CITY ATTORNEY

Please schedule for Council Meeting date of: February 10²⁴, 2009

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BONNEY LAKE, WASHINGTON RELATING TO ENFORCEMENT OF VIOLATIONS OF ORDERS FOR PROTECTION AMENDING CHAPTER 9.23 OF THE BONNEY LAKE MUNICIPAL CODE AND ORD. NO. 703 § 2.

WHEREAS, the City Council finds it necessary to make revisions to the Bonney Lake Municipal Code to ensure greater enforcement of orders for protection;

WHEREAS, the City Council finds it necessary to make revisions to the Bonney Lake Municipal Code to ensure greater consistency with state criminal statutes prohibiting violations of restraining orders and no contact orders;

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

Section 1. Bonney Lake Municipal Code section 9.23.080 and the corresponding portions of Ord. Nos. 703 § 2 are hereby amended as follows:

9.23.080 Violation of order for protection – Duty to arrest violator.

A. Whenever an order for protection is granted under this chapter, Chapter 7.90 RCW, Chapter 10.99 RCW, Chapter 26.09 RCW, Chapter 26.10 RCW, Chapter 26.26 RCW, Chapter 26.44 RCW, Chapter 26.50 RCW, or Chapter 74.34 RCW pursuant to the terms of the Domestic Violence Prevention Act (Chapter 26.50 RCW) ~~or this chapter~~, and the person restrained knows of the provisions thereof, a violation of any of the following provisions of the order is a gross misdemeanor:

1. The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or restraint provisions prohibiting contact with a protected party;
2. A provision excluding the person from a residence, workplace, school, or day care; or
3. A provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location; or the restraining provisions or of a provision excluding the person from a residence, work place, school, or day care is a gross misdemeanor.

B. A peace officer shall arrest without a warrant and take into custody ~~1. A~~ a person the peace officer has probable cause to believe has violated an order issued under this Chapter, Chapter 7.90 RCW, Chapter 10.99 RCW, Chapter 26.09 RCW, Chapter 26.10 RCW, Chapter 26.26 RCW, Chapter 26.44, Chapter 26.50, or Chapter 74.34 RCW pursuant to the Domestic Violence Prevention Act ~~or this chapter~~ which restrains the person or excludes the person from a residence, work place, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order, ~~and~~

~~2. Those persons the officer is otherwise authorized to arrest without a warrant pursuant to RCW 10.31.100(2) for violation of a protective order.~~

~~Violation of the order also constitutes contempt of court.~~

C. Any respondent or defendant who willfully disobeys the terms of any order issued under this chapter, Chapter 7.90 RCW, Chapter 10.99 RCW, Chapter 26.09 RCW, Chapter 26.10 RCW, Chapter 26.26 RCW, Chapter 26.44 RCW, Chapter 26.50 RCW, or Chapter 74.34 RCW, may also, in the court's discretion, be found in contempt of court and subject to penalties under BLMC 9.14.010.

Section 2. If any one or more section, subsection, or sentence of this ordinance is 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 effect.

Section 3. This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

PASSED by the City Council and approved by the Mayor this _____ day of _____, 2009.

Neil Johnson, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:

Valid:

Published:

Effective Date:

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PUBLIC SAFETY COMMITTEE

DATE: February 2, 2009

ORIGINATOR: Dana Powers

TITLE: Assistant Chief

SUBJECT/DISCUSSION: Update/Revision to BLMC 9.25. This Ordinance will update an ordinance of the City of Bonney Lake, Washington relating to Enforcement of Violations of Antiharassment Protection Orders amending Chapter 9.25 of the Bonney Lake Municipal Code and ord. No. 703 § 2.

ORDINANCE/RESOLUTION #: DO9-30

REQUEST OR RECOMMENDATION BY ORIGINATOR: Recommend approval.

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

BUDGET INFORMATION

BUDGETED ITEM:

TOTAL COST:

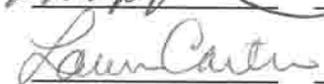
(Note: If budgeted item, attach copy of budget page and identify)

| <u>2009 Budget Amount</u> | <u>Required Expenditure</u> | <u>Impact</u> | <u>Remaining Balance</u> |
|---------------------------|-----------------------------|---------------|--------------------------|
| N/A | N/A | N/A | N/A |

Explanation:

The City finds it necessary to make revisions to the Bonney Lake Municipal Code to ensure greater enforcement of antiharassment protection orders: furthermore the City finds it necessary to make revisions to the Bonney Lake Municipal Code to ensure greater consistency with state criminal statutes prohibiting violations of antiharassment protection orders.

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

| | DATE | APPROVED | DISAPPROVED |
|-------------------------|-------------|--------------------------------------------------------------------------------------|--------------------|
| David King, Chairperson | | | |
| Mark Hamilton | 2/7/09 |  | |
| Laurie Carter | 2/9/09 |  | |

COMMITTEE COMMENTS:

**COMMITTEE'S RECOMMENDATION TO FORWARD TO:
CITY CLERK**

FINANCE OFFICER

CITY ATTORNEY

Please schedule for Council Meeting date of: February 10, 2009

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BONNEY LAKE, WASHINGTON RELATING TO ENFORCEMENT OF VIOLATIONS OF ANTIHARASSMENT PROTECTION ORDERS AMENDING CHAPTER 9.25 OF THE BONNEY LAKE MUNICIPAL CODE AND ORD. NO. 703 § 2.

WHEREAS, the City Council finds it necessary to make revisions to the Bonney Lake Municipal Code to ensure greater enforcement of antiharassment protection orders;

WHEREAS, the City Council finds it necessary to make revisions to the Bonney Lake Municipal Code to ensure greater consistency with state criminal statutes prohibiting violations of antiharassment protection orders;

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

Section 1. Bonney Lake Municipal Code section 9.25.070 and the corresponding portions of Ord. Nos. 703 § 2 are hereby amended as follows:

9.25.070 Order restricting contact - Violation.

A. Any respondent age eighteen years or over who willfully disobeys any temporary antiharassment protection order or civil antiharassment protection order issued under Chapter 10.14 RCW shall be guilty of a gross misdemeanor.

~~B. The victim shall be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim is involved.~~ If a defendant is found guilty of a crime of harassment and a condition of the sentence restricts the defendant's ability to have contact with the victim or witnesses, the condition shall be recorded and a written certified copy of that order shall be provided to the victim or witnesses by the clerk of the court. Willful violation of a court order issued under this section is a gross misdemeanor. The written order shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under Bonney Lake Municipal Code Chapter 9.25 and will subject a violator to arrest."

C. Any respondent or defendant who willfully disobeys the terms of any order issued under this chapter or Chapter 10.14 RCW may also, in the court's discretion, be found in contempt of court and subject to penalties under BLMC 9.14.010.

Section 2. If any one or more section, subsection, or sentence of this ordinance is 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 effect.

Section 3. This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

PASSED by the City Council and approved by the Mayor this _____ day of _____, 2009.

Neil Johnson, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:

Valid:

Published:

Effective Date:

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PUBLIC SAFETY COMMITTEE

DATE: February ⁹ 2, 2009

ORIGINATOR: Dana Powers

TITLE: Assistant Chief

SUBJECT/DISCUSSION: Update/Revision to BLMC 9.86. This Ordinance will update an ordinance of the City of Bonney Lake, Washington relating to Enforcement of Dangerous Weapons Violations amending Chapter 9.86 of the Bonney Lake Municipal Code and ord. No. 1058 § 1.

ORDINANCE/RESOLUTION #: D09-31

REQUEST OR RECOMMENDATION BY ORIGINATOR: Recommend approval.

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

BUDGET INFORMATION

BUDGETED ITEM:

TOTAL COST:

(Note: If budgeted item, attach copy of budget page and identify)

| <u>2009 Budget Amount</u> | <u>Required Expenditure</u> | <u>Impact</u> | <u>Remaining Balance</u> |
|---------------------------|-----------------------------|---------------|--------------------------|
| N/A | N/A | N/A | N/A |

Explanation:

The City finds it necessary to make revisions to the Bonney Lake Municipal Code to ensure greater enforcement of dangerous weapons violations; furthermore the City finds it necessary to make revisions to the Bonney Lake Municipal Code to ensure greater consistency with state criminal statutes prohibiting dangerous weapons violations.

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

| | DATE | APPROVED | DISAPPROVED |
|-------------------------|---------------|--------------------|--------------------|
| David King, Chairperson | <u>2/9/09</u> | <u>[Signature]</u> | _____ |
| Mark Hamilton | <u>2/9/09</u> | <u>[Signature]</u> | _____ |
| Laurie Carter | <u>2/9/09</u> | <u>[Signature]</u> | _____ |

COMMITTEE COMMENTS:

**COMMITTEE'S RECOMMENDATION TO FORWARD TO:
CITY CLERK**

FINANCE OFFICER

CITY ATTORNEY

Please schedule for Council Meeting date of: February 10, 2009

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BONNEY LAKE, WASHINGTON RELATING TO ENFORCEMENT OF DANGEROUS WEAPONS VIOLATIONS AMENDING CHAPTER 9.86 OF THE BONNEY LAKE MUNICIPAL CODE AND ORD. NO. 1058 § 1.

WHEREAS, the City Council finds it necessary to make revisions to the Bonney Lake Municipal Code to ensure greater enforcement of dangerous weapons violations;

WHEREAS, the City Council finds it necessary to make revisions to the Bonney Lake Municipal Code to ensure greater consistency with state criminal statutes prohibiting dangerous weapons violations;

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

Section 1. Bonney Lake Municipal Code section 9.86.045 and the corresponding portions of Ord. Nos. 1058 § 1 are hereby amended as follows:

9.86.045 Dangerous weapons - ~~Penalty State statute adopted.~~

~~RCW 9.41.250 is hereby adopted by reference.~~

- A. Every person who commits any of the following acts is guilty of a gross misdemeanor:
1. Manufactures, sells, or disposes of or possesses any instrument or weapon of the kind usually known as slung shot, sand club, or metal knuckles;
 2. Furtively carries with intent to conceal any dagger, dirk, pistol, or other dangerous weapon;
 3. Uses any contrivance or device for suppressing the noise of any firearm; or
 4. Carries, exhibits, displays, or draws any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.
- B. Subsection (A)(4) shall not apply to or affect the following:
1. Any act committed by a person while in his or her place of abode or fixed place of business;
 2. Any person who by virtue of his or her office or public employment is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses, while in the performance of such duty;
 3. Any person acting for the purpose of protecting himself or herself against the use of presently threatened unlawful force by another, or for the purpose of protecting another against the use of such unlawful force by a third person;
 4. Any person making or assisting in making a lawful arrest for the commission of a felony; or
 5. Any person engaged in military activities sponsored by the federal or state governments.

Section 2. If any one or more section, subsection, or sentence of this ordinance is 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 effect.

Section 3. This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

PASSED by the City Council and approved by the Mayor this _____ day of _____, 2009.

Neil Johnson, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:

Valid:

Published:

Effective Date:

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

| | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|------------------------------------------------|
| Department/Staff Contact: Police/ AC Powers | Council Meeting Date: 02-24-09 | Agenda Item Number AB09-32 |
| Ordinance Number: DO9-32 | Resolution Number: | Councilmember Sponsor: Mark Hamilton |
| <u>BUDGET INFORMATON</u> | | |
| <u>2009 Budget Amount</u> N/A | <u>Required Expenditure</u> N/A | <u>Impact</u> N/A |
| | | <u>Remaining Balance</u> N/A |
| <u>Explanation:</u> Update/Revision to BLMC 9.26.010. This Ordinance will update an ordinance of the City of Bonney Lake, Washington relating to the Regulation of Precursor Drugs and Legend Drugs amending section 9.36.010 of the Bonney Lake Municipal Code and the corresponding portions of ord. Nos. 1194 § 1, 2006; 845 § 1, 2000; 703 § 2, 1995. | | |
| <u>Agenda Subject:</u> Update/Revision to BLMC 9.26.010 Regulation of Precursor Drugs and Legend Drugs | | |

| |
|--------------------------------------------------------------------|
| <u>Administrative Recommendation:</u> Recommend Approval |
|--------------------------------------------------------------------|

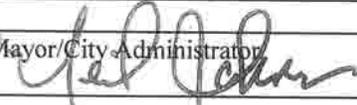
| |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Background Summary:</u> The Washington State Legislature has enacted regulations in Chapter 69.41 RCW and Chapter 69.43 RCW relating to precursor drugs and legend drugs; and the federal and state law now regulate the sale of precursor drugs such as ephedrine, pseudoephedrine, and phenylpropanolamine in order to combat methamphetamine use; and the Legislature has declared certain violations of these sections to be either misdemeanors or gross misdemeanors. Furthermore, the City finds it necessary to make revisions to the Bonney Lake Municipal Code to ensure greater enforcement of controlled substance violations and to provide the City of Bonney Lake with the needed tools to fight the methamphetamine problem. |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| Council Committee Dates: Finance Committee: Public Safety Committee: February 9, 2009 Community Development & Planning Committee: Council Workshop: | Commission Dates: Planning Commission: Civil Service Commission: | Board/Hearing Examiner Dates: Park Board: Hearing Examiner: |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------|

| | |
|-----------------------------------------------------|------------------------|
| Council Action: Council Call for Hearing: | Council Hearings Date: |
|-----------------------------------------------------|------------------------|

| | | |
|---------------------------|-----------|-----------|
| Council Referred Back to: | Workshop: | Committee |
|---------------------------|-----------|-----------|

| | |
|-----------------------|------------------------------------------|
| Council Tabled Until: | Council Meeting Dates: February 24, 2009 |
|-----------------------|------------------------------------------|

| | | |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------|-----------------------------|
| Signatures: | | |
| Dept. Dir. Mike L. Mitchell | Mayor/City Administrator  | Date City Attorney reviewed |

PUBLIC SAFETY COMMITTEE

DATE: February 2⁹, 2009

ORIGINATOR: Dana Powers

TITLE: Assistant Chief

SUBJECT/DISCUSSION: Update/Revision to BLMC 9.26.010. This Ordinance will update an ordinance of the City of Bonney Lake, Washington relating to the Regulation of Precursor Drugs and Legend Drugs amending section 9.36.010 of the Bonney Lake Municipal Code and the corresponding portions of ord. Nos. 1194 § 1, 2006; 845 § 1, 2000; 703 § 2, 1995.

ORDINANCE/RESOLUTION #: DO9-32

REQUEST OR RECOMMENDATION BY ORIGINATOR: Recommend approval.

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE MAYOR

FINANCE DIRECTOR

CITY ATTORNEY

BUDGET INFORMATON

BUDGETED ITEM:

TOTAL COST:

(Note: If budgeted item, attach copy of budget page and identify)

| <u>2009 Budget Amount</u> | <u>Required Expenditure</u> | <u>Impact</u> | <u>Remaining Balance</u> |
|---------------------------|-----------------------------|---------------|--------------------------|
| N/A | N/A | N/A | N/A |

Explanation:

The Washington State Legislature has enacted regulations in Chapter 69.41 RCW and Chapter 69.43 RCW relating to precursor drugs and legend drugs; and the federal and state law now regulate the sale of precursor drugs such as ephedrine, pseudoephedrine, and phenylpropanolamine in order to combat methamphetamine use; and the Legislature has declared certain violations of these sections to be either misdemeanors or gross misdemeanors. Furthermore, the City finds it necessary to make revisions to the Bonney Lake Municipal Code to ensure greater enforcement of controlled substance violations and to provide the City of Bonney Lake with the needed tools to fight the methamphetamine problem.

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

| | DATE | APPROVED | DISAPPROVED |
|-------------------------|----------------|--------------------|-------------|
| David King, Chairperson | <i>Absent</i> | _____ | _____ |
| Mark Hamilton | <i>2/09/09</i> | <i>[Signature]</i> | _____ |
| Laurie Carter | <i>2/4/09</i> | <i>[Signature]</i> | _____ |

COMMITTEE COMMENTS:

COMMITTEE'S RECOMMENDATION TO FORWARD TO:

CITY CLERK

FINANCE OFFICER

CITY ATTORNEY

Please schedule for Council Meeting date of: February 10, 2009

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF BONNEY LAKE, WASHINGTON RELATING TO THE REGULATION OF PRECURSOR DRUGS AND LEGEND DRUGS AMENDING SECTION 9.36.010 OF THE BONNEY LAKE MUNICIPAL CODE AND THE CORRESPONDING PORTIONS OF ORD. NOS. 1194 § 1, 2006; 845 § 1, 2000; 703 § 2, 1995.

WHEREAS, the Washington State Legislature has enacted regulations in Chapter 69.41 RCW and Chapter 69.43 RCW relating to precursor drugs and legend drugs; and

WHEREAS, federal and state law now regulate the sale of precursor drugs such as ephedrine, pseudoephedrine, and phenylpropanolamine in order to combat methamphetamine use; and

WHEREAS, the Legislature has declared certain violations of these sections to be either misdemeanors or gross misdemeanors; and

WHEREAS, the City Council finds it necessary to make revisions to the Bonney Lake Municipal Code to ensure greater enforcement of controlled substance violations and to provide the City of Bonney Lake with the needed tools to fight the methamphetamine problem.

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

Section 1. BLMC 9.36.010 and the corresponding portion of Ord. Nos. 1194 § 1, 2006; 845 § 1, 2000; 703 § 2, 1995 are hereby amended to read as follows:

9.36.010 Controlled substances – State statutes adopted by reference.

The following statutes of the state of Washington are hereby adopted by reference as if set forth in full herein:

- A. RCW 69.41.010, Definitions.
- B. RCW 69.41.030, Sale, delivery, or possession of legend drug without prescription or order prohibited – Exceptions.
- C. RCW 69.41.050, Labeling requirements.
- D. RCW 69.41.320, Practitioners – Restricted use – Medical records.
- E. RCW 69.43.010, Report to state board of pharmacy – List of substances – Modification of list – Identification of purchasers – Report of transactions – Penalties.
- F. RCW 69.43.020, Receipt of substance from source outside state – Report – Penalty.
- G. RCW 69.43.030, Exemptions.
- H. RCW 69.43.035, Suspicious transactions – Report – Penalty.
- I. RCW 69.43.043, Record keeping requirements – Penalty.
- J. RCW 69.43.090, Permit to sell, transfer, furnish, or receive substance – Exemptions – Application for permit – Fee – Renewal – Penalty.

- K. RCW 69.43.110, Ephedrine, pseudoephedrine, phenylpropanolamine - Sales restrictions - Penalty.
- L. RCW 69.43.120, Ephedrine, pseudoephedrine, phenylpropanolamine - Possession of more than fifteen grams - Penalty - Exceptions.
- M. RCW 69.43.130, Exemptions - Pediatric products - Products exempted by the state board of pharmacy.
- ~~A.N.~~ RCW 69.50.101, Definitions.
- ~~B.O.~~ RCW 69.50.102, Drug paraphernalia - Definitions.
- ~~C.P.~~ RCW 69.50.202, Nomenclature.
- ~~D.Q.~~ RCW 69.50.204, Schedule I.
- ~~E.R.~~ RCW 69.50.401, Prohibited acts: A - Penalties.
- ~~F.S.~~ RCW 69.50.4013, Possession of controlled substance - Penalty
- ~~G.T.~~ RCW 69.50.4014, Possession of forty grams or less of marihuana - Penalty
- ~~H.U.~~ RCW 69.50.412, Prohibited acts: E - Penalties.
- ~~I.V.~~ RCW 69.50.4121, Drug paraphernalia - Selling or giving - Penalty.
- ~~J.W.~~ RCW 69.50.420, Violations - Juvenile driving privileges.
- ~~K.X.~~ RCW 69.50.425, Misdemeanor violations - Minimum imprisonment.
- ~~L.Y.~~ RCW 69.50.505, Seizure and forfeiture.
- ~~M.Z.~~ RCW 69.50.506, Burden of proof; liabilities.
- ~~N.AA.~~ RCW 69.50.509, Search and seizure of controlled substances.

Section 2. If any one or more section, subsection, or sentence of this ordinance is 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 effect.

Section 3. This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

PASSED by the City Council and approved by the Mayor this _____ day of _____, 2009.

Neil Johnson, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:
Valid:
Published:
Effective Date:
g:\borilk\ordinanc\70719meth.ord.doc

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

| | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|---------------------------------------|
| <u>Department/Staff Contact:</u> Don Morrison | <u>Council/Wrkshp Mtg Date:</u> February 24, 2009 | <u>Agenda Bill Number:</u> AB09-07 |
| <u>Ordinance Number:</u> | <u>Resolution Number:</u> 1911 | <u>Councilmember Sponsor:</u> |
| <u>BUDGET INFORMATON</u> | | |
| <u>2008 Budget Amount</u> \$15,000 | <u>Required Expenditure</u> \$15,000 | <u>Impact</u> |
| <u>Remaining Balance</u> | | |
| <u>Explanation:</u> A service agreement with the Bonney Lake Chamber of Commerce has been budgeted since 2007, but has to date not been implemented. | | |
| <u>Agenda Subject:</u> Service Agreement with the Bonney Lake Chamber of Commerce | | |

Administrative Recommendation: Approve

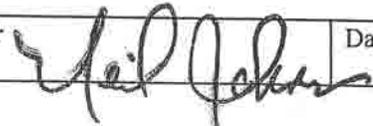
Background Summary: The City receives significant benefit from the development and expansion of the local economic base by enhancing employment opportunities for its residents and by creating additional tax revenues. The City does not have the necessary time, expertise or resources to adequately promote economic investment. The Chamber works closely with organizations formed for the express purpose of promoting and attracting new business, expanding existing business and otherwise enhancing economic opportunities in Bonney Lake, especially in the Downtown area. It is proposed that the City and Chamber enter into a partnership for the purpose of undertaking the planning and implementation of certain economic development marketing and business development, assistance and retention designed to strengthen and expand the business climate and economic development in the City. This would be a one year trial agreement. If renewed for a successive year, we would propose that the Chamber relocate their office to the downtown area, providing appropriate space can be obtained, such as in the new IJC.

| | | |
|---------------------------------------------|---------------------------|--------------------------------------|
| <u>Council Committee Dates:</u> | <u>Commission Dates:</u> | <u>Board/Hearing Examiner Dates:</u> |
| Finance Committee: | Planning Commission: | Park Board: |
| Public Safety Committee: | Civil Service Commission: | Hearing Examiner: |
| Community Development & Planning Committee: | | |
| Council Workshops: | | |

Council Action:

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

Signatures:

| | | |
|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|------------------------------|
| Dir. Authorization | Mayor | Date City Attorney Reviewed: |
|  |  | |

FINANCE COMMITTEE

DATE: January 13, 2,008

ORIGINATOR: Don Morrison

TITLE: City Administrator

SUBJECT/DISCUSSION: Service Agreement with the BL Chamber of Commerce

ORDINACNE/RESOLUTION: Resolution No. 1911

REQUEST OR RECOMMENDATION BY ORIGINATOR: Recommend Approval

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED BY THE:

MAYOR Yes
FINANCE DIRECTOR Yes
CITY ATTORNEY Pending

BUDGETED ITEM: NA TOTAL COST:

Table with 4 columns: 2008 Budget Amount, Required Expenditure, Impact, Remaining Balance. Values: \$15,000, \$15,000.

Explanation: A service agreement with the Bonney Lake Chamber of Commerce has been budgeted since 2007, but has to date not been implemented.

The City receives significant benefit from the development and expansion of the local economic base by enhancing employment opportunities for its residents and by creating additional tax revenues. The City does not have the necessary time or resources to adequately promote economic investment. The Chamber works closely with organizations formed for the express purpose of promoting and attracting new business, expanding existing business and otherwise enhancing economic opportunities in Bonney Lake, especially in the Downtown area. It is proposed that the City and Chamber enter into a partnership for the purpose of undertaking the planning and implementation of certain economic development marketing and business development, assistance and retention designed to strengthen and expand the business climate and economic development in the City. This would be a one year trial agreement. If renewed for a successive year, we would propose that the Chamber relocate their office to the downtown area, providing appropriate space can be obtained, such as in the new IJC.

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

Table with columns: NAME, DATE, APPROVED, DISAPPROVED. Rows for Dan Swatman, Jim Rackley, Dave King with handwritten dates and signatures.

COMMITTEE COMMENTS:

COMMITTEE'S RECOMMENDATION TO FORWARD TO:

CITY CLERK FINANCE DIRECTOR CITY ATTORNEY
Please schedule for Council Meeting date of:

PERSONAL SERVICES AGREEMENT

THIS PERSONAL SERVICES AGREEMENT ("Agreement") is made and entered into this _____ day of _____, 2009, by and between the City of Bonney Lake ("City") and the Bonney Lake Chamber of Commerce ("Chamber").

WHEREAS, the City receives significant benefit from the development and expansion of the local economic base by enhancing employment opportunities for its residents and by creating additional tax revenues; and

WHEREAS, the City does not have the necessary time, expertise or resources to adequately promote economic investment; and

WHEREAS, the Chamber works closely with organizations formed for the express purpose of promoting and attracting new business, expanding existing business and otherwise enhancing economic opportunities in Bonney Lake, especially in the Downtown area; and

WHEREAS, the City and Chamber mutually desire to establish a visitor information center; and

WHEREAS, the purpose of this Agreement is to enter into a partnership with the Chamber for the purpose of undertaking the planning and implementation of certain economic development marketing and business development, assistance and retention designed to strengthen and expand the business climate and economic development in the City.

NOW THEREFORE, THE PARTIES HEREBY AGREE AS FOLLOWS:

1. **Scope of Work.** The Chamber shall perform all work and provide all materials described in the Scope of Work and major tasks set out in Exhibit A attached hereto and incorporated herein by this reference. Such work shall be performed using equipment and staff provided by Chamber, and shall be performed in accordance with all applicable federal, state and local laws, ordinances and regulations. The Chamber shall exercise reasonable care and judgment in the performance of work pursuant to this Agreement. By mutual agreement, the parties may make minor changes, amendments or revisions in the detail of the work as may be required by the City, such work not to constitute Extra Work under this Agreement.
2. **Ownership of Work Product.** Documents, presentations and any other work product produced by the Chamber in performance of work under this Agreement shall be tendered to the City upon completion of the work, and may be used by the City without restriction. Any such use by the City not directly related to the particular purposes for which the work product was produced shall be without any liability whatsoever to the Chamber.
3. **Payment.** The Chamber shall be paid by the City for completed work and services rendered under this Agreement pursuant to the fees set out in Exhibit B, attached hereto and incorporated herein by this reference. Chamber may bill quarterly for the General Services set forth in Exhibit "A", and upon completion for the Special projects set forth in Exhibit "A". Such payment shall be full compensation for work performed or services rendered and for all labor, materials, supplies, equipment, and incidentals necessary to complete the work. Payment for work within the Scope of Work (Exhibit A) shall not exceed the fee set out in Exhibit B without written amendment to this Agreement, agreed to and signed by both parties.

Acceptance of each installment payment by the Chamber shall constitute a release of all claims, related to payment of that installment, which the Chamber may have against the City unless such claims are specifically reserved in writing and transmitted to the City by the Chamber prior to acceptance of an installment payment. Acceptance of an installment payment shall not, however, be a bar to any claims that the City may have against the Chamber or to any remedies the City may pursue with respect to such claims.

The Chamber and any subcontractors shall keep available for inspection, by the City, for a period of three years after final payment, the cost records and accounts pertaining to this Agreement and all items related to, or bearing upon, such records. If any litigation, claim or audit is started before the expiration of the three-year retention period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved. The three-year retention period shall commence when the Chamber receives final payment.

4. **Changes in Work.** The Chamber shall make all revisions and changes in the work completed under this Agreement as are necessary to correct errors, when required to do so by the City, without additional compensation.

5. **Extra Work.** The City may desire to have the Chamber perform work or render services in addition to or other than work provided for by the expressed intent of the Scope of Work. Such work will be considered Extra Work and will be specified in a written supplement which will set forth the nature and scope thereof. Work under a supplement shall not proceed until authorized in writing by the City. Any dispute as to whether work is Extra Work or work already covered by this Agreement shall be resolved before the work is undertaken. Performance of the work by the Chamber prior to resolution of any such dispute shall waive any claim by the Chamber for compensation as Extra Work.

6. **Employment.** Any and all employees of Chamber, while engaged in the performance of any work or services required by the Chamber under this Agreement, shall be considered employees of the Chamber only and not of the City, and any and all claims that may or might arise under the Workman's Compensation Act on behalf of said employees, while so engaged; any and all taxes arising out of Chamber's or Chamber's employees' work under this Agreement; and any and all claims made by a third party as a consequence of any acts, errors, or omissions on the part of the Chamber's employees, while so engaged, shall be the sole obligation and responsibility of the Chamber. The Chamber's relation to the City shall at all times be as an independent contractor.

7. **Nondiscrimination.** Chamber agrees not to discriminate against any client, employee or applicant for employment or for services because of race, creed, color, national origin, marital status, gender, age or handicap except for a bona fide occupational qualification with regard to, but not limited to, the following: employment upgrading; demotion or transfer; recruitment or any recruitment advertising; layoff or termination; rates of pay or other forms of compensation; selection for training; and rendition of services. Chamber understands and agrees that if it violates this section, this Agreement may be terminated by the City, and that Chamber shall be barred from performing any services for the City in the future unless and until a showing is made satisfactory to the City that discriminatory practices have terminated and that recurrence of such action is unlikely.

8. **Term.** This Agreement shall become effective _____ 1, 2009 and shall terminate one year thereafter; provided however, that not less than sixty days prior to the termination date, the parties may mutually agree in writing to extend the agreement for another year.

9. **Termination by City.** In the event the services of the Chamber are terminated by the City, the amount to be paid shall be determined by the City with consideration given to the actual costs incurred by the Chamber in performing the work to the date of termination, the amount of work originally required which was satisfactorily completed to date of termination, whether that work is in a form or of a type which is usable by the City at the time of termination, the cost to the City of employing another person or firm to complete the work required and the time which may be required to do so, and other factors which affect the value to the City of the work performed at the time of termination. Under no circumstances shall payment made under this subsection exceed the amount which would have been made if the Agreement had not been terminated. In the event this Agreement is terminated for fault, the original copies of all work products prepared by the Chamber prior to termination shall become the property of the City for its use without restriction; provided, that any such use by the City not directly related to the particular purposes for which the work product was produced shall be without any liability whatsoever to the Chamber.

10. **Termination by Chamber.** Chamber may terminate this Agreement at any time by giving the City thirty (30) days advance written notice.

11. **Applicable Law; Venue.** The laws of the State of Washington shall apply in interpreting this Agreement. Venue for any lawsuit arising out of this Agreement shall be in the Superior Court of the State of Washington, in and for Pierce County.

12. **Indemnification / Hold Harmless.** Chamber shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, solely arising out of or resulting from the acts, errors or omissions of the Chamber in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

13. **Insurance - General Liability Insurance.** Chamber will carry public liability insurance with carriers satisfactory to the City, in amounts no less than: \$500,000 public liability (each person), \$1,000,000 public liability (each occurrence) with endorsements naming the City as an additional insured, and will provide the City with a copy of the certificate of insurance. The Chamber will give the City 30 days written notice prior to any cancellation of said insurance policy.

14. **Assigning.** This Agreement and all rights or obligations under this Agreement, including without limitation, the rights to enforce the provisions of this Agreement, may not be assigned in whole or in part by either party without the express written consent of the other party.

15. **Entire Agreement.** This Agreement represents the entire Agreement between the parties. No change, termination or attempted waiver of any of the provisions of the Agreement shall be binding on any party unless executed in writing by authorized representatives of each party. The agreement shall not be modified, supplemented or otherwise affected by the course of dealing between the parties.

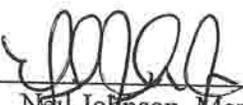
16. **Waiver.** Failure by any party to this Agreement to enforce any provision of this Agreement or to declare a breach shall not constitute a waiver thereof, nor shall it impair any party's right to demand strict performance of that or any other provision of this Agreement any time thereafter.

17. **Severability.** If any provision of this Agreement or its application is held invalid, the remainder of the Agreement or the application of the remainder of the Agreement shall not be affected.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

CITY OF BONNEY LAKE

BONNEY LAKE CHAMBER OF COMMERCE

By: 
Neil Johnson, Mayor

By: _____

By: _____

Attachments:

Exhibit A: Scope of Work/Deliverables

Exhibit B: Fees

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EXHIBIT A: SCOPE OF WORK

The Chamber of Commerce (Chamber) shall undertake the following major tasks:

General Services

- Staff and maintain a visitor's center in Bonney Lake to be open to the public at least 20 hours per week (times of operation to be negotiated with the City). Hours of operation shall be clearly posted and visible to the general public on the exterior of the office door.
- Promote current business and businesses within the City of Bonney Lake. Pro-actively market the City of Bonney Lake to potential business and industry which will add to the tax base of the City.
- Engage discussions among and between Downtown property owners and business interests to facilitate redevelopment of the downtown.
- Engage discussions among Eastown property owners and businesses to facilitate the coordinated development of Eastown.
- Review and investigate economic development opportunities that will benefit the local Bonney Lake economy, make recommendations to the City as to prioritization of such opportunities.
- Work with existing Bonney Lake businesses on business expansion and retention issues.
- Quarterly and annually report to the City on the economic development activities undertaken.

Special Projects

- Develop a camera-ready master of a 4-color 8.5" X 14" 2 sided/4panel Bonney Lake marketing brochure, including pdf version for online distribution.
- Develop a camera-ready master of a 2-color comprehensive Bonney Lake Business Directory by business category (to include all licensed businesses in the City), including an electronic version suitable for use on the City's website (City to provide list of licensed businesses in an Excel spreadsheet).

EXHIBIT B: CONSIDERATION

The City shall pay the Chamber total compensation not to exceed fifteen thousand dollars (\$15,000) under this Agreement to accomplish the tasks comprising the scope of work listed in Exhibit "A".

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

| | | |
|------------------------------------------------------------------------|------------------------------------------------------------|----------------------------------------------|
| <u>Department/Staff Contact:</u> John Woodcock-City Engineer | <u>Council/Wrkshp Mtg Date:</u> February 24,2009 | <u>Agenda Bill Number:</u> ABO9-37 |
| <u>Ordinance Number:</u> | <u>Resolution Number:</u> 1919 | <u>Councilmember Sponsor:</u> |

| <u>BUDGET INFORMATON</u> | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|----------------------|---------------------------------|
| <u>2009 Budget Amount</u> | <u>Required Expenditure</u> | <u>Impact</u> | <u>Remaining Balance</u> |
| Water CIP \$1,875,000 | Water CIP \$590,101.20 | \$678,616.26 | \$1,196,383.74 |
| | Contingency (10%) \$59,010.00 | | |
| | Construction Eng. (5%) \$29,505.00 | | |
| <u>Explanation:</u> 401.999.594.13.065 Water Main Replacement (Water CIP Budget) | | | |
| <u>Agenda Subject:</u> Award the Cedar View (Phase1) and 188 th Avenue East Water Main Replacement Project to Les Russell Construction. | | | |

Administrative Recommendation:

Background Summary: The city will be replacing water mains in Cedar View and 188th Ave. E. The City opened bids on February 11, 2009. The city received 24 bids and B&B Utilities was the apparent low bidder but was disqualified for obvious mistakes made in their submittal. B&B Utilities requested they be allowed to withdraw their bid.

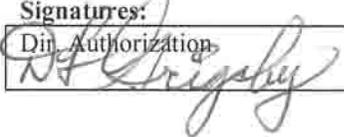
Les Russell was the low bidder with a bid of \$590,101.20. The Engineers estimate was \$943,483.00. After meeting the contractor, public works staff has determined that their bid proposal is consistent with requirements of the contract and bid specifications

Resolution 1919 requests authorization from the City Council for the Mayor to award the contract to Les Russell Construction. This request includes 10% of the bid (\$59,010.00) for contingencies, and 5% (\$29,505.00) for construction engineering.

Attachments: Resolution 1919, Bid Result sheet, Notice of Award, Contract, Map

| | | |
|---------------------------------------------|---------------------------------|---------------------------------------------|
| <u>Council Committee Dates:</u> | <u>Commission Dates:</u> | <u>Board/Hearing Examiner Dates:</u> |
| Finance Committee: | Planning Commission: | Park Board: |
| Public Safety Committee: | Civil Service Commission: | Hearing Examiner: |
| Community Development & Planning Committee: | | |
| Council Workshops: | | |

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|-------------------------------|--------------------------------|------------|
| <u>Council Action:</u> | | |
| Council Call for Hearing: | Council Hearings Date: | |
| Council Referred Back to: | Workshop: | Committee: |
| Council Tabled Until: | Council Meeting Dates: 2/24/09 | |

| | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|------------------------------|
| <u>Signatures:</u> | | |
| Dir. Authorization:  | Mayor:  | Date City Attorney Reviewed: |

RESOLUTION NO. 1919

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE,
PIERCE COUNTY, WASHINGTON, AUTHORIZING A AGREEMENT WITH
LES RUSSELL CONSTRUCTION COMPANT FOR CEDAR VIEW (PHASE 1)
AND 188TH AVENUE EAST WATER MAIN REPLACEMENT PROJECT**

Whereas, the City Council approved the contract for the construction of the Cedar View (Phase 1) and 188th Avenue East Water Main Replacement.

Whereas, the City advertised and opened bid for construction on February 11, 2009 and has determined the lowest responsible bid for this contract was received from Les Russell Construction: and

Whereas, the City Council adopted this project as part of the Leaky Main Replacement Program in the Water CIP budget for construction in 2009: and

Now therefore, be it resolved; that the City of Bonney Lake Council does hereby authorize the Mayor to sign the attached contract with Les Russell Construction in the amount of \$590,101.20, which includes tax.

Be it further resolved, that the City of Bonney Lake does hereby authorize a 10% Construction Contingency (\$59,010.00) amount based on the contract bid amount as well as a 5% Construction Engineering (\$29,505.00) amount based on the contract bid.

PASSED by the City Council this 24th day of February, 2009.

Neil Johnson Jr., Mayor

ATTEST:

Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney

| Name | Non-Collusion Certificate | | Bidders Qualification Cert | | Bid Bond Form/Bid Deposit | | Subcontractors List | | Schedule A | | Schedule B | | Total Bid |
|----------------------------|---------------------------|---|----------------------------|---|---------------------------|---|---------------------|-----------|--------------|--------------|------------|--|-----------|
| | X | X | X | X | X | X | X | X | | | | | |
| 18 James H. Guess | X | X | X | X | X | X | X | 811967.87 | 97590.00 | \$909,557.87 | | | |
| 19 NOVA Const. | X | X | X | X | X | X | 677584.64 | 142500.00 | \$820,084.64 | | | | |
| 20 N.W. Cascade | X | X | X | X | X | X | 626780.48 | 116830.00 | \$743,610.48 | | | | |
| 21 Bruno Const. | X | X | X | X | X | X | 544456.96 | 109120.00 | \$653,576.96 | | | | |
| 22 A+A Const. | X | X | X | X | X | X | 539669.76 | 93265.00 | \$632,934.76 | | | | |
| 23 VSM Const. | X | X | X | X | X | X | 607120.32 | 64992.00 | \$672,112.32 | | | | |
| 24 Bedrock/Parrows Pacific | X | X | X | X | X | X | 507188.61 | 84680.00 | \$591,868.61 | | | | |
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3



NOTICE OF AWARD

PUBLIC WORKS DEPARTMENT

TO: Harry W Thetford Jr.

Company: Les Russell Construction, LLC

ADDRESS: 1002 39th Ave S.W. #301, Puyallup, WA. 98373

Cedar View (Phase 1) and 188th Ave East Water Main Replacement Project

The OWNER has considered the BID submitted by you for the above-described WORK in response to its Advertisement for Bids dated February 11, 2009 and Information for Bidders.

You are hereby notified that your Bid has been accepted for items in the amount of \$590,101.20.

You are required by the Information for Bidders to execute the Agreement and furnish the required CONTRACTOR'S Performance Bond, Labor and Material Payment Bond, Warranty & Defect Bond and certificates of insurance within ten (10) calendar days from the date of this Notice to you. PLEASE NOTE: You MUST NOT proceed with the work prior to submitting these items and receiving from the OWNER a WRITTEN NOTICE TO PROCEED. You will not be compensated for any work performed prior to issuance of the NOTICE TO PROCEED.

If you fail to execute said Agreement and to furnish said BONDS within ten (10) days from the date of this Notice, said OWNER will be entitled to consider all your rights arising out of the OWNER'S acceptance of your BID as abandoned and as a forfeiture of your BID BOND. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE OF AWARD to the OWNER.

Dated this 24th day of February, 2009

City of Bonney Lake
Owner

By

Title

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged.

by this the day

of 20

By

Title

CONTRACT

State of Washington)
) SS
County of Pierce)

THIS CONTRACT, made and entered into this 24th day of February, in the year of 2009, by and between City of Bonney Lake, Washington, a municipal corporation, hereinafter designated as the "Owner," and Las Russell Construction, LLC hereinafter designated as the "Contractor,"

WITNESSETH:

That WHEREAS the Owner has heretofore caused to be prepared certain plans and specifications described as the Cedar View (Phase I) and 188th Ave W and the Contractor did on the 11th day of February, 2009, file with the Owner a proposal to construct said work and agreed to accept as payment therefore the sum fully stated and set forth in the proposal, and

WHEREAS, the said Contract Documents fully and accurately described the terms and conditions upon which the Contractor proposes to furnish said equipment, labor, materials, and appurtenances and perform said work, together with the manner and time of furnishing same;

IT IS THEREFORE AGREED, first, that a copy of said General Conditions and other Contract Documents filed with the Owner, as aforesaid, do, in all particulars, become a part of the Agreement and Contract by and between the parties hereto in all matters and things therein set forth and described; and further, that the Owner and the Contractor hereby accept and agree to the terms and conditions of said Contract Documents as filed as completely as if said terms and conditions and plans were herein set out in full.

IN FAITH WHEREOF, witness the hands and seals of both parties hereto on the day and year in this Agreement first above written.

Contractor Las Russell Construction, LLC
By Harry W. [Signature]
Title member/manager

Attest (If Corporation)
Robin J. Blare
Secretary

Witness (If Individual or Partnership)

City of Bonney Lake
By
Title

CONTRACT

State of Washington)
) SS
County of Pierce)

THIS CONTRACT, made and entered into this 24th day of February, in the year of 2009, by and between City of Bonney Lake, Washington, a municipal corporation, hereinafter designated as the "Owner," and Les Russell Construction, LLC hereinafter designated as the "Contractor,"

WITNESSETH:

That WHEREAS the Owner has heretofore caused to be prepared certain plans and specifications described as the Cedar-View (Phase 2) and 18th Ave E Water main Replacement Project and the Contractor did on the 11th day of February, 2009, file with the Owner a proposal to construct said work and agreed to accept as payment therefore the sum fully stated and set forth in the proposal, and

WHEREAS, the said Contract Documents fully and accurately described the terms and conditions upon which the Contractor proposes to furnish said equipment, labor, materials, and appurtenances and perform said work, together with the manner and time of furnishing same;

IT IS THEREFORE AGREED, first, that a copy of said General Conditions and other Contract Documents filed with the Owner, as aforesaid, do, in all particulars, become a part of the Agreement and Contract by and between the parties hereto in all matters and things therein set forth and described; and further, that the Owner and the Contractor hereby accept and agree to the terms and conditions of said Contract Documents as filed as completely as if said terms and conditions and plans were herein set out in full.

IN FAITH WHEREOF, witness the hands and seals of both parties hereto on the day and year in this Agreement first above written.

Contractor Les Russell Construction, LLC
By Harry W. [Signature]
Title member/manager

Attest (If Corporation)
John J. Blawie
Secretary

Witness (If Individual or Partnership)

City of Bonney Lake
By
Title

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

| | | |
|--------------------------------------------------------------------------------------------------|---------------------------------------------------|--------------------------------------------|
| <u>Department/Staff Contact:</u> P&CD/Heather Stinson | <u>Council/Wrkshp Mtg Date:</u> 2/24/09 | <u>Agenda Item Number:</u> 09-21 |
| <u>Ordinance Number:</u> | <u>Resolution Number:</u> | <u>Councilmember Sponsor:</u> |
| <u>BUDGET INFORMATION</u> | | |
| <u>2009 Budget Amount</u> | <u>Required Expenditure</u> | <u>Impact</u> |
| | | <u>Remaining Balance</u> |
| <u>Explanation:</u> | | |
| <u>Agenda Subject:</u> Motion to approve 2009 Planning Commission Annual Workplan updates | | |

Administrative Recommendation: Adopt updates to Planning Commission Annual Workplan

Background Summary:

On March 25, 2008, the City Council adopted Resolution 1812 which indicated that updates of the Planning Commission workplan would be done through a motion of the City Council. The enclosed work plan is a compilation of work plan items that are carried over from 2008 and some items that are new for 2009.

Attachments:

- 2009 PC draft work plan with proposed updates

| | | |
|---------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|---------------------------------------------|
| <u>Council Committee Dates:</u> | <u>Agency/Commission Dates:</u> | <u>Board/Hearing Examiner Dates:</u> |
| Finance Committee: Public Safety Committee: Community Development & Planning Committee: Council Meeting: 2/17/09 | Planning Commission : Design Commission: Civil Service Commission: | Park Board: Hearing Examiner: |

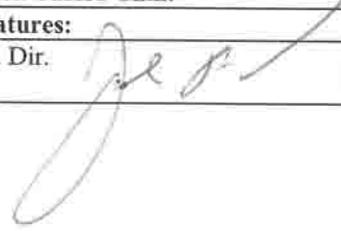
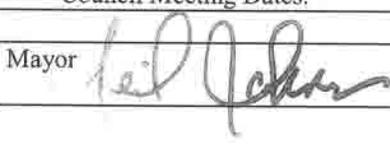
Council Action:

Council Call for Hearing: _____ Council Hearings Date: _____

Council Referred Back to: _____ Workshop: _____ Committee _____

Council Tabled Until: _____ Council Meeting Dates: _____

Signatures:

| | | |
|------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|-----------------------------|
| Dept. Dir.  | Mayor  | Date City Attorney reviewed |
|------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|-----------------------------|

City of Bonney Lake

2009 Planning Commission Workplan

| Description | Department | Tentative Completion Date | Note | Priority | Initiated By |
|--------------------------------------------------------------------------------------------|------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|--------------|
| Update Title 14 Permitting Processes??? | CD | 2nd Quarter | | HIGH | Staff |
| Update Title 16 Critical Areas | CD | 1st Quarter | wetland variance, minor work in wetlands | HIGH | Staff |
| Update Title 17 Subdivision | CD | 2nd Quarter | Cottage Development | HIGH | Staff |
| Update Title 18 with use matrix | CD | 3rd Quarter | Minimum Density in R-3, R-2 densities, Allowed uses C-2/C-3, ADU's allowed in more areas, add townhouses as allowed use in R-2, Parking stall requirements in different parts of town, provisions for shared housing | HIGH | Staff |
| Provisions for interim buildings in Downtown Design Standards | CD | 3rd Quarter | | HIGH | Staff |
| Update Capital Facilities Element | CD, PW | 4th Quarter | Update references to stormwater, water and sewer plans. | HIGH | Staff |
| Update Transportation Element with reference to transportation plan rather than whole plan | CD, PW | 4th Quarter | | HIGH | Staff |
| Private Comp Plan Amendments | CD | 4th Quarter | | HIGH | Citizens |
| Eastown Design Standards and Uses | CD | 4th Quarter | | MED | Staff |
| Incentives for Green building | CD | | | MED | CC |
| Incentives for accessible / shared housing | CD | | | MED | CC |
| Update Comp Plan Land Use Element to include CUGA subareas 1, 2, and 3 | | 4th Quarter | | MED | Staff |
| Pre-zone CUGA subareas 1, 2, and 3 | | 4th Quarter | | MED | Staff |
| Downtown boundary map | CD | 2nd Quarter | | LOW | Staff |
| Consultant working with Permitting Process | CD | ??? | | LOW | Staff |
| Add Historic Preservation Element to Comp Plan | CD | 4th Quarter | | LOW | PC |
| Shoreline Master Plan Update | CD | Summer 2010 | | LOW | Staff |
| Preliminary Discussion 2011 Comp Plan Update | CD | | | LOW | Staff |
| Stormwater Master Plan | PW, CD | 2011 | | LOW | Staff |

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

| | | |
|--------------------------------------------------------|----------------------------------------------------------|----------------------------------------------|
| <u>Department/Staff Contact:</u> Judge Haake | <u>Council Meeting Date:</u> February 10, 2009 | <u>Agenda Item Number</u> AB 09-34 |
| <u>Ordinance Number:</u> | <u>Resolution Number:</u> | <u>Councilmember Sponsor:</u> |

BUDGET INFORMATON

| <u>2009 Budget Amount</u> | <u>Required Expenditure</u> | <u>Impact</u> | <u>Remaining Balance</u> |
|----------------------------------|------------------------------------|----------------------|---------------------------------|
| \$1400 | | | |

Explanation:

Out of State travel request for the Court Administrator to attend the final Institute for Court Management – Managing Technology Projects and Technology Resources in Williamsburg, VA March 17 – 19th, 2009

Agenda Subject:

Motion of the City of Bonney Lake, Pierce County, Washington, authorizing out of state travel

Administrative Recommendation:

Recommend approval

Background Summary:

Court Administrator Kathy Seymour has been working towards her Court Management Program Certification through the National Center for State Courts. Most of these sessions were offered through the Administrative Office of the Courts at a reduced rate. This is the fifth and final session to complete Phase I of the program followed by the concluding seminar offered in 2010. Attachment: Program Overview for Court Management Program.

| | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <u>Council Committee Dates:</u> Finance Committee: Public Safety Committee: 02/02/2009 Community Development & Planning Committee: Council Workshop: | <u>Commission Dates:</u> Planning Commission: Civil Service Commission: | <u>Board/Hearing Examiner Dates:</u> Park Board: Hearing Examiner: |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|

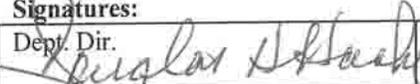
Council Action:

Council Call for Hearing: _____ Council Hearings Date: _____

Council Referred Back to: _____ Workshop: _____ Committee

Council Tabled Until: _____ Council Meeting Dates: _____

Signatures:

| | | |
|---------------------------------------------------------------------------------------------------|--------------------------|-----------------------------|
| Dept. Dir.  | Mayor/City Administrator | Date City Attorney reviewed |
|---------------------------------------------------------------------------------------------------|--------------------------|-----------------------------|

PUBLIC SAFETY COMMITTEE

DATE: February 9, 2009

ORIGINATOR: Douglas Haake TITLE: Judge

SUBJECT/DISCUSSION: Out of State Travel

ORDINANCE/RESOLUTION

REQUEST OR RECOMMENDATION BY ORIGINATOR: Approve Out of State Travel

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE

MAYOR NA
FINANCE DIRECTOR NA
CITY ATTORNEY NA

BUDGET INFORMATION:

BUDGETED ITEM: N/A TOTAL COST: \$1400

(Note: If budgeted item, attach copy of budget page and identify)

Table with 4 columns: 2009 Budget Amount, Required Expenditure, Impact, Remaining Balance. Values: \$4500, Approximately \$1400, \$3100.

Explanation:

COMMITTEE ACTION:

Table for committee action with columns: Name, DATE, APPROVED, DISAPPROVED. Includes signatures for Mark Hamilton and Laurie Carter.

COMMITTEE COMMENTS:

COMMITTEE'S RECOMMENDATION TO FORWARD TO:

CITY CLERK CITY ADMINISTRATOR CITY ATTORNEY

Please schedule for Council Meeting date of: February 24, 2009

MANAGING TECHNOLOGY PROJECTS AND TECHNOLOGY RESOURCES

Course Type: In Person

Course Begins: 3/17/2009 8:00:00 AM

Course Ends: 3/19/2009 12:00:00 PM

Course Details:

Required Phase I course for CEDP and CMP

Faculty: Course Faculty TBA

Tuition: \$845



Register for this course

Course Overview:

Early Bird Tuition Discount

*Any participant who registers and pays for any 2009 National Program at least ninety days before the start date of the course will receive a \$100 tuition discount. **This discount excludes the CMP Concluding Seminar, CEDP Phase II, III, and IV.***

Courts succeed when they properly manage technology fundamentals. Court leaders must be savvy about technology project planning, project management, technology standards, and how to use technology to assist courts in day-to-day operations. Learn how technology can be used in all of the National Association for Court Management's core competencies as well as the role technology should play in organizational performance.

The course is designed to help judges, administrators, and clerks of court manage technology and technology resources, enhance their technology management skills, and integrate technology into their management strategies. Court technology professionals will find the course helpful in increasing their understanding of court functions and operations. ICM encourages state and local courts to send a judge, administrator, clerk, and IT specialist as a technology team-building experience.

This course satisfies the requirement for Phase I of CEDP and CMP.

Hotel Information :

Williamsburg Woodlands Hotel and Suites

105 Visitor Center Drive

Williamsburg, VA 23185

Phone: 757-220-7960

For reservations, call 1-800-HISTORY --- 1-800-447-8679

Rate: \$79.00 plus \$2.00 per room per night occupancy tax and state tax, currently 10%

A block of rooms has been reserved until **Friday, February 13, 2009**. Participants are encouraged to make their reservation as soon as possible. Please reference the National Center for State Courts and group code **ICMC09A** when making your reservation.

Course Number: ICM09C-TEC

Program Overview - CMP

The Court Management Program (CMP) addresses the training needs of mid-level court managers. Phase I of the national program courses are open to all. The Concluding Seminar certification is only available to those who have successfully completed the five core courses of the program. Phase I and the Concluding Seminar are also offered through state and local partnerships; however, the tuition and logistics are contractual arrangements and may differ from those of national program courses.

Phase I:

Phase I consists of five core courses:

1. Court Performance Standards: CourTools
2. Fundamental Issues of Caseflow Management
3. Managing Court Financial Resources
4. Managing Human Resources
5. Managing Technology Projects and Technology Resources

These foundation courses are identical to those of Phase I of the Court Executive Development Program. For those who are interested in developing leadership skills and pursuing a more intensive learning experience, the CMP courses can be used to meet part of the requirements for entry into the Court Executive Development Program.

Concluding Seminar:

This weeklong course combines elements of leadership, management techniques, and specific court issues in a program that provides participants with the necessary knowledge, skills and abilities to achieve their professional goals as court managers. Incorporating nationally recognized articles and books on leadership, management and court issues, this course will expand upon and integrate court management competencies identified in the NACM Core Competencies. Participants will build upon the Phase I foundational courses and explore the roles and purposes of courts; deal with the concepts of judicial independence and interdependence; become familiar with various leadership and management theories as they apply to courts; take time to recognize and appreciate their own conceptual and interpersonal skills, as well as those of others; develop new teambuilding techniques; and, through interactive group work, understand the importance of good communication as they move to higher levels of critical thinking. The Concluding Seminar culminates in a formal graduation ceremony and the awarding of CMP certificates.

Tuition Costs

- Phase I -- prices per course have been set at \$845
- CMP Concluding Seminar -- \$1,200

ORDINANCE NO. D09-35

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTER 9 OF THE BONNEY LAKE MUNICIPAL CODE TO CREATE A NEW SECTION 9.35 RELATING TO PUBLIC NUDITY.

WHEREAS, Chapter 18.32 of the Bonney Lake Municipal Code regulates adult entertainment facilities; and

WHEREAS, the City Council desires to regulate nudity in public places in general; and

WHEREAS, since the beginning of civilization, appearing nude in a public place, which is not a public place provided or set apart for nudity, has been considered improper (see *Moffet v. State*, 340 So.2d 1155, 1156 n.3 (Fla. 1977)); and

WHEREAS, appearing nude in a public place, which is not a public place provided or set apart for nudity, was a criminal offense at common law and was considered an act *malum in se* (wrong in itself); and

WHEREAS, appearing nude in a public place, which is not a public place provided for or set apart for nudity, is engaging in conduct which often serves to impose such person's nudity on others who do not seek it out, who are not able to reasonably avoid observing it, and who may be offended or distressed thereby; and

WHEREAS, appearing nude in a public place, which is not a public place provided for or set apart for nudity, is still subject to the general disapproval of the people of the City of Bonney Lake; and

WHEREAS, the appearance of persons in the nude in public places, which are not public places provided or set apart for nudity, generally is known to increase incidents of lewd and lascivious behavior, sexual assaults, attracts other criminal activity to the community, encourages degradation of women, and facilitates other activities which break down family structures and values; and

WHEREAS, without regulation, appearing nude in a public place, which is not a public place provided for or set apart for nudity, constitutes harmful conduct; and

WHEREAS, Bonney Lake is a community intending to be known for its wholesome civic and recreational activities and its traditional family-oriented lifestyle; and

WHEREAS, the Council is generally aware of incidents in Bonney Lake and in other communities of lewd and lascivious behavior associated with public nudity; and

WHEREAS, the Council has received written and oral evidence regarding the negative effects of public nudity; and

WHEREAS, the Council has reviewed the findings of other jurisdictions regarding the secondary effects of sexual-oriented businesses and hereby confirms and ratifies that these findings are

relevant to the City of Bonney Lake and support the City's regulation of adult entertainment facilities and public nudity; and

WHEREAS, it is in the public interest to maintain the social order, morality, health, welfare, and safety of the citizens of Bonney Lake; and

WHEREAS, regulation of public nudity will protect and preserve the public health, safety, and welfare of the people of the City of Bonney Lake by restricting the act of being nude to nonpublic places or to public places provided for or set aside for nudity; and

WHEREAS, the City Council finds that the prohibitions contained herein are the reasonable and minimally intrusive restrictions required so as to regulate conduct that is adverse to the public health, safety, welfare, and morality when nudity occurs at locations where the public is present or likely to be present, or where such conduct would be readily visible to the public; and

WHEREAS, the exceptions provided are adequate protection to persons who, without such exceptions, might be prevented or discouraged from exercising constitutionally protected rights; and

WHEREAS, cities may regulate the conduct of appearing nude in public places, which are not public places provided or set apart for nudity, *see e.g.*, *Seattle v. Buchanan*, 90 Wn.2d 584 (1978); *Ino Ino, Inc. v. Bellevue*, 132 Wn.2d 103 (1997); *Furfaro v. Seattle*, 144 Wn.2d 363, 27 P.3d 1160 (2000); *O'Day v. King County*, 109 Wn.2d 796, 749 P.2d 142 (1988); *Kitsap County v. Kev, Inc.*, 106 Wn.2d 135, 720 P.2d 818 (1986); *City of Erie v. Pap's*, 529 U.S. 277 (2000); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *Gatena v. County of Orange*, 80 F. Supp. 2d 1331 (M.D. Fla. 1999), *aff'd* 226 F.3d 649 (11th Cir. 2000), *cert. den.* 531 U.S. 1113 (2001); *Café 207, Inc. v. St. Johns County*, 856 F. Supp. 641 (M.D. Fla. 1994), *aff'd* 66 F.3d 272 (11th Cir. 1995), *cert. den.* 517 U.S. 1156 (1996); *Davis v. Gates*, 192 U.S. App. Lexis 22417 (9th Cir. 1992), *Bright Lights v. City of Newport*, 830 F. Supp. 378 (E.D. KY 1993), *Daytona Grand v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007), *cert. denied* 128 S. Ct. 1246, 170 L.Ed.2d 66 (2008), and the City Council deems itself adequately advised of the general findings therein regarding unlawful behavior associated with public nudity.

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

Section 1. The following chapter, 9.35 Public Nudity is hereby added to the Bonney Lake Municipal Code:

9.35.010 Intent.

The intent of this section is to protect and preserve the health, safety, and welfare of the people of the City of Bonney Lake by prohibiting any person from recklessly, knowingly, or intentionally appearing nude in a public place, or recklessly, knowingly, or intentionally causing or permitting another person to appear nude in a public place within the City, subject to the exceptions provided in BLMC 9.35.040.

9.35.020 Definitions

The follow definitions apply to this chapter:

(a) Public place provided or set apart for nudity means an enclosed public restroom, an enclosed functional shower or locker room facility, an enclosed sauna, a motel room or hotel room designed and intended for sleeping accommodations, or the location of a bona fide private club whose membership as a whole engages in social nudism or naturalism (a nudist resort or camp), an adult entertainment establishment as defined under chapter 18.32 of the Bonney Lake Municipal Code, and any similar public places in which nudity is necessarily and customarily expected outside of the home and the sphere of privacy constitutionally protected therein.

(b) Public place means any location open to the common and general use, participation, or enjoyment of the public where the public is present or likely to be present, or any location where the public is invited and is free to go upon special or implied invitation, or any location where a person may reasonably be expected to be observed by the public; this definition includes, but is not limited to, places open to the public for business or commercial purposes.

9.35.030 Public nudity and exposure of certain body parts prohibited.

(a) It shall be unlawful for any person 10 years of age or older to recklessly, knowingly, or intentionally appear in a public place other than a public place provided or set apart for nudity, or to recklessly, knowingly, or intentionally cause or permit another person 10 years of age or older to appear in a public place other than a public place provided or set apart for nudity, in a state of nudity, which includes a state of dress or undress such that any of the following body parts or portions thereof are exposed to view or are covered with anything other than a full and opaque covering which completely covers all of the described area:

(1) The male or female genitals, pubic area, buttocks or anal cleavage.

(2) The nipple or areola of the female breast; and in addition at least one-half of that outside surface of the breast located below the top of the areola, which area shall be reasonably compact and contiguous to the areola.

(b) Attire which is insufficient to comply with these requirements includes but it not limited to those items commonly knows as G-strings, T-backs, dental floss, and thongs.

(c) Body paint, body dye, tattoos, latex, tape, or any similar substance applied to the skin surface, any substance that can be washed off the skin, or any substance designed to

simulate or which by its nature simulates the appearance of the anatomical area beneath it, is not full and opaque covering as required by this section.

9.35.040 Exceptions:

This chapter shall not be construed to prohibit nudity associated with:

- (1) The act of breastfeeding or expressing breast milk;
- (2) Plays, operas, musicals, or other dramatic works which are not obscene;
- (3) Classes, seminars, and lectures held for serious scientific or educational purposes;
- (4) Non-obscene adult entertainment exhibited in adult entertainment facilities as regulated under chapter 18.32 BLMC;
- (5) Lawful, first amendment protected protests;
- (6) Children under 10 years of age.

9.35.050 Penalty

Any person who violates the terms of this chapter shall be guilty of a misdemeanor.

Section 2. This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

PASSED by the City Council and approved by the Mayor this _____ day of _____, 2008.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:
Valid:
Published:
Effective Date:

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