

COUNCIL WORKSHOP

City of

**February 17, 2009
5:30 p.m.**



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.

AGENDA

"Where Dreams Can Soar"

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

Call to Order: Mayor Neil Johnson @ Bonney Lake City Hall – 19306 Bonney Lake Blvd.

Roll Call:

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

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

Agenda Items

- | | <u>Estimated Time</u> |
|--|-------------------------|
| 1. Council Open Discussion. | (20 Mins.) |
| 2. Review of Council Minutes: February 3, 2009 Council Workshop and February 10, 2009 Council Meeting . | (5 Mins.) |
| 3. Discussion: AB09-21 – Planning Commission Annual Workplan . | (20 Mins.) |
| 4. Discussion: AB09-07 – Chamber of Commerce Services Agreement . | (20 Mins.) |
| 5. Executive Session: Pursuant to RCW 42.30.110, the City Council may meet in executive session. The topic(s) and duration will be announced prior to the executive session. | <i>To Be Announced.</i> |
| 6. 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 COUNCIL WORKSHOP

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

DRAFT MINUTES



"Where Dreams Can Soar"

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Website: www.ci.bonney-lake.wa.us

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 Eastown 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 Eastown plan to allow the developer's plans, they can do so.

Councilmember Rackley said the City was flexible with access for the Home Depot and Lowe's developments, but is not being flexible in this issue. Director Grigsby noted the entrance at Home Depot is 150' from the intersection, whereas the proposed access in Eastown is about 50' from the stoplight. He also noted that SR 410 is a Class 3 highway in Eastown, 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 Eastown development can meet standards and has two access points. He said the decision to deny is consistent with State requirements and the Eastown 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 Eastown 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 Eastown 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 Eastown. 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, Sumner 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.**

DRAFT 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 2, 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:

7:38:18

- 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

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.

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

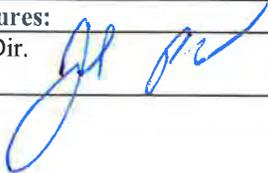
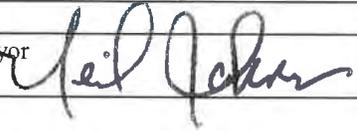
<u>Department/Staff Contact:</u> CD/Heather Stinson	<u>Council/Wrkshp Mtg Date:</u> 2/17/09	<u>Agenda Item Number:</u> 09-21
<u>Ordinance Number:</u>	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u>
<u>BUDGET INFORMATON</u>		
<u>2009 Budget Amount</u>	<u>Required Expenditure</u>	<u>Impact</u>
		<u>Remaining Balance</u>
<u>Explanation:</u>		
<u>Agenda Subject:</u> Motion to approve 2009 Planning Commission Annual Workplan updates		

<u>Administrative Recommendation:</u> Adopt updates to Planning Commission Annual Workplan

<p><u>Background Summary:</u></p> <p>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. On January 20, 2009 the City Council and Planning Commission discussed the draft work plan for 2009 and asked staff to update the work plan with their suggestions. The enclosed work plan is a compilation of work plan items that are carried over from 2008 and City Council's suggestions from the January 20th meeting.</p> <p>Please note that some of the suggested updates – specifically those dealing with sidewalk requirements and SDC's - are not required by BLMC to be reviewed by the Planning Commission.</p> <p><u>Attachments:</u></p> <ul style="list-style-type: none"> • 2009 PC draft work plan with proposed updates
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<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: 1/20/09, 2/3/09	Planning Commission : Design Commission: Civil Service Commission:	Park Board: Hearing Examiner:

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

<u>Signatures:</u>		
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
Update Comp Plan Land Use Element to include 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
Pre-zone CUGA subareas 1, 2, and 3		4th Quarter		LOW	Staff
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
Incentives for Green building	CD			???	CC
Incentives for accessible / shared housing	CD			???	CC

**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 17, 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

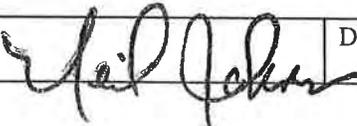
Background Summary: The City receives significant benefit from the development and expansion of the local economic base by enhancing employment opportunities for its residents and by creating additional tax revenues. The City does not have the necessary time, expertise or resources to adequately promote 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, 2008

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, and Dave King with handwritten signatures and dates.

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".