

**COUNCIL WORKSHOP**

City of

**April 21, 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. <b>Action: AB09-62 – Ordinance D09-62</b> – An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Adding a New Chapter 3.70 to the Bonney Lake Municipal Code Relating to Temporary Incentives to Encourage Business Investment in Commercial Building. (Tabled from 4/14/09 Council Meeting) | (20 Mins.)              |
| 2. Council Open Discussion.  | (20 Mins.)              |
| 3. Review of Council Minutes: <a href="#">April 7, 2009 Council Workshop and April 14, 2009 Council Meeting</a> .  | ( 5 Mins.)              |
| 4. Discussion: <a href="#">Follow-up to Council Retreat and Goals</a> .  | ( 30 Mins.)             |
| 5. Discussion: <a href="#">Naming Policy for Parks and Facilities</a>  | ( 30 Mins.)             |
| 6. 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> |
| 7. 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

★ Tabled from  
4/14 Council Mtg.

<b><u>Department/Staff Contact:</u></b> Don Morrison	<b><u>Council/Wrkshp Mtg Date:</u></b> April 14, 2009	<b><u>Agenda Bill Number:</u></b> AB09-62
<b><u>Ordinance Number:</u></b> D09-62	<b><u>Resolution Number:</u></b>	<b><u>Councilmember Sponsor:</u></b>

<b><u>BUDGET INFORMATON</u></b>			
<b><u>2009 Budget Amount</u></b>	<b><u>Required Expenditure</u></b>	<b><u>Impact</u></b>	<b><u>Remaining Balance</u></b>
<b><u>Explanation:</u></b>			
<b><u>Agenda Subject:</u> Commercial Building Incentive Ordinance</b>			

**Administrative Recommendation:** Approve

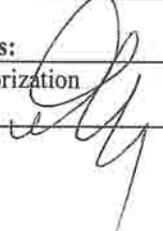
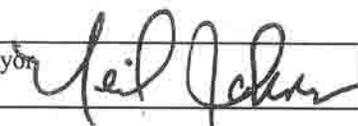
**Background Summary:** This ordinance creates a new section of code that would grant temporary commercial building stimulus incentives (to sunset December 31, 2011). Specifically, the ordinance would: 1) Waive 50% of certain land use fees; 2) Waive 50% of building and plan review fees; and 3) Grant a rebate of 75% of construction sales tax up to \$100K.

<b><u>Council Committee Dates:</u></b>	<b><u>Commission Dates:</u></b>	<b><u>Board/Hearing Examiner Dates:</u></b>
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:
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**ORDINANCE NO. D09-62**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, ADDING A NEW CHAPTER 3.70 TO THE BONNEY LAKE MUNICIPAL CODE RELATING TO TEMPORARY INCENTIVES TO ENCOURAGE BUSINESS INVESTMENT IN COMMERCIAL BUILDING.**

WHEREAS, Policy P 1.10 of the adopted Economic Development Element of the Comprehensive Plan provides that the City will review and update its zoning, impact fees, and incentives to better encourage prioritized economic development consistent with the adopted Economic Development Element; and

WHEREAS, in addition to the Traffic Impact Fee (TIF) funding source adjustment incentive provided in Chapter 19.04 of the Bonney Lake Municipal Code, the City Council finds it necessary to provide incentives to redevelop Downtown consistent with the adopted Downtown Plan and Design Guidelines, and the City's adopted Economic Development Element of the Comprehensive Plan; and

WHEREAS, the City Council desires to adopt temporary incentives to spur local economic development and investment in Bonney Lake during the current economic downturn;

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

**Section 1.** A new BLMC Chapter 3.70 is hereby established to read as follows:

**3.70.010 Development Incentives Authorized.** A. There are hereby established a variety of tax and fee waivers and rebates to serve as incentives to encourage business investment in the City of Bonney Lake and the construction of new or expanded commercial buildings in the City in conformance with the adopted plans and ordinance of the City. These incentives are in addition to the Traffic Impact Fee (TIF) funding source adjustment incentive provided in BLMC Chapter 19.04.

B. In order to qualify for the incentives provided in this chapter, the applicant must construct a new commercial building or expand an existing commercial building within any Downtown Core (DC), Downtown Mixed Use (DM), or Commercial (C1, C2, C3) zoning district. In the case of mixed use buildings, at least fifty percent (50%) of the building space shall be devoted to commercial use.

**3.70.020 Waiver of Land Use Fees.** For businesses qualifying under Section 3.70.010(B), fifty percent (50%) of the total City land use fees contained in Chapter 3.68.010 shall be waived at time of permit application.

**3.70.030 Waiver of Building Fees.** For businesses qualifying under Section 3.70.010(B), fifty percent (50%) of the total building permit fees contained in BLMC Chapter 15.04.072 shall be waived at time of permit application, along with fifty percent (50%) of the building plan review fees contained in BLMC Chapter 15.04.080.

**3.70.040 Construction Sales Tax Rebate.** A. For businesses qualifying under Section 3.70.010(B), the business shall be entitled to a rebate of seventy five percent (75%) of the City portion of the sales and use taxes collected by the City for the City portion of construction of the project, including construction materials, fixed equipment or machinery installation, up to a maximum rebate amount of one hundred thousand dollars (\$100,000). It shall be the responsibility of the applicant to document the total construction related sales tax paid on the project.

B. At the expiration of a six month period commencing from the date of issuance of a certificate of occupancy, the city shall determine the City of Bonney Lake portion of construction related sales and use tax revenue received by the city during the construction of the project. Construction sales taxes received by the City for the project pursuant to this section shall then be rebated to the applicant within sixty days.

**3.70.050 Application for Incentives.** Any developer or business applying for or receiving a building permit which meets the criteria set forth in section 3.70.010(B) may apply to the city for the incentives established pursuant to this Chapter. Said application shall be on forms provided by the city and shall be accompanied by all information and data the city deems necessary to process the application. To the extent it is authorized by law the city shall endeavor to keep all proprietary information submitted with said application confidential; provided, however, this section shall not create or establish a special duty to do so.

**3.70.060 Appeals.** Any applicant aggrieved by an action of the City concerning eligibility or computation of waivers or rebates under this chapter may file a written appeal to the City's hearing examiner as established by Chapter 2.18 BLMC. The city hearing examiner is hereby specifically authorized to hear and decide such appeals and the decision of the hearing examiner shall be the final action of the City and subject to further appeal pursuant to Chapter 2.18.180 BLMC.

**3.70.070 Administration.** The Mayor is here by authorized to develop and adopt such administrative policies, procedures, forms and interpretive guidelines deemed necessary to carry out the intent of this chapter.

**Section 2. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**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, and shall expire and sunset December 31, 2011 unless extended by a subsequent ordinance of the City Council.

**PASSED** by the City Council and approved by the Mayor this 14<sup>th</sup> day of April, 2009.

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Neil Johnson, Jr.  
Mayor

ATTEST:

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Harwood T. Edvalson  
City Clerk, CMC

APPROVED AS TO FORM:

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James Dionne  
City Attorney

Passed:  
Valid:  
Published:  
Effective Date:

**CITY COUNCIL WORKSHOP**

April 7, 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.*

Website: [www.ci.bonney-lake.wa.us](http://www.ci.bonney-lake.wa.us)

**DRAFT MINUTES**

*"Where Dreams Can Soar"*

Audio Time  
Stamp ↓

**Call to Order:**

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

**Roll Call:** [A1.3]

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

[Staff Members in attendance were City Administrator Don Morrison, Chief Financial Officer Al Juarez, Community Development Director John Vodopich, Police Chief Mike Mitchell, Public Works Director Dan Grigsby, Building Official Jerry Hight, Community Services Director Gary Leaf, Assistant City Attorney Kathleen Haggard and Administrative Services Director/City Clerk Harwood Edvalson.]

5:30:42

**1. Introduction of East Pierce Fire and Rescue Chief Jerry Thorson.**

Mayor Johnson introduced Jerry Thorson as the new Fire Chief for East Pierce Fire and Rescue. Chief Thorson thanked the Council for the opportunity to introduce himself this evening. He assured the Council of his interest in ensuring a good working relationship with the Cities in the district. He added he is aware of some facilities issues and needs and hopes the City and District can work together to meet those needs. Chief Thorson announced his intention to either personally attend Council meetings on a regular basis, or have a staff member attend to represent the District. On behalf of the Council, Councilmember Bowen added his welcome and extended an invitation to attend any of the City's meetings and communicate freely with the Council.

5:33:26

**2. Council Open Discussion.**

Audit Exit Interview

Councilmember Rackley asked if a time had yet been established for an exit interview with the State Auditors for the 2007 audit. Finance Director Juarez described the current process to conclude the audit, and said he anticipated the exit interview will be scheduled before the 2008 audit starts at the end of May.

Logging Hillside Above Sumner

Councilmember Rackley noted the report in the Courier-Herald that logging would be taking place above the Corliss plant located at the foot of Elhi Hill and SR410 and a smaller portion west of Myers Road. Both Mayor Johnson and City Administrator Morrison noted the City had not been given notice of the proposed Department of Natural Resources permits applications. Councilmember Bowen said some of the trees

may have root-rot like trees in the WSU forest. He said there may be an advantage to clearing out any diseased trees. Councilmember Carter noted that the City has steep slope ordinances that help protect the slopes from erosion when forest cutting takes place within the City.

#### Eastown Point Person

Mayor Johnson announced that Public Works Director Grigsby would be the Eastown 'czar' or point person for the City on Eastown development issues. Mayor Johnson expressed hope the State would soon adopt legislation authorizing cities to participate in latecomers agreements. He hoped this would be a tool to facilitate the installation of needed infrastructure in Eastown if current landowners/developers were unsuccessful with their utility plans.

#### Upcoming Events

Councilmember Carter commented on upcoming events in the City, including the first adult Easter egg hunt on Friday, April 10<sup>th</sup> and the youth Easter egg hunt on April 11<sup>th</sup>. She also noted the City-wide Spring Cleanup scheduled for April 13<sup>th</sup> - 17<sup>th</sup> and Parks Appreciation Day on April 18<sup>th</sup> at Cedarview Park.

#### Playful Cities Campaign

Councilmember Carter noted the City's continued awards for being a Well-City and other activities at the Senior Center and in the local area. She asked if the Playful Cities Campaign through the National League of Cities is something in which the City might want to participate. Mayor Johnson said he would review the information in the recent NLC newsletter.

#### Flood Control for White River

Councilmember Carter asked if the article in the Courier-Herald on Sumner's efforts to address flooding of the White River would have an impact on the City. Director Grigsby said the sediment buildup in the river has recently threatened the wastewater treatment plant in Sumner. He expected an uphill battle to obtain dredging rights to deepen the river's channel.

#### Alcohol Awareness Month

Councilmember Carter reported the Public Safety Committee had a presentation on domestic violence at their last meeting. She also drew attention to April being Alcoholism Awareness Month. She distributed literature on this family disease for review. She asked that particular attention be paid to the 'Open Letter to Police' in the literature. She also mentioned the availability of the Community Resource pamphlet in the City Hall lobby which provides a listing of resources available on the plateau for assistance.

#### Eastown Widening of SR410

Councilmember Bowen commented on his understanding that funding for the widening of SR410 in Eastown is still available and planned for release of construction bids in August. Mayor Johnson noted the sidewalk project on SR410 may be in jeopardy. Director Grigsby said the City is waiting to see what the State Transportation Improvement Board will do in the face of the State's current deficits.

5:44:24

3. **Review of Council Minutes:** March 17, 2009 Council Workshop, March 24, 2009 Council Meeting, and March 28, 2009 Special Council Meeting.

Deputy Mayor Swatman said the March 17<sup>th</sup> minutes mention discussions between the City Attorney's Office and the Building Department. He asked if intent of the ordinance language about all permits or future permits had been resolved. Director Vodopich responded the Attorney's Office had determined the language means all existing permits would get a two year extension from the date of the ordinance.

Councilmember Carter offered corrections to the minutes of the Council Retreat on March 28<sup>th</sup>. She said where the phrase 'departmental concession strategies' is recorded on Page 2, it should read 'departmental succession strategies.' She said on Page 4 where it mentions AHBL giving a presentation to the Council on the annexation study at a future workshop, the Planning Commission should be included. She also asked that it be reflected in the minutes that she did not agree with the suggestion to cut the Stream Team contract. Mayor Johnson noted that the list was for expenditure items that are currently being frozen. He added that Director Leaf is still working on the Stream Team issue.

5:47:04

4. **Discussion:** AB09-60 – Ordinance D09-60 – Transportation Impact Fee Definitions Amendment.

Mayor Johnson said the following ordinances are presented to Council to begin discussion on possible business incentives for Bonney Lake. He said one of proposals came about as the result of his "Coffee and Conversation with the Mayor" which Councilmember Rackley attended.

City Administrator Morrison said basically this ordinance will limit the application of transportation impact fees to new construction or substantial remodels and grant a limited exemption from transportation impact fees for health care providers who enlarge and relocate their practices if remaining in the City. He said the ordinance would also waive a new TIF for businesses which relocate unless the new building expands substantially over the previous location. Finally, the ordinance clarifies how TIF credits may be earned and applied.

At the conclusion of discussion, the Council majority consensus was to split this proposed ordinance into two ordinances. The Council favored moving forward with an ordinance to grant TIF relief to medical providers who accept Medicare for a majority of their patients. Councilmember Hamilton expressed concern that the ordinance appeared to address only one known provider in the City. Assistant City Attorney Haggard referenced the Revised Code of Washington to assure Council that the ordinance was legal for a broad public purpose. The Council asked that a second ordinance be brought back to workshop which addresses issues such as TIF transfers and SEPA versus TIF projects.

**Councilmember Decker moved to take a ten minute recess. Councilmember King seconded the motion.**

**Motion approved 7 – 0.**

5. **Discussion:** AB09-61 – Ordinance D09-61 – Transportation Impact Fee Rebate Amendment.

City Administrator Morrison explained that this proposed ordinance amends the existing TIF rebate ordinance to include all commercial areas of the City, including Midtown, and establishes special criteria for sit-down restaurants. Mayor Johnson noted the ordinance sunsets its incentives in 2011. He encouraged adoption of the ordinance to demonstrate that Bonney Lake is willing to invest in businesses wanting to locate in the City. Councilmember Hamilton commented that the ordinance won't impact the overall funding of the TIF program. He said the TIF would be paid up front and the rebate given from increased sales tax received on the business.

The Council discussed the anticipated sales tax threshold that would trigger the rebate. The ordinance proposes a rebate for Eastown businesses generating at least \$25,000 per year in sales tax to the City of Bonney Lake. The Council discussed this threshold. Some expressed desire for a lower threshold similar to that proposed for Midtown. Others felt the amount as originally proposed was appropriate. Councilmember Decker asked what size of bond issue would be required if the City were to front the cost of necessary sewer and water infrastructure to Eastown. From the audience, Ray Frey said the current projected cost for sewer to the area is 2 to 2.5 million dollars. Director Grigsby said the bond would be larger to include the cost of running adequate water service to the area as well.

Mayor Johnson proposed bringing the ordinance forward with a proposed Eastown rebate threshold of \$15,000 of sales tax to the City of Bonney Lake. He said the Council could amend the provision on the floor, but felt an ordinance is necessary to again demonstrate the City's commitment to appropriate development of its commercial areas.

6:57:37

6. **Discussion:** AB09-62 – Ordinance D09-62 – Commercial Building Incentives.

City Administrator Morrison explained this proposed ordinance would waive 50% of certain land use fees, waive 50% of building and plan review fees; and grant a rebate of 75% of construction sales tax up to \$100,000. Council discussed this proposed ordinance. Councilmember King concluded that this type of incentive is being used in other jurisdictions. He said he saw no problem as long as the ordinance sunsets as indicated in 2011. Council majority consensus was to bring the ordinance forward for action.

7. **Executive Session:**

Pursuant to RCW 42.30.110(1)(b) the City Council adjourned to an Executive Session with the City Attorney at 7:46 p.m. to discuss real estate acquisition by purchase. The Meeting reconvened at 7:52 p.m. After inviting any remaining members of the public back into the open session, the Council took the following actions:

7:52:40

**Deputy Mayor Swatman moved to suspend the Council Rules of Procedure and add an item for property acquisition to the meeting agenda. Councilmember Rackley seconded the motion.**

**Motion approved 7 – 0.**

**Councilmember Rackley moved to authorize the Mayor to sign a purchase and sale agreement for the Norma Hyland Property located on 195<sup>th</sup> Avenue Ct. E. south of Allan Yorke Park. Deputy Mayor Swatman seconded the motion.**

City Administrator Morrison explained that the property purchase price is \$105,000 with \$10,000 deposited in escrow as earnest money and also includes some closing costs.

**Motion approved 7 – 0.**

8. **Adjournment:**

**At 7:55 p.m., Councilmember Rackley moved to adjourn the workshop. Councilmember King seconded the motion.**

**Motion approved 7 – 0.**

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Harwood T. Edvalson, CMC  
City Clerk

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Neil Johnson, Jr.  
Mayor

Items submitted to the Council Workshop of April 7, 2009:

- City of Bonney Lake – *Open Letter to the Police, List of ALATEEN meetings, and information on Alcoholics Anonymous* – Councilmember Laurie Carter.

CITY COUNCIL MEETING

April 14, 2009  
7:00 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.

DRAFT MINUTES

"Where Dreams Can Soar"

Website: [www.ci.bonney-lake.wa.us](http://www.ci.bonney-lake.wa.us)

Audio Time Stamp ↓

I. **CALL TO ORDER** – Deputy Mayor Dan Swatman called the meeting to order at 7:01 p.m.

A. **Flag Salute** – Deputy Mayor Swatman led the audience in the Pledge of Allegiance.

B. **Roll Call:** [A 1.3]

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

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

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

1. Announcements: None.

2. Appointments: None.

3. Presentations:

a. **Proclamation:** April 18<sup>th</sup> – Arbor Day in Bonney Lake.

b. **Proclamation:** April 18<sup>th</sup> – Parks Appreciation Day in Bonney Lake

Deputy Mayor Swatman read both proclamations aloud. Community Services Director Leaf invited all to attend the events happening around the city on April 18, 2009. The day will begin at 9:00 a.m. at Cedarview Park in Bonney Lake, where the Arbor Day Award recipient will be named and Parks Appreciation Day clean-up will get started. Parks Appreciation Day volunteers will be planting trees and cleaning up city parks. In addition, two Eagle Scouts will be working on projects, and volunteers will be installing a memorial at the Public Safety Building in honor of Fire Chief Dan Packer. He said Beautify Bonney Lake and other volunteers are involved in the activities.

D. **Agenda Modifications:**

Councilmember King proposed adding a motion to the agenda under Public Safety Issues to authorize the Public Safety Committee to act on behalf of the City Council to determine a short list of projects for a Justice Assistance Grant Application valued at \$26,000. He said the action is needed to meet the fast-approaching grant deadline.

**Councilmember Hamilton moved to add the proposed motion to the agenda under Public Safety Issues, Item A. Councilmember Decker seconded the motion.**

**Motion approved 7 – 0.**

7:08:49

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

A. Public Hearings: None. [A 3-6.12]

B. Citizen Comments: [A 1.5]

Melanie Castrelli, 18610 88<sup>th</sup> St E, Bonney Lake, said she shares a property line with the Diamond Lounge, and has waited for peace and quiet from them for three years. She said the City has tried to help but the noise reduction has not lasted for more than a week at a time. She invited the Council to spend a night at her house to experience the noise levels. She said she has purchased and moved to another home in Bonney Lake, and is now renting her home to a family with two children. They have lived in the house for two weeks and have already complained. She said today they emailed that their sons found several bottles that were thrown into the yard from the Diamond Lounge. She said the Diamond Lounge is advertising a party with go-go dancers and drink specials that begins tonight at 9:00 p.m., which is a work night. She said if she had known that the City was going to let the small Italian restaurant convert into a night club, she would not have moved there.

Stuart Battle, 14041<sup>st</sup> NE, Seattle, works with the LaRouche Political Action Committee. He asked the Council to consider passing the Homeowner's and Bank Protection Act, which was drafted by LaRouche PAC. He said the act will help fix the root problems of the economic crisis, and has been passed by over 150 city councils and 6 state legislatures.

Dave Fabrotz, 13204 37<sup>th</sup> Ave NE, Seattle, also spoke for the LaRouche PAC and said the act Mr. Battle described must be passed by the federal government to be enacted. He said due to corruption at the federal level, action must begin at the local level. He said no cities in Washington State have passed the act yet, and encouraged the Council to make a statement by passing the act.

Councilmember Bowen thanked Mr. Battle and Fabrotz for their information and said though he has sympathy for their thoughts, he would abstain from voting on this act if it came before the Council. He said as an elected official, he always abstains from endorsing or voting on issues that are not directly related to running the City.

Lora Butterfield, Bonney Lake Chamber of Commerce, said the new business directory and community guide is available. She said there are a few incorrect phone numbers that they are working to correct. She invited everyone to attend the grand opening of the Chamber of Commerce's new offices at the Harborstone Credit Union in Bonney Lake at 5:30-7:00 p.m. on Thursday, April 16, 2009.

Phil DeLeo, 4610 N Island Drive, Bonney Lake, said he received a guide to 25 great walks in Pierce County, and requested copies for the Senior Center, where he works. He said the guide includes a large map and information on trail etiquette. He said he hopes Bonney Lake can work to get included on the trail list, with walks at Fennel Creek, Lake Bonney, etc. He said the Senior Center is starting a monthly walking trip, starting this month with a walk at Bradley Lake Park in Puyallup. The Senior Center also has regular walks around the area three times per week.

Councilmember Rackley said area resident Paul Qualey has created a Bonney Lake bicycle trail map. Councilmember King noted the Council's recent authorization to purchase property beyond Allan Yorke Park that will help extend the trail system plan. Councilmember Bowen noted that he has seen City employees walking during their lunch breaks.

Diana Ranger, 8412 184<sup>th</sup> Ave E, Bonney Lake, said she has lived in Bonney Lake since 2002. She said after separating from her husband, she installed an alarm system in her house and had multiple break-ins up through 2007. This past Saturday, she received four separate invoices for false alarm charges from 2007; the initial fine was \$50 and the other three were \$100 charges. She called the City and was told the only way to solve the issue was to speak to the Council. Finance Officer Juarez explained the Municipal Code requirements for alarm system permits and false alarm charges. He confirmed that there was an error in the system and false alarm charges were not being sent. The department has sent out invoices and decided not to try to recoup charges that are dated prior to 2007. He said training is important, and noted that two of his staff members attended a workshop this afternoon about how various cities handle false alarms. He said he had copies of Ms. Rangers' invoices and planned to bring them to the Finance Committee for discussion.

Councilmembers discussed the intent of the false alarm ordinance, and whether the attempted break-ins Ms. Ranger described should classify as 'false alarms' if they were legitimate. Councilmember Hamilton said he was concerned that the City sent out invoices for false alarms that had occurred 1-2 years prior with no warning. Councilmember King proposed that the Finance Director, Police Chief and City Administrator review the issues and present information at the next Finance Committee meeting. In the meantime, he suggested disputed billings such as Ms. Ranger's be suspended until the situation can be reviewed.

Sarah Tierney, 18511 94<sup>th</sup> St Ct E, Bonney Lake, spoke against the proposed Hulburt Rezone ordinance (D09-64). She asked the Council to consider the history of the property, which was purchased by Mr. Hulburt four years ago and was then subdivided into four parcels. She said the owner managed to get the City to initiate a rezone instead of applying during the normal cycle. She said he made promises to neighboring homeowners about how he intended to develop the property, but that has changed from residential to multi-family housing with no conditions. She said the development will adversely affect the neighborhood, and her concerns have been shot down by the Planning Commission. She said she would have appealed the issue when the City changed the Land Use Map in 2008, but at the time they believed he was going to build a nursing home on the site. She said her group's only avenue if the Council approves the rezone is to appeal to the Supreme Court.

Josh Hulburt, 9202 184<sup>th</sup> Ave E, Bonney Lake, owns the 'Hulburt property' and thanked the Council for considering the rezone.

Deputy Mayor Swatman asked the City Attorney to advise the Council on taking input from citizens on the proposed ordinance, which is a quasi-judicial issue. Assistant City Attorney Haggard said the City's code allows citizens to comment for one minute on any ordinance or action item. However, she noted that the proposed rezone ordinance is a quasi-judicial, site-specific rezone and as such the Council must base their decision on the evidence and comments in the Hearing Examiner's record only. She advised the Council not to ask questions or invite debate on the citizen comments made at the Meeting regarding this item.

Mr. Hulburt said he has been working to develop the property and worked extensively with the neighboring property owners. He said he understands that they did not get the conditions they wanted in writing, but he plans to continue to work with them to make sure it is positive for the neighborhood and in the city's best interest. He said city staff and the Hearing Examiner reviewed the proposed rezone and found it consistent with the City's plan.

David Wells (no address given), is the City's Special Events Coordinator, and updated the Council on the previous weekend's events. He said about 350 people took part in the first-ever adult Easter Egg flashlight hunt on April 10, 2009. He said it was a success, though there are some problems to be worked out. He said they are considering a costumed Halloween 'egg hunt' for the fall as well. On Saturday, April 11, 2009, about 1,000 children hunted for 17,000 eggs. He thanked Mayor Johnson, Deputy Mayor Swatman and Councilmember Carter for their donations. He said the proceeds of the adult Easter egg hunt will go to support Summer recreation programs. The event was held in Bonney Lake because the City offered volunteers.

C. Correspondence: None. [A 1.2]

7:55:25

### III. **COUNCIL COMMITTEE REPORTS:** [A 3.6.4]

- A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening, and discussed personnel updates, renewal of the Wash Wise program, other rebate program options, accounts aging reports, a possible sub-meter ordinance, cable franchise agreements, 2009 budget status, Eastown sewer status and Stream Team funding.
- B. Community Development Committee: Councilmember Rackley said the committee met on April 6, 2009 and forwarded several items to the Consent Agenda, including contract awards and completion of the Public Works modular building.
- C. Public Safety Committee: Councilmember King said the committee met on April 6, 2009 and discussed the Metro Animal Services agreement, which is currently under review. The committee heard a presentation from City Administrator Morrison on the night club ordinance and Ms. Castrelli's noise complaints. He said the committee plans to review the noise ordinance and zoning code related to night clubs and residential areas. They heard a presentation on domestic violence ordinances used by

other cities. The committee also discussed the federal Justice Assistance Grant application, which relates to the motion that was added to the agenda.

- D. Other Reports: None.

8:01:47

**IV. CONSENT AGENDA:** [A 3.6]

- A. **Approval of Corrected Minutes:** March 17, 2009 Council Workshop, March 24, 2009 Council Meeting, and March 28, 2009 Special Council Meeting.
- B. **Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #54940 thru 55015 in the amount of \$149,928.40; Accounts Payable checks/vouchers #54941 in the amount of \$50.00; Accounts Payable checks/vouchers #55016 in the amount of \$52.23 for utility account refund; Accounts Payable checks/vouchers #55017 thru 55091 in the amount of \$391,752.30; Accounts Payable checks/vouchers #55092 thru 55162 in the amount of \$591,552.95; Accounts Payable checks/vouchers #55163 thru 55199 in the amount of \$1,675.28 for utility account refunds.
- C. **Approval of Payroll:** Payroll for March 16-31, 2009 for checks 28112-28144 including Direct Deposits and Electronic Transfers in the amount of: \$ 547,884.43.
- D. **AB09-14 – Ordinance 1314** – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Adding a New Section to Bonney Lake Municipal Code Chapter 12.04 and Amending Public Works Design Standard 606.
- E. ~~**AB09-59 – Ordinance 1315** – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Amending Section 5.17.010 of the Bonney Lake Municipal Code and Section 1 of Ordinance No. 1256 Relating to the Licensing and Regulation of Nightclub Establishments.~~ Moved to Full Council Issues, Item E.
- F. **AB09-63 – Resolution 1934** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing a Contractor Agreement with Doolittle Construction, LLC for the 2009 Chip Seal Application.
- G. **AB09-65 – Resolution 1935** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Awarding the 82nd Street Court E Sanitary Sewer Contract to Big Mountain Enterprises.
- H. **AB09-55** – A Motion of the Bonney Lake City Council, Pierce County, Washington, Accepting as Complete the Public Works Prefabricated Modular Building Contract with Modern Building Systems, Inc.

City Administrator Morrison noted there is a typographical error in proposed Ordinance 1315. Councilmember Decker requested the item be moved to Full Council issues, Item E., for discussion.

**Councilmember King moved to approve the Consent Agenda as amended. Councilmember Rackley seconded the motion.**

**Consent Agenda  
approved 7 - 0.**

8:03:57

**V. FINANCE COMMITTEE ISSUES:**

- A. **AB09-67 – Resolution 1937** – A Resolution of the City Council of the City of Bonney Lake, Pierce County, Washington, Authorizing the Mayor to Accept a Donated Parcel of Land from the Crystal Meadows HOA.

**Councilmember Decker moved to approve Resolution 1937. Councilmember King seconded the motion.**

**Motion approved 7 - 0.**

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

8:04:43

**VII. PUBLIC SAFETY COMMITTEE ISSUES:**

- A. **AB09-75** – A Motion of the Bonney Lake City Council, Pierce County, Washington, Authorizing the Public Safety Committee to Develop a Short List of Eligible Justice Assistance Grant Projects and Present it to the Mayor to Recommend a Project to Present to the Council for Public Comment at the April 28, 2009 Council Meeting in Advance of the May 17, 2009 Filing Deadline.

**Councilmember King moved to approve the motion. Councilmember Decker seconded the motion.**

Councilmember King explained that the City plans to apply for a \$26,000 Justice Assistance Grant. However, the selection of projects must go through a process of being reviewed, opened for public comment, and approved by the Council before it can be placed on the grant application. He said the best option is to have the Public Safety Committee work on a recommended list of projects. He said this is a bit unusual but necessary due to the deadlines. He said when the Mayor narrows down the options, the item will come back to Council for a vote. City Administrator Morrison confirmed that the grant requires the appropriate body to pick a project within 30 days of the deadline, and allow public comment prior to submittal. Some possible projects include e-ticketing, dual monitors for court clerks, etc. Public Safety Committee members elected to schedule a special committee meeting on Friday, April 17, 2009 at 5:00 p.m. to review project options.

**Motion approved 7 - 0.**

8:12:36

**VIII. FULL COUNCIL ISSUES:**

- A. **AB09-64 – Ordinance 1317** – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Changing the Zoning Designation on Parcels 5640001864, 5640001865, 5640001866, and 5640001867 from Single Family Residential (R-1) to High Density Residential (R-3) Under the Name of Hulburt Under the File Number PLN-2009-01152 through a Site-Specific Rezone (BLMC 18.52.030).

Assistant City Attorney Haggard described how a quasi-judicial action differs from legislative actions of the Council. She said Councilmembers must disclose any ex parte contacts with opponents or proponents, and recuse themselves if they have a conflict of interest. She said the Council must base its decision on evidence in the Hearing Examiner's record only. She reminded the Council that while citizens have the opportunity to speak for one minute on this and any ordinance, their comments should not become a debate, and cannot be used as testimony or evidence related to the Council's decision on the proposed ordinance.

**Councilmember Decker moved to approve Ordinance 1317. Councilmember Hamilton seconded the motion.**

**Councilmember Rackley moved to table the item to a Workshop. Councilmember Decker seconded the motion.**

**Motion failed 2 – 5.  
Councilmembers Bowen,  
Carter, King and Hamilton,  
and Deputy Mayor  
Swatman voted no.**

Keri Hyytinen, 9306 185th Avenue Pl E, Bonney Lake, is new to the area and lives in Angeline Heights. She said seeing the Council convene has rejuvenated her hopes. She said she worked on a petition where 21 of 25 homeowners signed against rezoning the Hulburt property. She said they have concerns about a large multi-family building and issues like traffic.

Steve Boerstler, 9301 185<sup>th</sup> Ave Pl E, Bonney Lake, said the homeowners had a verbal agreement with the owner though the Hearing Examiner evidence says there is no covenant. He said he and others did not attend the Hearing Examiner meeting because they believed they would work out an agreement ahead of time. He said a representative from the City was involved, and citizens assumed there was an agreement, but it turns out there is no binding agreement.

Community Development Director Vodopich confirmed for the Council that no developer's agreement currently exists between the developer and the City. Deputy Mayor Swatman asked about the agreements mentioned by citizens. Assistant City Attorney Haggard said any agreements between private parties are not relevant to the Council's decision whether to approve the rezone. The Council must approve or deny based on its code and Comprehensive Plan, not to enforce agreements between private parties. She noted that the Comprehensive Plan was amended in December 2008 and there were no appeals during the 60-day period following, and this rezone makes the property consistent with the Comprehensive Plan.

**Motion approved 6 – 0 – 1.  
Councilmember Rackley  
abstained from voting.**

At 8:31 p.m., Councilmember Bowen moved for a five minute recess. Councilmember Decker seconded the motion.

**Motion approved 7 – 0.**

- B. **AB09-61 – Ordinance 1316** – An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Amending Chapter 19.04.015 of the Bonney Lake Municipal Code Relating to a Temporary Traffic Impact Fee Rebate Program.

**Councilmember Rackley moved to approve Ordinance 1316. Councilmember Decker seconded the motion.**

**Councilmember Bowen moved to amend Section 2. Eastown Zone to read “sales and use tax revenue of at least fifteen thousand dollars (\$15,000) per year” rather than \$25,000. Councilmember Hamilton seconded the motion.**

Councilmember Hamilton said the proposed ordinance helps level the playing field, and supports the amendment. Deputy Mayor Swatman said the City wants Eastown development to include big box stores, restaurants, and grocery stores, not small stores and strip malls. Councilmember Rackley noted that lowering the tax threshold to \$15,000 still means the business must have \$2 million per year in sales.

**Motion to amend passed 4 – 3.  
Deputy Mayor Swatman and  
Councilmembers Carter and  
King voted no.**

**Amended main motion  
approved 6 – 1.  
Councilmember King  
voted no.**

- C. **AB09-62 – Ordinance D09-62** – An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Adding a New Chapter 3.70 to the Bonney Lake Municipal Code Relating to Temporary Incentives to Encourage Business Investment in Commercial Building.

**Councilmember King moved to approve Ordinance D09-62. Councilmember Rackley seconded the motion.**

Councilmembers discussed the definition of ‘new commercial building’ in the ordinance, noting that the city’s Commercial zone allows some multi-family residential uses as well as retail commercial business.

**Councilmember Rackley moved to table Ordinance D09-62 to the April 21, 2009 Workshop for action. Councilmember Bowen seconded the motion.**

**Motion to table approved 7 – 0.**

- D. **AB09-69 – Ordinance 1318** – An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, Amending Chapter 19.04 of the Bonney Lake Municipal Code and the Corresponding Portions of Ordinance Nos. 1230, 1123, and 984 Relating to Transportation Impact Fees.

**Councilmember Rackley moved to approve Ordinance 1318. Councilmember Decker seconded the motion.**

Councilmembers discussed the proposed ordinance's incentives for health care providers who serve at least 51% or more Medicare patients. City Administrator Morrison confirmed that the ordinance applies to health care providers already operating in the city and any who move their practice to the city in the future.

**Motion approved 7 – 0.**

- E. **AB09-59 – Ordinance 1315** – An Ordinance of the City of Bonney Lake, Pierce County, Washington, Amending Section 5.17.010 of the Bonney Lake Municipal Code and Section 1 of Ordinance No. 1256 Relating to the Licensing and Regulation of Nightclub Establishments.

**Councilmember Decker moved to approve Ordinance 1315. Councilmember Hamilton seconded the motion.**

**Councilmember Decker moved to amend Section 1. B. 1. to “at any time between the hours of 6:00 a.m. and 2:00 a.m. liquor is sold to the public.” Councilmember Bowen seconded the motion.**

City Administrator Morrison reminded the Council that the proposed ordinance needed an amendment to correct a typographical error, to change the time in this section from 12:00 p.m. to 12:00 a.m. (midnight). Councilmember Decker said the ordinance should include businesses who sell alcohol during any hours possible under State law, not for just two hours as proposed in this amendment. Councilmembers discussed the ordinance's intent to cover any business that serves alcohol at any time between 10:00 p.m. and midnight. The Council also discussed how the proposed ordinance strikes the requirement that 51% of sales revenue come from liquor sales in order to be defined as a night club. Councilmembers said this data is very difficult to obtain from the Liquor Control Board and is not necessary for the definition of a night club.

Councilmember Bowen moved to table Ordinance 1315 to a Workshop. Councilmember Rackley seconded the motion.

**Motion to table failed 3 – 4.  
Deputy Mayor Swatman and  
Councilmembers Carter,  
King and Hamilton voted no.**

Councilmember Decker restated the full text of his motion to amend the ordinance language for the Council.

**Motion to amend failed 1 – 6.  
Deputy Mayor Swatman and  
Councilmembers Bowen,  
Carter, Hamilton, King, and  
Rackley voted no.**

**Councilmember Rackley moved to amend the language in Section 1. B. 1. from  
“12:00 p.m.” to “12:00 a.m.” Councilmember King seconded the motion.**

Councilmember King summarized the proposed ordinance, and how it defines a night club as a place that sells liquor between the hours of 10:00 p.m. and midnight, has an assembly space such as a dance floor, and has an occupancy of 30 or more people. He noted that the ordinance excludes establishments like fraternal organizations that have private membership and are not open to the public.

**Motion to amend Ordinance  
1315 approved 7 – 0.**

**Amended main motion  
approved 7 - 0.**

**IX. EXECUTIVE SESSION:** None.

9:14:10

**X. ADJOURNMENT:**

**At 9:14 p.m. Councilmember Rackley moved to adjourn the meeting. Councilmember Decker seconded the motion.**

Councilmember King noted that he would not be able to attend the April 21, 2009 Workshop due to an out-of-state work commitment.

**Motion approved 7 – 0.**

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Harwood Edvalson, CMC  
City Clerk

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Neil Johnson  
Mayor

*Items submitted to the Council Meeting of April 17, 2009: None.*



**Agenda  
Item**

--For the Council Workshop of April 21, 2009

**ITEM #4**

**Discussion: Follow-up to Council Retreat  
and Goals.**

**(See reverse side.)**

## **Council Goals**

(In Order of Priority Grouping)

- Develop a long term water service strategy which considers the relationships to Lake Tapps, CWA, Tacoma, and the City of Auburn.
- Update the City's emergency management plan, including extended response capability in which the City can operate water, sewer, and public safety systems for 7-10 days.
- Develop a useable section of the Fennel Creek Trail.
- Upgrade infrastructure in the downtown to support economic development.
  
- Pursue a community recreation center or YMCA.
- Maintain community outreach and market an optimistic vision of the City by continuing to host/sponsor town hall/neighborhood meetings, Bonney Lake Days, host pancake feeds and other community events.
- Pursue grant and other funding sources to implement the non-motorized transportation plan, including sidewalks, trails and bike lanes.
- Develop a tri-city agreement (BL, Sumner, Auburn) on future boundaries, and encourage Pierce County to include already urbanized areas in an UGA.
  
- Continue annual street resurfacing (chip seals and overlays) program.
- Develop an employee succession plan.
- Increase Bonney Lake public access television time through the Rainier Cable Commission through summaries of City activity.

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

<b><u>Department/Staff Contact:</u></b> Don Morrison	<b><u>Council/Wrkshp Mtg Date:</u></b> January 27, 2009	<b><u>Agenda Bill Number:</u></b> AB09-74
<b><u>Ordinance Number:</u></b> D09-74	<b><u>Resolution Number:</u></b>	<b><u>Councilmember Sponsor:</u></b> Deputy Mayor Swatman
<b><u>BUDGET INFORMATON</u></b>		
<b><u>2008 Budget Amount</u></b>	<b><u>Required Expenditure</u></b>	<b><u>Impact</u></b>
<b><u>Remaining Balance</u></b>		
<b><u>Explanation:</u></b> NA		
<b><u>Agenda Subject:</u></b> Naming Policy for Parks and City Facilities		

**Administrative Recommendation:** Discuss and determine further Council action.

**Background Summary:** The City Council has adopted a naming policy for streets, but not for parks or other City facilities. An orderly procedure and reasonable criteria are needed to provide guidance in naming City facilities. This will help avoid confusion, provide greater equity, prevent undue favoritism, guard against rash or emotional actions, and promote the general welfare of the community. Is recommended that the Council formally establish a facility naming policy.

This item was originally discussed in September 2008. It was considered again by Council as a Council resolution at the February 3, 2009 Council workshop, and referred to an ad-hoc committee for further consideration.

<b><u>Council Committee Dates:</u></b>	<b><u>Commission Dates:</u></b>	<b><u>Board/Hearing Examiner Dates:</u></b>
Finance Committee:	Planning Commission:	Park Board:
Public Safety Committee:	Civil Service Commission:	Hearing Examiner:
Community Development & Planning Committee:		
Council Workshops: 9/2/08, 9/16/08 2/3/09, 4/21/09		

**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:
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ORDINANCE NO. D09-74

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, ADDING A NEW CHAPTER 12.10 TO THE BONNEY LAKE MUNICIPAL CODE, ESTABLISHING A NAMING POLICY FOR CITY PARKS, OPEN SPACES AND OTHER MUNICIPAL FACILITIES.

WHEREAS, the City Council finds that in order to avoid confusion, develop consistency in the naming of city facilities, and to protect and support the general welfare of the community, it is in the best interest of the City to formally establish a facility naming policy;

WHEREAS, the City Council recognizes the desires of donors to request a specific name for their donations as significantly different than naming City owned assets;

WHEREAS, the City Council further believes that there should be a mechanism to acknowledge substantial contributions toward capital improvements or services through the naming of spaces or areas within City owned facilities subject to Council approval.

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

Section 1. A new chapter 12.10 is added to Bonney Lake Municipal Code Title 12 to read as follows:

Chapter 12.10 Park, Open Space, and Municipal Facility Naming Policy

**12.10.10 Definitions**

As used in this chapter:

- A. "Naming" for the purpose of this chapter means the intention of permanently identifying a human created object, open space, waterway, or other feature occurring in the natural environment.
- B. "Deceased" means person or persons who have been dead for more than two years.
- C. "Elected official" means any person who acquires local, regional, or national office through an election.
- D. "Family member or relative" means any person having a current or past familial relationship including natural born, adopted, or legally connected persons.
- E. "Ancillary Feature" means individual exterior or interior features and or facilities within the larger park or facility, including but not limited to, meeting rooms, landscaped grounds, flower gardens, sculptures, picnic shelters, play lots, ball fields, and other similar items.

12.10.20 **Park and Open Space Naming Policies.** Parks, open spaces, waterways, and other elements of the natural environment shall fall under the policies outlined in this section.

- A. **Council to Name City Parks.** The City Council shall designate the names of public parks and recreation facilities. The City Council will not make its selection until after receiving written recommendations from the Bonney Lake Parks Board. Such recommendations shall state how the proposed name(s) meet the naming criteria. If a contest or competition is held to help determine the name of a park or recreation facility, the Parks Board shall establish guidelines and rules for the contest. No City funds shall be used for any contest prizes.
- B. **Naming Criteria.** The naming of public parks and recreation facilities shall be made upon one or more of the following criteria:
- i. The proposed name fits a neighborhood or geographical identification (e.g. Lake Bonney);
  - ii. The proposed name fits a natural or geological feature (e. g. Fennel Creek);
  - iii. The proposed name is a Bonney Lake historical figure or of local cultural or historical significance (e.g. Naches);
  - iv. The proposed name is for a deceased individual who has made a significant land and/or monetary contribution to the park system that is commensurate with the value of the recognition.
  - v. The proposed name is to recognize a contribution made "in memoriam" for the donor or entity, when the name has been stipulated as a condition of the donation.
  - vi. The proposed name is for a civic group or corporation whose mission statement is compatible with City goals and objectives and that has made a significant land and/or monetary contribution to the park system;
  - vii. The proposed name is for a City employee who has made extraordinary and significant contributions to the park system, and held a position with the City for at least twelve (12) years.
  - viii. A proposed name using the name of an elected official, family members, or relatives shall only be considered under extraordinary circumstances and shall require six members of the city council voting in the affirmative.
- C. **Naming of Ancillary Features.** 1. Generally. A park's or open space's individual ancillary features and/or facilities may have names designated other than that of the entire park or open space. These names shall be subject to same general criteria designated in section (B), but may be more generously applied commensurate with the value of the feature so named.
2. Naming through Fundraisers. The City Council may authorize a feature of a park or open space to be developed or established through a fundraising effort that

may include naming. It is not the intent of this policy to prohibit such fundraising activities that involve naming as part of the fundraising effort. Examples may include: a “named bricks” fundraiser to pave a path; “named seats” to fund raise for a bleacher; “named bushes” to fund raise for a rose garden, etc.

**D. Naming of Donated Property – Conditions.** The naming of donated public park property, facility, or ancillary feature should ordinarily be with the intent for it to be a perpetual recognition of the individual, family, corporation, foundation, association or other entity for which the donated facility has been named. The naming should be commensurate with the value of the donation. The renaming of a donated facility is generally discouraged. Rescinding the name of a donated facility shall occur only under extraordinary circumstances and after thorough study and the receipt of written recommendations from the Mayor and the Park Board. The City Council may rescind the naming of a facility donated after the effective date of this Ordinance only under the following circumstances:

- i) The individual, family, corporation, foundation, association or other entity for which the facility has been named has been convicted of a felony, a crime involving moral turpitude, or participated in any other illegal or disreputable behavior which would bring discredit to the City and do substantial harm to the reputation and mission and vision of the City and the facility, or
- ii) The useful life of the facility has expired and the facility must be replaced or substantially renovated, or
- iii) The specific agreed upon period of time for the retention of the name has expired, or
- iv) The donor, or their legally authorized representative, has requested or consented to a renaming action by the City.

**E. Signage.** Following selection of a name, the Department shall identify the specific facility with appropriate signage specifying the name.

**12.10.30 Naming of Other City Facilities.** Other City facilities, such as city hall, police stations, annexes, maintenance buildings, community centers, senior centers, and related man made structures shall fall under the policies outlined in this section. As a general policy, public building names shall be named to reflect the functionality of the facility by simply stating its purpose without further description (example: Bonney Lake Senior Center, Bonney Lake Performing Arts Center, Public Safety Building).

**A. Council to Name City Facilities.** The City Council shall designate the names of city facilities, including ancillary features. The City Council will make its selection only after receiving a written recommendation from the Mayor. Such recommendations shall state how the proposed name(s) meet the naming criteria outlined below. If a contest or competition is held to help determine the name of a facility, the Mayor shall establish guidelines and rules for the contest. No City

funds shall be used for any contest prizes.

**B. Naming Criteria.** The naming of general City facilities shall be made upon one or more of the following criteria:

- i. The building name simply reflects the functionality of the facility without further description;
- ii. The proposed name fits a neighborhood or geographical identification (e.g. Lake Bonney);
- iii. The proposed name is for an individual deceased who has made a significant financial contribution to the City that is commensurate with the value of the recognition;
- iv. The proposed name is to recognize a contribution made "in memoriam" for an individual, when the name has been stipulated as a condition of a significant donation.

**C. Naming of Ancillary Features.** 1. Generally. A facility's significant individual interior or exterior features and/or rooms may have names designated other than that of the general facility. These names shall be subject to same general criteria designated in section (B), but may be lessened or modified to include living persons and commensurate with the value of the ancillary feature so named.

2. Naming through Fundraisers. The City Council may authorize a feature of a building to be developed or established through a fundraising effort that may include naming. It is not the intent of this policy to prohibit such fundraising activities that involve naming as part of the fundraising effort. Examples may include: "named bricks" to fundraise for a floor, path, or sidewalk; "named bushes" to fundraise for a garden, etc.

**12.10.40 Name Plates for Minor Ancillary Features.** Nothing in this policy shall be construed to prohibit the Mayor from fixing a name plate or providing similar recognition to a minor feature in a park or other City facility. Such recognition shall be made only for those persons who have made a significant contribution to the City or otherwise donated the feature to the City. Examples include trees, bushes, flower beds, park benches, kiosks, play toys, water fountains, and similar items.

**12.10.50 Administration of Policy.** The City shall provide a good faith, discretionary administration of this ordinance for the benefit of the public in general, but the City makes no promise for the specific application of any part or the whole of this ordinance to any individual. This ordinance is not intended to provide an enforceable right, expectation, or property interest to any third party providing donations or bequests to the City.

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 this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Neil Johnson, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James J. Dionne, City Attorney