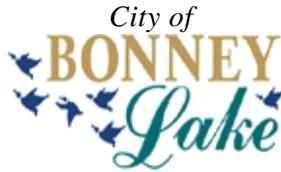


**CITY COUNCIL
WORKSHOP**

**August 18, 2009
5:30 p.m.**

AGENDA



"Where Dreams Can Soar"

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

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

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.

I. Call to Order:

Mayor Neil Johnson @ Bonney Lake City Hall - 19306 Bonney Lake Blvd.

II. 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 Jim Rackley.

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

III. Agenda Items:

- A. Council Open Discussion
- B. Review of Council Minutes: July 21, 2009 Council Workshop, July 28, 2009 Council Meeting, and August 11, 2009 Council Meeting.
- C. Discussion: AB09-130 - Planning Commission Recommendation - Alternatives for Nightclub Design Standards.
- D. Discussion: AB09-120 – D09-120 – Ordinance to Modify and Update the Sewer System Development Charge (SDC) (includes adding Multi-Family Rate & Sewer Schedule A).
- E. Discussion: Option for an Ordinance Allowing the Use of a "Temporary Commercial Septic System" in Lieu of Connecting to the City Sewer System.
- F. Discussion: Long-range Financial Planning Models (Update) - Information will be provided at the meeting.
- G. Discussion: AB09-123 – D09-123 – Establishing Temporary Benefit Policies due to the Current Recession and Accompanying Reductions in City Revenues.

IV. Executive Session:

Executive Session: Pursuant to RCW 42.30.110, the City Council may meet in executive session.

V. Adjournment:

For citizens with disabilities requesting translators or adaptive equipment for communication purposes, the City requests notification as soon as possible of the type of service or equipment needed.

THE COUNCIL MAY ADD AND TAKE ACTION ON OTHER ITEMS NOT LISTED ON THIS AGENDA.

CITY COUNCIL WORKSHOP

**July 21, 2009
5:30 p.m.**

DRAFT MINUTES

City of



“Where Dreams Can Soar”

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

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

Audio Time Stamp ↓

I. Call to Order:

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

II. 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 and Councilmember James Rackley. Councilmember David King was absent.

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

Councilmember Rackley moved to excuse Councilmember King. Councilmember Carter seconded the motion.

Motion approved 6 – 0.

III. Agenda Items:

5:31:20

A. Council Open Discussion:

Water Supply & Rates

Councilmember Bowen asked whether the city notifies customers about summer rates, noting past complaints about high bills. Mayor Johnson said there are complaints each year and the city staff helps explain the summer rates and how increased consumption from water lawns, etc. affects utility bills.

Director Grigsby said the city only posts the water conservation signs in a true emergency. He said if they are posted regularly during the summer, people will not pay attention to them when they are posted for a water line break, severe shortage, or other emergency. Mayor Johnson added that the water bills fund the city’s water system and are an important revenue source for the city.

Eastown Sewer Updates

Councilmember Bowen said he has spoken with two residents in Eastown who would like to install septic systems on their property in order to develop their parcels. They would like to know if the Council would consider them allowing to install septic, with the understanding that when sewer service is available in Eastown they would hook up and pay their fair share. Councilmembers discussed the options available to property owners who are waiting for sewer service, and

regulations against installing septic systems for commercial development. Deputy Mayor Swatman said it is important to look at the issue from a policy standpoint, and whether the Council wishes to allow hodge-podge development on septic systems around Easttown rather than as part of a larger development plan. Councilmember Rackley said he would add the item to the Community Development Committee agenda for discussion and policy suggestions. Councilmember Bowen said the property owners feel they are being held hostage by the delayed sewer system installation. He said if they are denied the option to install septic systems, they would like the City to develop a firm timeline for sewer service construction.

Comprehensive Plan Amendment Applications

Deputy Mayor Swatman asked for information on the WSU forest Comprehensive Plan amendment application, noting the Planning Commission held a presentation on applications on July 15, 2009. Councilmember Carter said she listened to the audio recording of the meeting, where all three applications were discussed. She said the draft environmental impact statement should be ready by early August for public comment, and the Planning Commission plans to schedule hearings and discussions in mid-August. Councilmember Carter said she hopes the City will provide copies of the various applications for public review at City Hall and elsewhere, as in previous years.

Legal Counsel

Deputy Mayor Swatman noted the City Attorney was not in attendance at the workshop. Mayor Johnson said there was no executive session planned and it was not felt he needed to attend, noting the City pays to have an attorney attend Council meetings and workshops.

Garbage Service Fines

Councilmember Decker said citizens have spoken with him regarding garbage service fines. He said they propose that because the city's code requires regular garbage service, if D.M. Disposal trucks do not pick up garbage from people who have not paid their bills, D.M. would be violating the municipal code. He said because liens are filed against delinquent accounts, the company will get its money later so it must provide service. Deputy Mayor Swatman said the Finance Committee is discussing garbage fines, and has proposed that the city not pursue liens. He said the city is negotiating with D.M. on various options to for payments on delinquent accounts.

Budget Updates

Deputy Mayor Swatman said the July 14, 2009 Finance Committee meeting was very lively, and the members are very concerned about the budget. Mayor Johnson said his meeting with the Police guild and union was rescheduled to July 29, 2009. City Administrator Morrison said he will be meeting with Community Development staff on Thursday, July 23rd, as well. Mayor Johnson said sales tax figures for March and April were up slightly, though still 83% below the previous year's revenues. Councilmembers discussed the economic conditions and expectations for the coming months. Chief Financial Officer Juarez said based on June figures, he thinks the economic downturn may have bottomed out. He said he will continue to update the 6-year financial model each month for review. Councilmembers said the economy will recover very slowly and decisions must

be made about the future budget. Councilmember Carter thanked the CFO and his staff for their work to keep the Council and citizens informed about the status of the budget.

Special Events

Councilmember Carter said the Missoula Children's Theater productions on July 18, 2009 were wonderful. She said attendance at Kids Club at Cedarview on Tuesdays is high, with 300 participants earlier in the day. She reminded everyone that Tunes @ Tapps is on Thursday nights, Friday Night Flix begins on July 28, Wooden 'O' Theatre is August 2, and National Night Out is August 4, 2009. Councilmembers Carter and Rackley and Mayor Johnson said they plan to attend National Night Out activities. Chief Mitchell said NNO is somewhat different this year, with several smaller gatherings in communities and activities at Cedarview Park.

Deputy Mayor Swatman asked about the city's participation in Beautify Bonney Lake this year. He said BBL is a non-profit and should seek funding from various partners, and the City should minimize its expenditures. Community Services Director Gary Leaf said this year only Community Services staff would take part in the event, and Public Works staff would not be used and work overtime as in past years. He said the City will provide fewer resources, though a recent \$1,500 gift card from Home Depot and other funding resources will help the 2009 event. He said the city also received a \$5,000 grant from the Mukleshoot Indian Tribe for Tunes @ Tapps, and local businesses help sponsor other events.

Councilmember Carter suggested the city could consider asking for donations at free special events, or help with gas money for the Senior Center shuttle, etc. She said the donations would be voluntary, but could help mitigate costs so the city does not have to cut programs. Mayor Johnson said he feels that community programs should be the last thing cut. He said these free events and activities are very important for the community, and encouraged ideas to cut costs or increase funding.

Upcoming Community Meetings

Councilmember Rackley said he plans to attend a meeting on water quality and river dredging this week. Councilmember Carter said she plans to attend the Puyallup River Watershed Council Forum on July 22nd, and a Water Garden workshop in Buckley on July 25th.

Posted Signs

Councilmember Carter said she has seen many signs for businesses recently posted off-site on poles, trees, etc. She said she notified the Community Development Department and the Code Enforcement Officer will be removing the illegal signs

6:37:51

B. Review of Council Minutes: July 7, 2009 Council Workshop and July 14, 2009 Council Meeting.

Councilmember Carter asked the July 7, 2009 Workshop minutes, p. 3, be revised from "approval to replace" to "approval to line" the other tanks. The Minutes were forwarded to the July 28, 2009 Meeting for approval with corrections.

6:38:41

C. Discussion: AB09-116 - Sewer SDC Rate for Multi-Family Housing.

Public Works Director Grigsby said the Council briefly discussed System Development Charges (SDCs) for multi-family residences at the July 7th workshop. He said the FCS Group consultants used an average rate of 73% for multi-family units for calculations in their SDC study. The city currently charges the same rate for multi-family units as single-family residential units, but could charge a different rate if Council so chooses. He provided the Council with information on SDCs and sewer rates in other cities, including Sumner. He said other cities that use a special multi-family rate charge between 57% to 80%, and the consultants found only one city that charged SDC rates based on the number of bedrooms.

Director Grigsby said the Council asked why Sumner's SDC fees are so much lower than Bonney Lake's at the previous workshop. He said he has reviewed Sumner's fee structure and found that they do not have a cap on water use for calculating sewer charges, while Bonney Lake caps water consumption at 10 ccfs. The maximum rate is therefore higher for Sumner customers. In addition, Sumner charges more for sewer customers outside city limits. Sumner also has higher utility taxes overall. He said though these may seem like small differences, the charges accrue each month for all customers and can add up quickly. Councilmembers discussed rates and future concerns for expanding the Sumner Sewer Treatment facility. Deputy Mayor Swatman says there are both practical and political concerns involved, and both cities should be preparing for future facility expansion needs.

Councilmembers next discussed multi-family rate options. Mayor Johnson said a lower SDC rate for multi-family units could serve as an incentive for multi-family development, which the city needs. Councilmember Hamilton suggested a substantially reduced SDC fee which would sunset after a few years, to encourage development now. Council consensus was to bring forward an ordinance setting multi-family SDC rates at 65% for a period of three years. Director Grigsby said he would bring the proposal to the July 28, 2009 Meeting.

7:08:02

D. Discussion: AB09-117 - Cancellation of August 4th Council Workshop.

Councilmember Carter said National Night Out will be held during a regularly scheduled Workshop on August 4, 2009. She suggested the Council cancel the workshop so councilmembers can participate in events around the city.

Councilmember Rackley moved to cancel the August 4, 2009 Workshop. Councilmember Decker seconded the motion.

Motion approved 7 – 0.

Mayor Johnson noted the Ball Park Well tour has been scheduled for Thursday, July 23, 2009 at 6:00 p.m. Councilmembers Bowen and Rackley and Deputy Mayor Swatman plan to participate in the tour.

IV. Executive Session: None.

7:09:23

V. Adjournment:

**At 7:09 p.m., Councilmember Rackley moved to adjourn the workshop.
Councilmember Decker seconded the motion.**

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Jr.
Mayor

Items submitted to the Council Workshop of July 21, 2009: *None.*

DRAFT

CITY COUNCIL MEETING

**July 28, 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

Audio Time Stamp ↓

I. CALL TO ORDER – Mayor Neil Johnson, Jr. called the meeting to order at 7:00 p.m.

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

B. Roll Call:

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 Dave King and Councilmember Jim Rackley.

[Staff members in attendance were City Administrator Don Morrison, Chief Financial Officer Al Juarez, Police Chief Mike Mitchell, Community Development Director John Vodopich, City Engineer John Woodcock, Community Services Director Gary Leaf, City Attorney Jim Dionne, Administrative Services Director/ City Clerk Harwood Edvalson and Records & Information Specialist Susan Duis.]

C. Announcements, Appointments and Presentations:

1. Announcements: None.

2. Appointments:

a. **AB09-119** - A Motion of the Bonney Lake City Council ratifying the Mayor's appointment of Brandon Frederick to the Planning Commission.

Councilmember Decker moved to approve AB09-119. Deputy Mayor Swatman seconded the motion.

Mayor Johnson said Mr. Frederick lives in Ward 5, teaches at the high school and is a member of the historical society. Councilmember Decker said Mr. Frederick has a strong résumé and thanked him for stepping forward.

Motion approved 7 – 0.

3. Presentations: None.

D. Agenda Modifications: None.

7:02:57

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: [A 3.6.12]

1. **AB09-97** - Resolution 1951 - Six Year Transportation Improvement Plan (2010-2015).

Mayor Johnson opened the public hearing at 7:02 p.m. Seeing no speakers, the public hearing was closed at 7:03 p.m.

B. Citizen Comments:

Gabrielle Taheri, 7017 97th Ave SW, Lakewood, said she and her husband own property in Eastown off SR 410. She said they purchased the property 13 years ago as an investment, with plans to develop the land for commercial use. She said Pierce County had approved their plans to install septic on the property, but the property was annexed into Bonney Lake. At the time of annexation, she said, it seemed that sewer was possible and they delayed their development plans. She said they applied to connect to water from the nearby storage units but could not, and the City will not allow them to install septic. She said their property taxes have gone from about \$2,363 in 2004 to \$8,802 in 2009. She asked the city to offer hope and a firm deadline for work on an Eastown sewer system. She asked why the project hinges on one developer. Finally, she asked if the Council would allow her to get a permit to install septic, with a contract for mandatory hook-up to the city sewer system once it is installed. Deputy Mayor Swatman clarified while it is not practical for the Taheris to develop the property due to the cost of installing sewer, the City is not blocking their development. Dan Taheri, Ms. Taheri's husband, reiterated his wife's concerns. He said they were told to wait but it has been too long. Mayor Johnson asked the Taheris to provide their contact information to Community Development Director Vodopich and City Engineer John Woodcock so they could review the situation. Councilmember Bowen said the Community Development Committee plans to discuss this issue at its next meeting. He said the City is also reviewing options to enter into a latecomers agreement for Eastown utilities. He said the City is working on this, though there hasn't been any progress yet.

Debbie Houtz is the owner/manager of the new A+ Auto Licensing business on Old Sumner Buckley Highway in downtown Bonney Lake. She said they are open for business, so residents can renew their licenses online and have them mailed or pick them up at the store. She thanked the Council for their support, and Councilmembers thanked Ms. Houtz for choosing to locate her business in Bonney Lake.

C. Correspondence: None.

7:21:16

III. COUNCIL COMMITTEE REPORTS:

- A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening and discussed personnel updates, holiday pay and furlough options, and renewal of the solid waste contract. He said Eddie Westmoreland from Waste Connections, Inc. attended to talk with the committee about the garbage contract, and the Council may want to consider issuing an request for proposals for garbage service.
- B. Community Development Committee: Councilmember Rackley said the committee met on June 20, 2009 and discussed the Capital Improvement Program status report, sewer concerns for Bethel Family Church, and Resolution 1959 and AB09-101.
- C. Public Safety Committee: Councilmember King had nothing to report.
- D. Other Reports:

Dog Park Discussions: Deputy Mayor Swatman said a public meeting to discuss dog park options and issues is on Saturday, August 1st at 3:00 p.m. in the City Hall Chambers. He said they are looking for interested citizens to take part and get other members of the community involved. Community Services Director Leaf said his staff have posted signs around the City about the meeting.

Pierce County Regional Council: Councilmember Rackley attended the Pierce County Regional Council meeting on July 16, 2009, which included a public hearing on Comprehensive Plan amendments.

Pierce County River Revitalization Task Force (PCRRTF) Policy Summit: Councilmember Rackley attended the PCRRTF Policy Summit in July 22nd, which included discussion of flood issues in the valley.

Puyallup River Watershed Meeting: Councilmember Carter attended the Puyallup River Watershed meeting on July 22nd, where the Department of Ecology presented information and issues regarding area rivers. She said they are working to put together a task force to focus on target areas and actions, and Bonney Lake was invited to take part.

Rainier Cable Commission: Councilmember Rackley attended the RCC meeting on July 15, 2009 and heard a presentation from Kitsap County regarding software used to allow employees to work from home.

Dan Packer Memorial: Mayor Johnson thanked Councilmember Carter and Deputy Mayor Swatman for taking part in the memorial for Fire Chief Dan Packer on Sunday, July 26, 2009. He could not attend but heard it was a good event and that Maintenance Worker Pete Spain received a plaque for his work on the memorial.

Water Conservation Signs: Mayor Johnson said 'Please Conserve Water' signs have been posted at entrances to Bonney Lake and in Auburn. He said the City is supplying water to Auburn while they are doing work on a well, and during the hot days Auburn has been using up to 1 million gallons per day. He said it's likely that Tapps Island Water will also ask Bonney Lake to supply them with water, as their supply is low. The City plans to turn on the intertie with Tacoma Water on July 29, 2009 to supply water. He said the City is working on new agreements for Tapps Island and Auburn interties, which should come to Council later this year. He asked residents to try to conserve water while the City helps its neighbors with their water supplies.

Special Events: Mayor Johnson reminded the Council of upcoming events, including Tunes @ Tapps on July 29th and Friday Night Flix on July 31st.

7:30:15

IV. CONSENT AGENDA:

- A. **Approval of Minutes:** June 16, 2009 Workshop, July 7, 2009 Meeting and July 14, 2009 Workshop.
- B. **Approval of Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #56209 thru 56322 in the amount of \$493,595.16. Accounts

Payable checks/vouchers #56323 thru 56327 for A/R refunds in the amount of \$12,570.12.

- C. **Approval of Payroll:** Payroll for July 1-15th, 2009 for checks 28343-28374 including Direct Deposits and Electronic Transfers in the amount of \$ 403,162.05.
- D. **AB09-114 - Ordinance D09-114** - An Ordinance of the City of Bonney Lake, Pierce County, WA, Relating to False Alarm Fees Imposed Pursuant to BLMC 8.48.020.
- E. **AB09-115 - Resolution 1959** - A Resolution of the City of Bonney Lake, Pierce County, WA Awarding the Contract for the Church Lake Drive Water Main and Road Improvements Project to Les Russell Construction.
- F. **AB09-101** - A Motion of the City Council Accepting as Complete the SR410 Sanitary Sewer Interceptor Repair & Replacement Project with Pape & Sons Construction, Inc.

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

Consent Agenda approved 7 – 0.

V. FINANCE COMMITTEE ISSUES: None.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES: None.

IX. EXECUTIVE SESSION: None.

7:30:28

X. ADJOURNMENT:

At 7:30 p.m. Councilmember Rackley moved to adjourn the meeting. Councilmember Decker seconded the motion.

Motion approved 7 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items submitted to the Council Meeting of July 28, 2009: None.

CITY COUNCIL MEETING

**August 11, 2009
7:00 P.M.**

DRAFT MINUTES



"Where Dreams Can Soar"

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

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

Audio Time
Stamp ↓

I. CALL TO ORDER – Mayor Neil Johnson, Jr. called the meeting to order at 7:00 p.m.

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

B. Roll Call:

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 Dave King and Councilmember Jim Rackley.

[Staff members in attendance were City Administrator Don Morrison, Police Chief Mike Mitchell, Public Works Director Dan Grigsby, City Attorney Jim Dionne, Administrative Services Director/ City Clerk Harwood Edvalson, Human Resources Officer Jenna Young and Administrative Specialist Shawn Campbell.]

C. Announcements, Appointments and Presentations:

1. Announcements:

Mayor Johnson said three finance department members were recognized by the Washington Finance Officer Association, with the Professional Finance Officer Award for the State of Washington. Receiving awards were Chief Financial Officer Al Juarez for the 18th year, Accounting Manager Kassandra Raymond for the 7th year, and Accountant Terrina Marchant for the 5th year.

Mayor Johnson said that Human Resource Officer Jenna Young was also recognized for receiving her Master's degree in Human Resource Administration with a 4.0 GPA.

2. Appointments:

a. **Administration of Oath of Office:** Police Officers Tobie Johnston and Brian Kelly.

Judge Douglas Haake administered the Oath of Office to Police Officers Tobie Johnston and Brian Kelly.

3. Presentations:

a. **Pierce County Auditor:** Pierce County Auditor Jan Shabro came to share information on what the Auditor's office does, as well as recent changes in state law and how they will affect Bonney Lake. She stated that there are three main components of the Auditor's office: elections, recording and licensing, and animal control. Ms. Shabro shared several new laws that will affect Bonney Lake. The County will only hold three special elections in 2010. This change should save participants in costs associated with special elections. She stated that on the vehicle/vessel licensing the \$5 donation to

state parks will now be an 'opt out' option. It will automatically appear as a charge on the tabs but citizens will be able to opt out if they choose. The County will now charge an additional \$20 for the first page that is recorded in the Auditor's office, bringing the total cost for recording documents to \$62. Councilmember Rackley thanked Pierce County Auditor Shabro for allowing Bonney Lake to have its own Department of Licensing sub-station.

D. Agenda Modifications: None.

7:02:57

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None

B. Citizen Comments:

Raymond Frey, 12356 Northup Way, Suite 119, Bellevue, said they have broken ground on the Greenwood North, which will include 21 townhome rental units. He stated that the legislation to allow latecomers agreements that is on the consent agenda this evening is a good thing and will be the quickest way to get things going in these tough economic times.

Deputy Mayor Swatman asked what the rent cost of these units will be. Mr. Frey did not have that information at this time.

Dean Ogle, 2231 Hwy 410 E, Bonney Lake, presented the Council with a letter from several Eastown property owners requesting that an elevation for Sewer Casing be placed under Hwy 410 at about 225th St. They are requesting that the Latecomers Legislation be adopted, that Public Works Director Grigsby has the authority to efficiently satisfy the requirements to speed the cities review of this and that the sewer infrastructure funds be used for the casing and reimbursement under the latecomer's agreement. Councilmember Rackley asked about the timing of the request and Mr. Ogle stated that it needed to be set before the bid on the Hwy 410 road widening construction.

C. Correspondence: None.

7:21:16

III. COUNCIL COMMITTEE REPORTS:

A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening and discussed personnel updates, ordinances regarding holiday pay, furlough and vacation pay options, and the LID Guaranty fund. The City has received the entire bond on the Park Place Construction Site. The money will be used to secure the site and hydroseed it later in the year.

B. Community Development Committee: Councilmember Rackley said the committee met on August 3, 2009 and discussed the relief of septic systems in Eastown, and the SHIP Grant Update.

Councilmember Decker thanked Public Works Director Grigsby for his hard work to bring information forward on the sewers and septic systems for Eastown.

Public Safety Committee: Councilmember King said the committee met on August 3, 2009 and discussed the animal control contract with Metro Animal Services. They had a presentation from Sumner Police Chief John Galle and Jason Wilson of Metro Animal Service on the amount of service the City receives. Chief Mitchell stated he is reviewing all the options before sending the contract to finance for review. The committee also discussed the towing contract and referred it to legal for review. Councilmember King said the National Night out was one of the best one they City has seen. He thanked all department members and citizens for their participation. The committee discussed the banning of fireworks. At this time the position of the committee is that the City Code is sufficient.

Councilmember King said the committee has requested an opinion from East Pierce Fire and Rescue on the impact of vinyl siding in high density housing areas as a safety concern, but due to a scheduling conflict this item was moved to the next meeting. Community Services Director Leaf gave a presentation on proposed changes to the Senior Center travel and the use of the Senior Bus. The Committee wishes for the City Administrator to publish that policy, but does not see a need to change the Ordinance at this time. Councilmember Carter stated that the City had a great National Night Out and thanked all of the sponsors of National Night Out. The next Public Safety Committee meeting will be September 14, 2009 due to the Labor Day holiday.

C. Other Reports:

Sewer Service: Mayor Johnson stated that the City is looking into all options for sewer service.

Staff Appreciation: Deputy Mayor Swatman attended a Staff Appreciation Luncheon at the Senior Center earlier in the day where the Senior Center Board presented the staff with a plaque of appreciation.

Relay for Life: Mayor Johnson said the Relay for Life walk was held on August 7 and 8, 2009. Team Bonney Lake had a great turnout, and a lot of staff and officials attended the event.

7:31:56

IV. CONSENT AGENDA:

- A. **Approval of Minutes:** None
- B. **Approval of Accounts Payable Checks/Vouchers:** Accounts Payable Checks/Vouchers - 8/11/2009 - Accounts Payable checks/vouchers #56328 thru 56383 (including wire transfer # s 4810547 & 7202009) in the amount of \$109,104.18; Accounts Payable checks/vouchers #56384 thru 56440 for Utility Refunds in the amount of \$4,108.32; Accounts Payable checks/vouchers #56441 thru 56507 in the amount of \$1,168,250.70.
- C. **Approval of Payroll:** Payroll for July 16-31, 2009 for checks 28375-28407 including Direct Deposits and Electronic Transfers in the amount of \$ 564,490.26.
- D. **AB09-118 - Ordinance 1327** - An Ordinance of the City of Bonney Lake, Pierce County, Washington Amending Ordinance No. 898 and BLMC Chapter 13.16

Relating to Utility Extension Agreements and Latecomer Reimbursement Agreements for Water, Stormwater, and Sewer Infrastructure Extensions.

- E. **AB09-97 - Resolution 1951** - A Resolution of the City Council of Bonney Lake, Pierce County, Washington, Adopting a Six-Year Transportation Improvement Plan (2010-2015)
- F. **AB09-121** - A Motion of the Bonney Lake City Council Authorizing the City to Submit a Safety & Health Investment Projects (SHIP) Grant with the Washington State Department of Labor and Industries.

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

Consent Agenda approved 7 – 0.

V. FINANCE COMMITTEE ISSUES: None.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES: None.

IX. EXECUTIVE SESSION: None.

7:32:13

X. ADJOURNMENT:

At 7:32p.m. Councilmember Rackley moved to adjourn the meeting. Councilmember Decker seconded the motion.

Motion approved 7 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items submitted to the Council Meeting of August 11, 2009:

- *Bonney Lake Citizen - Letter from Eastown Property Owners – Dean Ogle.*

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

<u>Department / Staff Contact:</u> CD / Heather Stinson	<u>Workshop / Meeting Date:</u> 18 Aug 2009	<u>Agenda Bill Number:</u> AB09-130
<u>Ordinance Number:</u>	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u>

Agenda Subject: Nightclub Design Standards

Proposed Motion:

Administrative Recommendation:

Background Summary: City Council added Nightclub Design Standards to the Planning Commission annual workplan. Currently there are Design Standards for the Downtown and Eastown areas of the City. There are no design standards for the Midtown area of Bonney Lake separate from the municipal code in regards to commercial development and nuisances. Adopting new design standards would not mitigate current nuisance problems - they would only address new improvements. With this in mind, the Planning Commission generated several alternatives for changes in the Development Code and / or Design Standards. These alternatives are being presented to City Council to get feedback on which way the City Council would like the Planning Commission to proceed. If changes to the development code are undertaken, the Planning Commission also needs direction as to which other workplan item(s) should be re-prioritized, delayed or removed.

BUDGET INFORMATION:

Budget Amount	Required Expenditure	Budget Impact	Budget Balance
Budget Explanation:			

COMMITTEE/BOARD REVIEW:

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

COUNCIL ACTION:

Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled To Date:

Signatures:

Director Authorization	Mayor	Date City Attorney Reviewed
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memo

Date : July 28, 2009
To : Mayor and City Council
From : Randy McKibbin, Chair, Bonney Lake Planning Commission
CC :
Re : **Nightclub Design Standards**

BACKGROUND

City Council initiated the review of design standards for nightclubs. The Planning Commission believes that design standards for nightclubs could be addressed a few ways and would like to get more direction from City Council in how they would like to address them. Alternatives that the Planning Commission have considered include:

1. Adding language to BLMC 18.31.030 (Commercial Performance Standards) in regards to activities that produce noise and odor. Currently this section of the code prohibits glare, vibration and odor from permeating beyond property lines in the C-1, C-2 and C-2/C-3 zones. Currently, the consequence for non-compliance is the code enforcement process.
2. Adding the Downtown Mixed and Downtown Core zones to requirements of BLMC 18.31.030.
3. Adding language to the Downtown Design Standards and / or Easttown Design Standards that would prohibit or limit such things as speakers on the outside of buildings, outdoor cooking or other activities that would produce loud noises or offensive odors. This would affect only Downtown and Easttown and would not apply to Midtown.
4. Adopt a new section of BLMC, presumably within Chapter 18.31 that would have a separate set of design standards just for nightclubs and other uses with similar impacts.
5. Require outdoor seating to be considered a conditional, special, or temporary use requiring a specialized permit.

RECOMMENDATION:

The Bonney Lake Planning Commission recommends that outdoor activities associated with commercial uses not be prohibited altogether since outdoor eating and music can be important

economic development activities, especially in the Downtown area.

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

<u>Department / Staff Contact:</u> Exec / Don Morrison	<u>Workshop / Meeting Date:</u> 18 Aug 2009	<u>Agenda Bill Number:</u> AB09-120
<u>Ordinance Number:</u> AB09-120	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u>

Agenda Subject: Multi-Family Sewer SDC Rates

Proposed Motion: None

Administrative Recommendation: Discuss and provide direction.

Background Summary: On 7 July, FCS Group presented an updated Sewer System Development Charge (SDC) rate that indicated a 2009 SDC rate City wide of up to \$10,366 per single family house was supported by the growth projects included in the Comprehensive Sewer System Plan (CSSP) update provided by RH2. The current Sewer SDC rate for all family housing is \$9,099 per unit without distinction between single family and multi-family housing. The draft ordinance does not increase the current SDC rate for single family dwellings. In the FCS Group rate analysis, Multi-Family housing units were assumed to be charged 70% of the single family rate. FCS Group has also concluded that a 73% rate could be supported based on their analysis.

The Council discussed the sewer SDC rate for multi-family (MF) units and tentatively determined to set a 65% rate as an incentive to build more multi-family housing, for which there is a need. Since that time, a number of council members have determined to revisit the MF rate. The Growth Management Act requires cities to provide a variety of housing types, and there is interest in more affordable housing. A flat 65% rate would serve as an incentive to build more MF housing, but not necessarily a variety of unit sizes, and thus more affordable housing. A flat rate would tend to encourage builders to build units with more bedrooms, assuming appropriate market demand. Having a varied SDC rate would provide more of an incentive for varied unit types (studio, 1 bedroom, etc.).

Council is also asked to determine whether to maintain an automatic annual adjustment based on the CCI. There is a current annual inflation factor in the code, but it is based on the CPI. The attached ordinance either changes it to the CCI, or eliminates the automatic adjustment entirely. While an automatic adjustment makes it easier for rates to keep pace with inflation, there are a variety of administrative issues associated with rates not published in code that are determined by hand calculation.

Council also needs to determine whether these SDC rates will be temporary (add sunset clause), or in effect indefinitely until changed by Council. The attached draft does not contain a sunset provision.

<u>BUDGET INFORMATION:</u>			
Budget Amount	Required Expenditure	Budget Impact	Budget Balance
Budget Explanation:			

COMMITTEE/BOARD REVIEW:

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

Hearing Examiner Date:

COUNCIL ACTION:

Workshop Date(s):

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Tabled To Date:

Signatures:

Director Authorization D. Morrison	Mayor N. Johnson	Date City Attorney Reviewed
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Sewer Connection (SDC) Rate History

BLMC 13.12.100					
	2005	2006	2007	2008	2009
Paragraph A.1 Single Family Residence New Construction	\$8,000	\$8,224	\$8,487	\$8,797	\$9,099
Paragraph A.2 Single Family Residence	\$8,000	\$8,224	\$8,487	\$8,797	\$9,099
On-Site Septic Paragraph A.3					
Multi-Family Residence and Duplexes	\$8,000	\$8,224	\$8,487	\$8,797	\$9,099
Paragraph A.4 per "unit of base flow" or fraction thereof	\$8,000	\$8,224	\$8,487	\$8,797	\$9,099

Notes:

- 1 BLMC 13.12.100 A 5 - CPI adjustment applies until we update the rates with the study currently underway.
- 2 BLMC 13.12.100 C - Guidelines for application to ADUs.
- 3 2008 CPI Adjustment = 3.65%
- 4 2009 CPI Adjustment = 3.43%

DISCUSSION DRAFT

ORDINANCE NO. D09-120

AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTERS 13.12.010, 13.12.100, AND 13.12.105 OF THE BONNEY LAKE MUNICIPAL CODE AND ORDINANCE NOS. 1230; 1221; 1207; 1094; 1083; 968; 919; 787; 571C; AND 561 RELATING TO THE CALCULATION OF SEWER SYSTEM DEVELOPMENT CHARGES.

WHEREAS, the City has determined that sewer system development charges (“sewer SDCs”) are in need of adjustment so that new users connecting to the system will pay their equitable share of the cost of the system and in order to accommodate future development and build the capital projects needed to sustain and improve upon current levels of service; and

WHEREAS, the City has determined that Schedule A, used to calculate the sewer SDCs for non-residential establishments, needs to be updated; and

WHEREAS, a recent SDC study done by FCS Group, a consulting firm specializing in utility financing, concluded that a sewer SDC as high as \$10,366 per residential equivalent (RE) would constitute a reasonable and appropriate charge for Bonney Lake; and

WHEREAS, the City recognizes that it has a legal obligation to provide a variety of housing types under the Growth Management Act, and desires to provide more affordable housing options, and has thus determined as a matter of policy that dwelling units within multi-family residential structures such as apartment buildings should be charged a percentage of an RE per dwelling unit.

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

Section 1. BLMC section 13.12.010 and the corresponding portions of Ordinance No, 571C § 4 are hereby amended to read as follows:

13.12.010 Definitions.

0. “Bed/Bonus Room” means any bedroom or other room such as a bonus room, den, or office in a multi-family dwelling that, in the opinion of the Building Official, could reasonably be converted to a bedroom.

30. “Residential Equivalent (RE)” means the equivalent of one residential unit for purposes of computing connection charges and service rates. Each “residential unit” shall be one residential equivalent. “Residential equivalent” is defined as flow of 280 gallons/day with BOD not exceeding 0.56 pounds/day and total suspended solids not exceeding 0.56 pounds/day means a system specific unit of measure used to express the amount of water and sewer consumed by a typical full-time single family residence and is equivalent to one residential dwelling unit for purposes of computing connection charges and service rates. For the purposes of sewer usage,

DISCUSSION DRAFT

DISCUSSION DRAFT

one RE shall be defined as a flow of 275 gallons per day with an average biological oxygen demand (BOD) of 246 mg/l and an average total suspended solids (TSS) of 269 mg/l.

~~44. “Unit of base flow,” for the purpose of this code, shall be based upon a base sewerage flow of 280 gallons per 250 mg/l of BOD and 250 mg/l of suspended solids.~~

44. “Single-family residence”, for the purposes of water and sewer utilities, means a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more wall with another dwelling unit, it shall be deemed a single family residence if it has direct access to a street and shares neither heating facilities nor hot water equipment, nor any other essential facility or service, with any other dwelling unit.

61. System Development Charge or “SDC” means a fee charged to connect to the public sewer system, which represents the user’s equitable share of the cost of the system, pursuant to RCW 35.92.025.

Section 2. Bonney Lake Municipal Code Section 13.12.100 and the corresponding portions of Ordinance Nos. 1230, 1221, 1207, 1094, 1083, 968, 919, 787, 571C, and 561 are hereby amended to read as follows:

13.12.100 System development charges.

A. The fees for connection to the city’s sewer utility shall be as follows:

1. The fee for a single-family residence (new construction) shall be ~~\$8,000~~ \$9,099, payable ~~at the time of building permitting.~~

2. The fee for an existing single-family residence served by an on-site septic disposal system shall be ~~\$8,000~~ \$9,099.

3. The fee for ~~multifamily residential units and duplexes~~ shall be ~~\$8,000~~ \$9,099, per dwelling unit, ~~payable at the time of building permit application.~~

4. The fee for multifamily residential buildings with more than two units shall be as follows:

A. ~~58% of \$9,099 per dwelling unit for studio units, payable at the time of the building permit application.~~

B. ~~63% of \$9,099 per dwelling unit for 1 bed/bonus room units;~~

C. ~~68% of \$9,099 per dwelling unit for 2 bed/bonus room units;~~

D. ~~73% of \$9,099 per dwelling unit for 3 or more bed/bonus room units.~~

~~4. Commercial and industrial 5. Non-residential sewer applicants shall pay \$8,000 \$9,099 per “unit of base flow” “Residential Equivalent (RE).”. The total connection fee shall be calculated according to BLMC 13.12.105. When the total connection fee calculated is greater than two REs, the fee due at the time of the building permit shall be equal to two REs. The remainder of the fee, at the applicant’s option, may be paid in 12 monthly equal installments for the period of one year and shall be included with the monthly utility billing. A reasonable interest rate, as determined by the city’s chief financial officer, will be charged. The entire remaining balance of the connection fee plus interest shall be due and payable if the structure changes ownership. Any past due installments and any remaining balance that is not paid at change of ownership will become a lien on the property pursuant to BLMC 13.12.110.~~

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5. **OPTION A: CCI Adjustment.** *Beginning January 1, ~~2006~~ 2010, and for every year thereafter, the SDCs shall be adjusted by the annual change in the most recent Engineering News Record (ENR) Construction Cost (CCI) for the Seattle area, using a November through November annual measure to establish revised fee schedules effective January 1st of each year.*

OPTION B: Delete automatic annual CCI adjustment.

B. SDCs shall be due and payable at the time of application for sewer service, and shall be charged at the rate in effect at the time of application for sewer service. An application for sewer service will only be accepted along with a complete building permit application or from an applicant with an existing residence served by a septic system and that also has sewer available. If the building permit expires through suspension or abandonment under BLMC 15.04.081, the SDC shall be refunded at the request of the applicant; provided, that if the applicant chooses to leave the SDC on deposit with the City and re-applies for a new building permit pursuant to BLMC 15.04.081, the SDC shall be re-calculated at current rates and the amount of the SDC already paid and not refunded may be credited toward the new SDC.

C. The charges set out in this section shall not be applicable to an accessory dwelling unit permitted pursuant to BLMC 18.22.090, so long as a second connection to the city's sewer system is not required by applicable codes or requested by the owner. Should the property upon which an accessory dwelling unit is located be sold, platted or otherwise segregated from the property upon which the primary residence is located, and, because of the exemption provided for in this subsection, the owner of the accessory dwelling unit did not previously pay a full, separate sewer connection charge for the accessory dwelling unit, then the following shall apply:

1. If no additional connection charge was paid for the accessory dwelling unit, the owner of the segregated accessory dwelling unit shall be required to pay a connection charge in the amount provided for in this section at the time of segregation.

2. If a reduced connection charge was paid for the accessory dwelling unit, the owner of the segregated accessory dwelling unit shall be required to pay the difference between that reduced charge and the amount of the connection charge provided for in this section at the time of segregation.

D. When connection to the sewer system for an existing residence becomes mandatory due to a failed septic system, septic design flaw, or other reason, and the home is not being sold contemporaneously with the mandatory sewer application, a homeowner may apply to the city to pay the connection fee on an installment payment plan. The application shall state that paying the connection fee poses a financial hardship. The city may permit the applicant to pay the fee in monthly or annual installments (not both) for a period of not more than 10 years. A reasonable interest rate, as determined by the city's chief financial officer, will be charged on the balance owing to the city. The entire remaining balance of the connection fee plus interest shall be due and payable at the time of sale of the home. Any past-due installments and any remaining balance that is not paid at the sale of the home will become a lien on the property pursuant to BLMC 13.12.110. (Ord. 1230 § 21, 2007; Ord. 1221 § 4, 2007; Ord. 1207 § 1, 2006; Ord. 1094 § 2, 2005; Ord. 1083 § 2, 2004; Ord. 968 § 2, 2002; Ord. 919 § 2, 2001; Ord. 787 §§ 1, 2, 1998; Ord. 571C § 1, 1992; Ord. 561 Art. VIII § 3, 1985).

Section 3. Bonney Lake Municipal Code Section 13.12.105 and the corresponding portions of Ordinance Nos. 1230; Ord. 1221; Ord. 1207; Ord. 1094; Ord. 1083; Ord. 968; Ord. 919; Ord. 787; Ord. 571C; and Ord. 561 are hereby amended to read as follows:

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13.12.105 Calculation of ~~commercial and industrial~~ non-residential sewer connection and monthly charges.

A. System Development Charges (SDCs) shall be levied for each new sewer service connection to the city sewer system and for service upgrades generating additional flow or loading.

AB. ~~Commercial and Industrial~~ Non-Residential Connections – Existing Buildings.

1. SDCs for existing ~~commercial and industrial~~ non-residential customers who convert from septic to sewer shall be based on the most recent twelve months of water use records. The following formula shall be used to determine the number of REs an existing building is equivalent to: The average daily water use shall be divided by 280 gallons and the resulting number shall then be multiplied by the cost per “unit of base flow.” (Average daily water use +113 gallons per day) divided by 275 gallons per day.

BC. ~~Commercial and Industrial~~ Non-Residential Connections – Future New Buildings.

1. Connection fees for ~~commercial and industrial~~ construction buildings built in the future shall be calculated based on the “Sewer Flow Factors” contained on Schedule A dated March 31, 1986, and using the formula described above. Schedule A is attached to the ordinance codified in this section and incorporated by reference herein: Sewer System Development Charges for all new non-residential construction buildings shall be the calculated Residential Equivalents based on the Residential Equivalent Value given in Schedule A- Non-Residential Sewer Equivalents, which is hereby incorporated by reference as now or hereafter amended.

2. SDCs for ~~commercial and industrial~~ non-residential construction buildings applicants which do not fall into the categories listed in Schedule A (~~Sewer Flow Factors~~) shall be charged based on the developer’s engineer’s certified estimate of flow and shall be reviewed for adjusted fees after one year of water use data. The formula described ~~above~~ in BLMC 13.12.105(B)(1) will apply in each case and the calculated SDC shall be subject to approval by the Public Works Director. If one year of water use data shows that the SDC requires adjustment, the City will adjust the SDC up or down and either refund the difference or include an additional charge on the customer’s sewer bill. (Ord. 571C § 4, 1992).

D. ~~Non-Residential~~ Connections – Tenant Improvement.

1. Sewer System Development Charges for all new tenant improvements shall be the calculated Residential Equivalents based on the Residential Equivalent Value listed on Schedule A. If a former tenant or building owner paid an SDC for the space a new tenant is occupying, the new tenant shall be charged that portion of the SDC which reflects the increased use over the previous tenant, based upon the business types of the new and previous tenant found in Schedule A.

E. The calculation of Residential Equivalents given in Schedule A - Non-Residential Sewer Equivalents, and attached to the ordinance codified in this section, shall be updated annually as needed.

F. SDCs shall be due and payable at the time of application for sewer service, and shall be charged at the rate in effect at the time of application for sewer service. An application for sewer service will only be accepted along with a complete building permit application or from an applicant with an existing building served by a septic system and that also has sewer available. If the building permit expires through suspension or abandonment under BLMC 15.04.081, the SDC shall be refunded at the request of the applicant; provided, that if the applicant chooses to leave the SDC on deposit with the City and re-applies for a new building permit pursuant to

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BLMC 15.04.081, the SDC shall be re-calculated at current rates and the amount of the SDC already paid and not refunded may be credited toward the new SDC.

Section 5. This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

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

Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:
Valid:
Published:
Effective Date:

DISCUSSION DRAFT

**Schedule A
Non-Residential Sewer Equivalents Table**

City of Bonney Lake
BLMC Chapter 13

2009 Schedule of Fees

Revision Date: 8/12/2009

No.	Land Use Category	Examples of ITE Land Use Code ⁶	Base Unit Flow (GPD) (1)	Residential Equivalent Value (2)	PER UNIT VALUE (3)	SDC Per Unit ³ (4)
1	Auto Service Centers, Quick Lubes, Tire Stores	848, 849, 941, 942	102	0.37	Per Stall	\$3,375
2	Barber / Beauty Shop	-	275	1.00	Per Facility	\$9,099
3	Car Wash - Automated	948	2750	10.00	Per Stall	\$90,990
4	Car Wash - Self Service	947	525	1.91	Per Stall	\$17,371
5	Churches, Lodges, Clubs	560	28	0.10	Per 1,000 GFA	\$926
6	Coffee Kiosk	-	508	1.85	Per Facility	\$16,808
7	Day Care Center	565	187	0.68	Per 1,000 GFA	\$6,187
8	Discount Club Store	861	44	0.16	Per 1,000 GFA	\$1,456
9	Discount Store	815	17	0.06	Per 1,000 GFA	\$562
10	Discount Supermarket	854	73	0.27	Per 1,000 GFA	\$2,415
11	Discount Superstore	813	29	0.11	Per 1,000 GFA	\$960
12	Gas Stations with Convenience Store	945	669	2.43	Per Facility	\$22,135
13	Gas Stations with Convenience Store and Car Wash	946	3046	11.08	Per Facility	\$100,784
14	Gas Stations without Convenience Store	944	275	1.00	Per Facility	\$9,099
15	Hardware / Paint Store	816	275	1.00	Per Facility	\$9,099
16	Health / Fitness Center without pool	866	74	0.27	Per 1,000 GFA	\$2,448
17	Home Improvement Store	862	3	0.01	Per 1,000 GFA	\$112
18	Hospitals	610	177	0.64	Per Bed	\$5,856
19	Hotels, Motels, Resorts	741, 791	176	0.64	Per Unit	\$5,823
20	Laundry - Commercial	-	2260	8.22	Per Facility	\$74,777
21	Laundry - Dry Cleaning Only	-	275	1.00	Per Facility	\$9,099
22	Laundry - Self Service	-	114	0.41	Per Washing Machine	\$3,772
23	Medical - Dental Office	630, 720	37	0.13	Per Room/Chair	\$1,224
24	Mini Warehouse	151	275	1.00	Per Facility	
25	Nursing Home / Assisted Living Home	620, 254	177	0.64	Per Resident	\$5,856
26	Office Building - General or Multiple Tenant	710	78	0.28	Per Office Space	\$2,581
27	Office Building - Single Tenant	715	150	0.55	Per 1,000 GFA	\$4,963
28	Pharmacy / Drug Store	880, 881	42	0.15	Per 1,000 GFA	\$1,390
29	Public Offices / Library / Misc.	590	275	1.00	Per Facility	\$9,099
30	Restaurant - Fast Food with Drive Through Window	934	20	0.07	Per Occupancy Capacity	\$662
31	Restaurant - Fast Food with no Indoor Seating	935	1182	4.30	Per Facility	\$39,109
32	Restaurant - Fast Food without Drive Through Window	933	15	0.05	Per Occupancy Capacity	\$496
33	Restaurant - High Turnover Sit-Down	932	15	0.05	Per Occupancy Capacity	\$496
34	Retail Sales / Convenience Store	814, 851	275	1.00	Per Facility or Tenant Space	\$9,099
35	Schools	530, 534, 536	85	0.31	Per 1,000 GFA	\$2,812
36	Supermarket or Grocery Store	850	90	0.33	Per 1,000 GFA	\$2,978
37	Taverns, Bars, Drinking Place	936	7	0.03	Per Occupancy Capacity	\$232
38	Theaters - Indoor	759, 765	210	0.76	Per Theater	\$6,948

¹ The Minimum Connection Fee Shall Be Not Less Than 1.0 Residential Equivalent (RE)

² One Residential Equivalent (RE) is equal to 275gpd water usage.

275 gpd

³ System Development Charge (SDC) for one Residential Equivalent (RE):

\$9,099 per RE

⁴ SDC Per Unit Charge = RE Charge (\$9,099) X Base Unit Flow (1) / RE Equivalent water usage²

⁵ System Development Charge Calculation: SDC =

SDC per unit (4)	x	Total Per Unit Value (3)
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⁶ ITE Codes represent those given in the Institute of Transportation Engineer's Trip Generation Manual, 7th generation. ITE Codes shown are examples given to help describe type of land use. Each land use category may include establishments not included in the ITE codes shown.

**Schedule A
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13.12.010 Definitions.

0. “Bed/Bonus Room” means any bedroom or other room such as a bonus room, den, or office in a multi-family dwelling that, in the opinion of the Building Official, could reasonably be converted to a bedroom.

30. “Residential Equivalent (RE)” means the equivalent of one residential unit for purposes of computing connection charges and service rates. Each “residential unit” shall be one residential equivalent. “Residential equivalent” is defined as flow of 280 gallons/day with BOD not exceeding 0.56 pounds/day and total suspended solids not exceeding 0.56 pounds/day means a system specific unit of measure used to express the amount of water and sewer consumed by a typical full-time single family residence and is equivalent to one residential dwelling unit for purposes of computing connection charges and service rates. For the purposes of sewer usage,

DISCUSSION DRAFT

one RE shall be defined as a flow of 275 gallons per day with an average biological oxygen demand (BOD) of 246 mg/l and an average total suspended solids (TSS) of 269 mg/l.

~~44. “Unit of base flow,” for the purpose of this code, shall be based upon a base sewerage flow of 280 gallons per 250 mg/l of BOD and 250 mg/l of suspended solids.~~

44. “Single-family residence”, for the purposes of water and sewer utilities, means a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more wall with another dwelling unit, it shall be deemed a single family residence if it has direct access to a street and shares neither heating facilities nor hot water equipment, nor any other essential facility or service, with any other dwelling unit.

61. System Development Charge or “SDC” means a fee charged to connect to the public sewer system, which represents the user’s equitable share of the cost of the system, pursuant to RCW 35.92.025.

Section 2. Bonney Lake Municipal Code Section 13.12.100 and the corresponding portions of Ordinance Nos. 1230, 1221, 1207, 1094, 1083, 968, 919, 787, 571C, and 561 are hereby amended to read as follows:

13.12.100 System development charges.

A. The fees for connection to the city’s sewer utility shall be as follows:

1. The fee for a single-family residence (new construction) shall be ~~\$8,000~~ \$9,099, payable at the time of building permitting.

2. The fee for an existing single-family residence served by an on-site septic disposal system shall be ~~\$8,000~~ \$9,099.

3. The fee for ~~multifamily residential units and duplexes~~ shall be ~~\$8,000~~ \$9,099, per dwelling unit, payable at the time of building permit application.

4. The fee for multifamily residential buildings with more than two units shall be as follows:

A. ~~58% of \$9,099 per dwelling unit for studio units, payable at the time of the building permit application.~~

B. 63% of \$9,099 per dwelling unit for 1 bed/bonus room units;

C. 68% of \$9,099 per dwelling unit for 2 bed/bonus room units;

D. 73% of \$9,099 per dwelling unit for 3 or more bed/bonus room units.

~~4. Commercial and industrial~~ 5. Non-residential sewer applicants shall pay ~~\$8,000~~ \$9,099 per “unit of base flow” “Residential Equivalent (RE).” The total connection fee shall be calculated according to BLMC 13.12.105. When the total connection fee calculated is greater than two REs, the fee due at the time of the building permit shall be equal to two REs. The remainder of the fee, at the applicant’s option, may be paid in 12 monthly equal installments for the period of one year and shall be included with the monthly utility billing. A reasonable interest rate, as determined by the city’s chief financial officer, will be charged. The entire remaining balance of the connection fee plus interest shall be due and payable if the structure changes ownership. Any past-due installments and any remaining balance that is not paid at change of ownership will become a lien on the property pursuant to BLMC 13.12.110.

DISCUSSION DRAFT

5. OPTION A: CCI Adjustment. Beginning January 1, ~~2006~~ 2010, and for every year thereafter, the SDCs shall be adjusted by the annual change in the most recent Engineering News Record (ENR) Construction Cost (CCI) for the Seattle area, using a November through November annual measure to establish revised fee schedules effective January 1st of each year.

OPTION B: Delete automatic annual CCI adjustment.

B. SDCs shall be due and payable at the time of application for sewer service, and shall be charged at the rate in effect at the time of application for sewer service. An application for sewer service will only be accepted along with a complete building permit application or from an applicant with an existing residence served by a septic system and that also has sewer available. If the building permit expires through suspension or abandonment under BLMC 15.04.081, the SDC shall be refunded at the request of the applicant; provided, that if the applicant chooses to leave the SDC on deposit with the City and re-applies for a new building permit pursuant to BLMC 15.04.081, the SDC shall be re-calculated at current rates and the amount of the SDC already paid and not refunded may be credited toward the new SDC.

C. The charges set out in this section shall not be applicable to an accessory dwelling unit permitted pursuant to BLMC 18.22.090, so long as a second connection to the city's sewer system is not required by applicable codes or requested by the owner. Should the property upon which an accessory dwelling unit is located be sold, platted or otherwise segregated from the property upon which the primary residence is located, and, because of the exemption provided for in this subsection, the owner of the accessory dwelling unit did not previously pay a full, separate sewer connection charge for the accessory dwelling unit, then the following shall apply:

1. If no additional connection charge was paid for the accessory dwelling unit, the owner of the segregated accessory dwelling unit shall be required to pay a connection charge in the amount provided for in this section at the time of segregation.

2. If a reduced connection charge was paid for the accessory dwelling unit, the owner of the segregated accessory dwelling unit shall be required to pay the difference between that reduced charge and the amount of the connection charge provided for in this section at the time of segregation.

D. When connection to the sewer system for an existing residence becomes mandatory due to a failed septic system, septic design flaw, or other reason, and the home is not being sold contemporaneously with the mandatory sewer application, a homeowner may apply to the city to pay the connection fee on an installment payment plan. The application shall state that paying the connection fee poses a financial hardship. The city may permit the applicant to pay the fee in monthly or annual installments (not both) for a period of not more than 10 years. A reasonable interest rate, as determined by the city's chief financial officer, will be charged on the balance owing to the city. The entire remaining balance of the connection fee plus interest shall be due and payable at the time of sale of the home. Any past-due installments and any remaining balance that is not paid at the sale of the home will become a lien on the property pursuant to BLMC 13.12.110. (Ord. 1230 § 21, 2007; Ord. 1221 § 4, 2007; Ord. 1207 § 1, 2006; Ord. 1094 § 2, 2005; Ord. 1083 § 2, 2004; Ord. 968 § 2, 2002; Ord. 919 § 2, 2001; Ord. 787 §§ 1, 2, 1998; Ord. 571C § 1, 1992; Ord. 561 Art. VIII § 3, 1985).

Section 3. Bonney Lake Municipal Code Section 13.12.105 and the corresponding portions of Ordinance Nos. 1230; Ord. 1221; Ord. 1207; Ord. 1094; Ord. 1083; Ord. 968; Ord. 919; Ord. 787; Ord. 571C; and Ord. 561 are hereby amended to read as follows:

DISCUSSION DRAFT

DISCUSSION DRAFT

13.12.105 Calculation of ~~commercial and industrial~~ non-residential sewer connection and monthly charges.

A. System Development Charges (SDCs) shall be levied for each new sewer service connection to the city sewer system and for service upgrades generating additional flow or loading.

AB. ~~Commercial and Industrial~~ Non-Residential Connections – Existing Buildings.

1. SDCs for existing ~~commercial and industrial~~ non-residential customers who convert from septic to sewer shall be based on the most recent twelve months of water use records. The following formula shall be used to determine the number of REs an existing building is equivalent to: The average daily water use shall be divided by 280 gallons and the resulting number shall then be multiplied by the cost per “unit of base flow.” (Average daily water use +113 gallons per day) divided by 275 gallons per day.

BC. ~~Commercial and Industrial~~ Non-Residential Connections – Future New Buildings.

1. Connection fees for ~~commercial and industrial~~ construction buildings built in the future shall be calculated based on the “Sewer Flow Factors” contained on Schedule A dated March 31, 1986, and using the formula described above. Schedule A is attached to the ordinance codified in this section and incorporated by reference herein. Sewer System Development Charges for all new non-residential construction buildings shall be the calculated Residential Equivalents based on the Residential Equivalent Value given in Schedule A- Non-Residential Sewer Equivalents, which is hereby incorporated by reference as now or hereafter amended.

2. SDCs for ~~commercial and industrial~~ non-residential construction buildings applicants which do not fall into the categories listed in Schedule A (~~Sewer Flow Factors~~) shall be charged based on the developer’s engineer’s certified estimate of flow and shall be reviewed for adjusted fees after one year of water use data. The formula described above in BLMC 13.12.105(B)(1) will apply in each case and the calculated SDC shall be subject to approval by the Public Works Director. If one year of water use data shows that the SDC requires adjustment, the City will adjust the SDC up or down and either refund the difference or include an additional charge on the customer’s sewer bill. (Ord. 571C § 4, 1992).

D. Non-Residential Connections – Tenant Improvement.

1. Sewer System Development Charges for all new tenant improvements shall be the calculated Residential Equivalents based on the Residential Equivalent Value listed on Schedule A. If a former tenant or building owner paid an SDC for the space a new tenant is occupying, the new tenant shall be charged that portion of the SDC which reflects the increased use over the previous tenant, based upon the business types of the new and previous tenant found in Schedule A.

E. The calculation of Residential Equivalents given in Schedule A - Non-Residential Sewer Equivalents, and attached to the ordinance codified in this section, shall be updated annually as needed.

F. SDCs shall be due and payable at the time of application for sewer service, and shall be charged at the rate in effect at the time of application for sewer service. An application for sewer service will only be accepted along with a complete building permit application or from an applicant with an existing building served by a septic system and that also has sewer available. If the building permit expires through suspension or abandonment under BLMC 15.04.081, the SDC shall be refunded at the request of the applicant; provided, that if the applicant chooses to leave the SDC on deposit with the City and re-applies for a new building permit pursuant to

DISCUSSION DRAFT

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BLMC 15.04.081, the SDC shall be re-calculated at current rates and the amount of the SDC already paid and not refunded may be credited toward the new SDC.

Section 5. This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

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

Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:
Valid:
Published:
Effective Date:

Sewer Connection (SDC) Rate History

BLMC 13.12.100					
	2005	2006	2007	2008	2009
Paragraph A.1 Single Family Residence New Construction	\$8,000	\$8,224	\$8,487	\$8,797	\$9,099
Paragraph A.2 Single Family Residence	\$8,000	\$8,224	\$8,487	\$8,797	\$9,099
On-Site Septic Paragraph A.3					
Multi-Family Residence and Duplexes	\$8,000	\$8,224	\$8,487	\$8,797	\$9,099
Paragraph A.4 per "unit of base flow" or fraction thereof	\$8,000	\$8,224	\$8,487	\$8,797	\$9,099

Notes:

- 1 BLMC 13.12.100 A 5 - CPI adjustment applies until we update the rates with the study currently underway.
- 2 BLMC 13.12.100 C - Guidelines for application to ADUs.
- 3 2008 CPI Adjustment = 3.65%
- 4 2009 CPI Adjustment = 3.43%

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

<u>Department / Staff Contact:</u> PW / Director DAN GRIGSBY	<u>Workshop / Meeting Date:</u> 18 Aug 2009	<u>Agenda Bill Number:</u> AB09-131
<u>Ordinance Number:</u>	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u>

Agenda Subject: AB09-131 Discuss Temporary Commercial Septic Systems

Proposed Motion: Discuss whether or not to create an ordinance that will allow use of a "Temporary Commercial Septic System" in lieu of connecting to the City Sewer System.

Administrative Recommendation:

Background Summary: BLMC 13.12.150 requires connection to the City Sewer System whenever a new building is constructed or change in use occurs. When businesses are not near a City sewer line, this results in the business extending the sewer lines to their property and possibly requiring construction of a lift station. The cost to build this extension may prove too expensive for a single property owner to construct and could result in his inability to proceed with an otherwise viable project. Even creation of a sewer Latecomer Agreement or Local Improvement District may place too great a burden on individual property owners.

The attached memorandum from Public Works Director Grigsby addresses the PROs, CONs, and prospective conditions that apply to this issue.

BUDGET INFORMATION:

Budget Amount	Required Expenditure	Budget Impact	Budget Balance
Budget Explanation:			

COMMITTEE/BOARD REVIEW:

Subcommittee Review Date: Community Development Committee - 03 Aug 2009
Commission/Board Review Date: -
Hearing Examiner Date:

COUNCIL ACTION:

Workshop Date(s): 18 August 2009	Public Hearing Date(s):
Meeting Date(s):	Tabled To Date:

Signatures:

Director Authorization Daniel L. Grigsby	Mayor	Date City Attorney Reviewed
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Memorandum From
Daniel L. Grigsby, P.E.
Director, Public Works Department

13 August 2009

Topic: Discussion of Temporary Commercial Septic Systems

1. BLMC 13.12.150 requires that when commercial construction projects or a change of use occurs, than that building must connect to the city sewer system instead of using septic systems. A request to **allow temporary septic systems to be used by commercial development** in lieu of connecting to the City sewer system has been made. The primary reason for this request is that it is cost prohibitive for a smaller or single developer to provide funding necessary to connect to the City sewer system, even if a Utility Latecomer Agreement is created.

2. If this request were granted, the following issues would first need to be addressed:

PROs:

- a. Developers/builders do not need to wait until the City sewer system is extended to reach their property in order to develop or sell their properties.
- b. Smaller property owners/developers avoid high costs to extend the sewer system to their property, even though a Latecomer Agreement may be prepared.
- c. The decision on when to develop properties rests with the property owner; rather than waiting until the City sewer system is extended to their property by others.
- d. These septic systems would be short term rather than long term facilities.
- e. Property owners have been waiting for the sewer system in Easttown since that annexation occurred.
- f. Would also apply to properties in our UGAs.

CONs:

- a. This proposal would benefit only a few current property owners. It would impact development city-wide and could defeat or delay the planning efforts that direct how development is to occur within the city such as Sub-area plans.
- b. Smaller businesses would be built on smaller parcels instead of larger developments occurring with larger businesses built on several parcels. This could negatively affect the goals in the Easttown Sub-Area Plan.
- c. Approval may reduce the incentive for individual property owners getting together to prepare a plan that addresses all issues set forth in this document.
- d. Black water from the septic system would be discharged into the ground, which may contaminate underground water aquifers. Easttown is an especially sensitive area since it is the headwaters of Fennel Creek.

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- e. Public utility lines need to be built in a public or private road Right-of-Way (ROW). Eastown property owners have been unable to agree upon where the frontage road would be built in the East-West directions.
 - 1. Approving Temporary Septic Systems may result in structures being built that prevent construction of this ROW in an effective alignment, if at all.
 - 2. Failure to construct frontage roads may result in prolonged access by smaller properties directly to SR410 in Eastown instead of using a frontage road.
- f. Failure of multiple property owners to cooperate with each other in a joint utility project may result, if property owners on septic systems refuse to participate.
- g. A change to BLMC would apply city wide instead of to just one area such as Eastown, unless language is specifically included in the ordinance limiting it to just one area. This may be contested legally by property owners outside the area.
- h. Uncertainty about how long the “Temporary Septic System” will need to be used.
- i. Other businesses requesting the use of septic systems that were denied in the past could protest that this was unfair.
- j. Uncertainty about when the Eastown sewer lift station would be built would no longer be an issue. Willingness to fund this sewer system extension could be reduced.
- k. Building both a septic system now and later decommissioning this septic system, in addition to building the connection to the city sewer system, would be an increased expense.
- l. One of the differences between being in a county or in a city is that cities include centralized sewer services. GMA recognizes this by forbidding extension of the sewer system outside the City limits and UGA/CUGA. Approving this would not adhere to this philosophy.
- m. Would this weaken enforcement of existing latecomer agreements that are in place?

Prospective Conditions:

- a. BLMC would need to be modified to allow approval of this request. This ordinance would create a “Temporary Commercial Septic System” option.
- b. The ordinance would indicate when each property was required to decommission their septic systems and connect to the City sewer system. A binding legal agreement would be required by the developer/owner, that when the sewer system was extended to their property line or to the closest point of approach of the public road providing access to their property. This agreement would allow one year for the property owner to connect to the City sewer system after its completion. This agreement would also include decommissioning of their septic system when connection to the City Sewer System was accomplished.
- c. Developers/Owners should be required, by binding legal conditions (Assignment of funds; Bond; Letter of Agreement; ???), to establish a bond equal to 150% of the estimated cost of construction to connect to the City sewer system.
- d. Developers/Owners should be required, by binding legal conditions, to participate in any Latecomer Agreement or Local Improvement District that may be created by the City or other agency.
- e. All Public Utilities (Water, Sewer, and Stormwater) should be located within a street Right-of-Way (ROW). Property owners need to identify where the roads would be

built in which the City sewer line would be built and dedicate the necessary ROW on their property on which to build that road(s).

- f. Provide a sunset provision in BLMC that limits the duration that the Temporary Commercial Septic System option is allowed.
- g. Allow application only for developments of certain sizes, type, and/or dollar value?

Very Respectfully,



Daniel L. Grigsby

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

<u>Department / Staff Contact:</u> Exec / Don Morrison	<u>Workshop / Meeting Date:</u> 18 Aug 2009	<u>Agenda Bill Number:</u> AB09-123
<u>Ordinance Number:</u> D09-123	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u>

Agenda Subject: Temporary Exceptions to Benefit Policies

Proposed Motion:

Administrative Recommendation: Discuss and provide direction.

Background Summary: As the City deals with the impacts of the recession, furloughs are a tool to reduce current expenditures without experiencing the full impacts of lay-offs and potential recruitment and training. This ordinance is presented for discussion and support from the Council. It proposes a temporary modification of the City's current benefits policies to address the use of employee furloughs.

<u>BUDGET INFORMATION:</u>			
Budget Amount	Required Expenditure	Budget Impact	Budget Balance
Budget Explanation: None.			

<u>COMMITTEE/BOARD REVIEW:</u>
Subcommittee Review Date: Finance Committee - 11 Aug 2009
Commission/Board Review Date: -
Hearing Examiner Date:

<u>COUNCIL ACTION:</u>	
Workshop Date(s): 08/18/09	Public Hearing Date(s):
Meeting Date(s):	Tabled To Date:

Signatures:

Director Authorization D. Morrison	Mayor N. Johnson	Date City Attorney Reviewed K. Haggard
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FINANCE COI

DATE: August 11, 2009

ORIGINATOR: Don Morrison

TITLE: City Administrator

SUBJECT/DISCUSSION: TEMPORARY BENEFIT POLICIES AND/OR EXCEPTIONS TO BENTFIT POLICIES DUE TO THE CURRENT RECESSION

ORDINACNE/RESOLUTION: D09-123

REQUEST OR RECOMMENDATION BY ORIGINATOR: Recommend Approval

ISSUE AND DOCUMENTS HAVE BEEN REVIEWED AND APPROVED BY THE:

MAYOR Yes
FINANCE DIRECTOR Yes
CITY ATTORNEY Yes

BUDGET INFORMATON

BUDGETED ITEM: NA TOTAL COST:

2008 Budget Amount Required Expenditure Impact Remaining Balance

Explanation: No direct budget increase; This may result in a loss of productivity and deferred costs.

This ordinance would authorize the Mayor to grant additional vacation time in lieu of a pay increase, cost of living adjustment, or furlough day. Anything mandatory would need to be bargained with the affected unions. Full-time employees who participate in the various time-off plans would retain full benefits.

COMMITTEE ACTION: RECOMMEND APPROVAL TO COUNCIL

Table with columns: DATE, APPROVED, DISAPPROVED. Rows for Dan Swatman, Chairperson; Jim Rackley, Chair CDC; Dave King, Chair, Public Safety.

COMMITTEE COMMENTS: Discuss at workshop.

COMMITTEE'S RECOMMENDATION TO FORWARD TO:

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

ORDINANCE NO. D09-123

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, ESTABLISHING TEMPORARY BENEFIT POLICIES AND/OR EXCEPTIONS TO BENEFIT POLICIES DUE TO THE CURRENT RECESSION AND ACCOMPANYING REDUCTIONS IN CITY REVENUES.

WHEREAS, the downturn in the economy has caused a reduction in the expected revenues of the City; and

WHEREAS, the City needs to be creative and flexible in dealing with budget issues during the current recession; and

WHEREAS, there are existing policies which do not allow city employees to reduce regular work hours without increasing employee cost towards their medical contribution or to take additional vacation hours in lieu of a pay step increase; and

WHEREAS, work hours of various employees may need to be adjusted in order to better balance revenue streams with work level demands;

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

Section 1. Vacation Time in Lieu of Pay Increase. Through December 31, 2010, the Mayor is hereby authorized to grant additional vacation hours in lieu of a pay step increase and/or cost-of-living-adjustment (COLA). Any such exchange shall be computed upon the employee's base salary at the time of the adjustment. Those employees who participate in the "in-lieu" exchange program shall be authorized, but not required, to cash out up to 100% of the additional accrued in-lieu-of vacation time beginning in September 2011, but no later April 1, 2012. Through December 31, 2010, the 30 day "use it or lose it" vacation cap specified in BLMC 2.32.020(F) shall be lifted for participating employees.

Section 2. Furloughs. Through December 31, 2010, any employee who is required by the Mayor to take a furlough (leave of absence without pay), or volunteers for a furlough and is so approved by the Mayor, shall be credited for said furlough with additional vacation time on an hour-for-hour basis. For example, an 8 hour furlough day shall result in 8 hours of additional vacation time credit. There shall be no cash out provision for furlough days. Through December 31, 2010, the 30 day "use it or lose it" vacation cap specified in BLMC 2.32.020(F) shall be lifted for any employee who is subject to a voluntary or mandatory furlough. Any employee who is furloughed shall be subject to the following policies:

- A. All health and welfare benefits will continue in full for regular full-time employees affected by the furlough and pro-rated for all regular part-time employees;

- B. Furloughed employees serving a probationary period shall not have that probationary period extended because of a furlough;
- C. Furloughed employees may not use vacation and sick leave, compensation time, bereavement leave or any other leave in place of any unpaid time;
- D. Furloughed employees who are not in a paid status on the day prior to and following a holiday as a result of the unpaid furlough day shall be eligible for the holiday pay;
- E. Vacation and sick leave accruals shall not be reduced or affected by a furlough;
- F. Any uncompensated furlough leave will not count as a break in service and shall not affect seniority or step advancement.

Section 3. Retention of Benefits. Regular full-time employees who have their work hours reduced due to a furlough or reduction in workweek, along with an accompanying reduction in pay, shall continue to receive full standard benefits through December 31, 2010 as if fully employed.

Section 4. This Ordinance concerns matters set out in RCW 35A.11.090, is not subject to referendum, and shall take effect five (5) days after its passage, approval and publication as required by law.

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

Neil Johnson, Jr., Mayor

ATTEST:

Woody Edvalson, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:
Valid:
Published:
Effective Date: