

COUNCIL WORKSHOP

**April 19, 2011
5:30 p.m.**

AGENDA

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

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 Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin and Councilmember James Rackley.

Expected Staff Members: City Administrator Don Morrison, Public Works Director Dan Grigsby, Community Development Director 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

- | | Page Number |
|--|-------------|
| 1. Council Open Discussion. | |
| 2. Review of Council Minutes: April 5, 2011 Council Workshop and April 12, 2011 Council Meeting. | Page 3 |
| 3. Discussion: AB11-49 – Draft Ordinance D11-49 – Updating the BLMC for ULA’s. | Page 15 |
| 4. Discussion: Eastown Property Owners ULA Partnership Letter.
*** No Advance Materials *** | |
| 5. Discussion: Police Training Center with a Pistol and Rifle Range. | Page 23 |
| 6. Executive Session: RCW 42.30.110 – the City Council may adjourn to executive session. Should an executive session be held, the Mayor will announce the general purpose and expected duration of the session. | |
| 7. Adjournment. | |

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

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COUNCIL WORKSHOP

*April 5, 2011
5:30 p.m.*

DRAFT MINUTES



“Where Dreams Can Soar”

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

Audio Time Stamp ↓

Location: City Hall Council Chambers, 19306 Bonney Lake Blvd, Bonney Lake.

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 Harwood Edvalson called the roll. In addition to Mayor Johnson, elected officials attending were Deputy Mayor Dan Swatman, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Randy McKibbin and Councilmember James Rackley. Councilmember Donn Lewis was absent.

[Staff members in attendance were City Administrator Don Morrison, Chief Financial Officer Al Juarez, Police Chief Mike Mitchell, Community Development Director John Vodopich, Public Works Director Dan Grigsby, Community Services Director Gary Leaf, Administrative Services Director/City Clerk Harwood Edvalson, and Administrative Specialist Shawn Campbell.]

Councilmember Decker moved to excuse Councilmember Lewis from attendance at the meeting. Councilmember Hamilton seconded the motion.

Motion approved 6-0.

III. Agenda Items:

5:31:22

A. Presentation:

Dave Janis from Bicycle Alliance of Washington asked to postpone the presentation to later in the Workshop until Director Leaf arrived. By consensus, Council agreed to amend the agenda to move Open Discussion to item 1.

Finance Exit Audit: Councilmember Rackley said he attended the exit audit with the state auditors. He said the audit went well and congratulated the Finance Department. Director Juarez thanked the Finance Committee and said his staff has worked very hard over the last two years.

Justice Center Council Chambers: Deputy Mayor Swatman told Council that the dais at the Justice Center is curved. He said it is planned for the Council will sit at the dais for both Council Meetings and Workshops. Deputy Mayor Swatman thanked Assistant Fire Chief Barry Barquest for all his assistance in getting the Justice Center ready for occupants.

Community Development Committee: Councilmember Rackley said the CDC meetings are now being held on Tuesday in the City Hall Annex conference room at 4:00pm, before Council Workshops.

Bonney Lake Historical Society: Councilmember Hamilton said the Historical Society has compiled a book of Bonney Lake's history and is taking pre-orders for the books, which cost \$21.99 each. He suggested the City purchase books to send to state representatives.

Midtown Park Trail: Councilmember Hamilton distributed a packet with photos of the WSU Forest. He asked about an easement or a right-of-way through "the green gate" that surrounds the Pierce County storm water pond. He said it would make it easier for law enforcement and maintenance if the City could drive into the area. Director Grigsby said the road belongs to Pierce County as part of the right-of-way. Director Leaf said in the past the County has not been receptive to allowing the City access through the gates. He said if the City annexes both sides of the road then the City would acquire the storm water pond also. Mayor Johnson asked Director Vodopich to check with Weyerhaeuser to see if they had an easement through the gates.

Sky Island Home Owners Association: Councilmember Hamilton said the Council received a letter from the Sky Island HOA president, Ron Weigelt. He said the HOA is requesting trees planted on the steep slope. He asked if the HOA is aware that the slopes are the HOA's responsibility and liability. Director Vodopich said his office has been working with Mr. Weigelt, and he informed Mr. Weigelt the HOA must get a geological technical report before they can plant anything on the slope.

Families First Coalition: Councilmember Carter said the Coalition is having a Job Resource Fair at Daffodil Elementary on April 11, 2011 from 6:00 to 7:30pm sponsored by the Sumner-Bonney Lake Family Center. Councilmember Carter said that Lindquist Dental received two awards, one from the Boys and Girls Club and one from the Families First Coalition, for providing low or no cost dental care for children in the area.

Alcoholism Awareness Month: Councilmember Carter said April is Alcoholism Awareness month. She has provided fliers and handouts to the Police Department and the Court, and offered to send information to the other City buildings.

Bonney Lake Food Bank: Councilmember Carter said the Bonney Lake Food Bank is low on funds and food. She said the food bank will have a canned food drive later this month. She said the Puyallup Spring Fair will also be having a canned food drive on Saturday, April 16, 2011, in connection with a demonstration from Sandra Lee from the Food Network.

Abatement: Councilmember Carter suggested when a citizen obtains a demolition permit some of the funds go into an abatement fund.

Lake Tapps Plan: Councilmember Carter said the Public Safety Committee reviewed Cascade Water Alliances' Lake Tapps Plan. She said the City has already completed many of the recommendations from the plan. She said the committee will provide a

fact sheet to the Executive Department. Mayor Johnson thanked Director Grigsby for his hard work on this project.

City Boards and Commissions: Mayor Johnson said the City has received enough applications to fill the Park Board, Planning Commission and Design Commission vacancies. City Administrator Morrison said the appointments are on the next Council meeting agenda.

Parking at the Justice Center: Councilmember Carter asked about proper parking in the street and overflow parking around the Justice Center. Director Vodopich said citizens can park on the south side of 90th St. He said when court notices are sent out they will include a flyer giving people the option of parking at the park and ride or the gravel lot behind the Annex. He said the flyer also reminds people not to park in the Grocery Outlet parking lot or the lots of the office building next to the Justice Center. City Administrator Morrison said the City is still working on getting an easement through to the gravel parking lot behind the Annex.

6:05:41

B. **Presentation:** Safe Routes to School Education Program – Safety Audits.

Community Services Director Leaf said the education portion of the Safe Routes to School project is complete. He said the Bicycle Alliance has completed the bicycle and walking audits of the area schools, and the full report is available on the City website.

Dave Janis from the Bicycle Alliance presented the audit findings to the Council. He said the purpose of the audit is to see how safe the area schools are regarding walking and riding bikes to and from school. He said studies have shown that children who exercise before school do better in school. He said the areas that have been identified for improvement are connectivity, safety, accessibility and routes to and from the schools. He said there has been a high level of interest and enthusiasm from students and parents. He said the City could add the recommendations to their non-motorized transportation plan in order to apply for grant funding. Mr. Janis thanked Director Leaf for his support and hard work.

6:21:35

C. **Review of Council Minutes:** March 15, 2011 Council Workshop, and March 22, 2011 Council Meeting

The minutes were forwarded to the April 12, 2011 Meeting for Council action with no changes.

6:21:52

D. **Discussion:** Easttown ULA Process.

Deputy Mayor Swatman said the Finance Committee reviewed this item, and suggested 5% as a substantial contribution from property owners. Councilmember Hamilton said the language is unclear, and he wants to know where the balance of the money from the City is coming from. He said he would want to make sure that the other important projects in the City will not suffer and that sewer rates will not increase. He asked if this ULA would set a precedent for future developers. City Attorney Dionne said he did not believe this would set a precedent. He said the contribution could not be de minimis. He believed the City could support the 5% contribution as being substantial. Deputy Mayor Swatman asked if the easements

could count as a citizen’s contribution. City Attorney Dionne said if not all land owners are expected to provide an easement then it could be considered as part of their contribution, but if a land owner contributed land for something bigger such as the lift station, that could be considered as part of that land owner’s contribution. City Administrator Morrison said the City is working on a new ordinance to lay out all the requirements for developer extension agreements. Director Grigsby said once the preliminary costs are put forward, then the City can make a decision to either move forward or not. He said after the project is finished the City would then update the cost to establish a ULA. He said some of the projects scheduled are a higher priority than the Eastown sewers and some are lower. He said the City will need to work with the bonding company and figure out how far the City wants to go into debt and if the SDC charges will cover the cost of the debt service payment. He asked if the build out of the Eastown sewers would be a benefit to all citizens and if a fee could be added to all citizens’ sewer bills. Councilmember Rackley said this is the time to move forward with this project. He said building in this economy will save the City money. He said he is encouraged by the sale of Cascadia and the WSU Medical Building. Deputy Mayor Swatman said the City needs to put an offer forward to the property owners and see if the property owners want to move forward.

Mayor Johnson left the meeting at 6:45pm.

6:48:41

IV. Executive Session: RCW 42.30.110(i) – The Council recessed to an executive session with the City Attorney at 6:48p.m. for 20 minutes to discuss potential litigation. The meeting resumed at 7:08pm.

III. Agenda Items: (continued)

7:08:38

E. Discussion Appeal of Pierce County Boundary Review Board Decision on Comprehensive Urban Growth Area Annexation.

Councilmember Rackley moved to suspend the rules and allow item 5, Appeal of Pierce County Boundary Review Board Decision on Comprehensive Urban Growth Area Annexation, to be added to the agenda as an action item. Councilmember Decker seconded the motion.

Motion approved 6 – 0.

Councilmember Decker moved to approve the motion for the City Attorney to appeal the Pierce County Boundary Review Board Decision on Comprehensive Urban Growth Area Annexation. Councilmember Rackley seconded the motion.

Motion approved 6 – 0.

7:09:49

V. Adjournment:

At 7:09 p.m. Councilmember Rackley moved to adjourn the Workshop. Councilmember McKibbin seconded the motion.

Motion to adjourn approved 6 – 0.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Jr.
Mayor

Items submitted to Council at the April 5, 2011 Workshop:

- City of Bonney Lake –Midtown Park Plan – Councilmember Hamilton.

DRAFT

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CITY COUNCIL MEETING

**March 22, 2011
7:00 P.M.**

MINUTES



"Where Dreams Can Soar"

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Audio Time
Stamp ↓

Location: City Hall Council Chambers, 19306 Bonney Lake Blvd., Bonney Lake.

I. CALL TO ORDER – Deputy Mayor Dan Swatman called the meeting to order at 7:02 p.m.

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

B. Roll Call:

Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Deputy Mayor Swatman, elected officials attending were Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, and Councilmember Randy McKibbin. Mayor Neil Johnson, Jr. and Councilmember Rackley were absent.

Deputy Mayor Swatman moved to excuse Councilmember Rackley's absence. Councilmember McKibbin seconded the motion.

Motion approved 6 – 0.

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

C. Announcements, Appointments and Presentations:

1. Announcements: None.

2. Appointments: None.

3. Presentations

a. **Proclamation:** Pierce County Reads, March 5th through April 30th.

Deputy Mayor Swatman read the proclamation aloud. Lauren Murphy, Senior Librarian at the Bonney Lake branch, described upcoming events related to this year's book, "The Big Burn." She invited all to attend the March 31st book discussion and April 2nd visit from the Fire Department at the Bonney Lake Library, along with other events around the County. She gave Councilmembers information and brochures as well.

D. Agenda Modifications: None.

7:09:22

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:A. Public Hearings:

1. **AB11-38 – Resolution 2111** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Declaring Surplus Public Utilities Property Located at XXX 181st Ave. E. (Parcel no. 3675000062) and Authorizing the Mayor to Dispose of Said Property in Accordance with BLMC 2.70.100.

Deputy Mayor Swatman opened the public hearing at 7:09 p.m. No one came forward to speak. Deputy Mayor Swatman closed the hearing at 7:10 p.m.

B. Citizen Comments:

Roger Watt, 22719 SR 410, Bonney Lake, said he attended the Finance Committee earlier in the evening and listened to discussions about the Eastown Utility Latecomers Agreement (ULA). He has sent emails to the Council regarding the concerns of property owners. He said value for property donated for easements should be considered as part of the property owners' contribution to the ULA. He also said that the City's code and State RCWs imply that the City could fully fund a ULA without requiring an outside partner with a substantial contribution. He said he and other property owners are working together and are waiting to learn more from the Council.

C. Correspondence: None.

7:15:42

III. COUNCIL COMMITTEE REPORTS:

- A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening. He noted that Councilmember Rackley was in attendance at the Committee meeting but had to leave before the Council meeting began. The committee forwarded an agreement for internet services with Comcast and reviewed minutes. They also discussed the Eastown ULA, which will be a discussion item for a future Council workshop, and considered options for the boat launch system.
- B. Community Development Committee: Councilmember Lewis said the committee met on March 15th at 4:00 p.m. and heard about compliments from citizens who said contractors working on Angeline Rd and Lake Debra Jane projects are doing great work. City staff are using a device to test specific areas for water leaks, which will help improve leak detection and focus repair projects. The committee forwarded Resolutions 2110, 2112, and 2114 to the current agenda for action.
- C. Public Safety Committee: Councilmember Hamilton said the committee has not met since the last Council meeting.
- D. Other Reports:
Pierce County Regional Council: Councilmember Hamilton attended the March 17th PCRC Meeting, where the Growth Management committee discussed proposed changes to the county-wide planning policies. He said the proposed changes would

make a distinction between County Urban Growth Areas and City Urban Growth Areas (UGAs), which he opposes. He argues that the previous policies do not make any distinction between the two, although County staff argue otherwise. County Councilmember Bush moved the item back to committee for discussion. He said the amendments may not come forward for a vote until 2012, but it was an important discussion. The PCRC also heard a presentation by the cities of Tacoma, Sumner, and University Place on proposed Regional Growth Center designations. The proposals were forwarded on. Finally, they discussed the lack of State funding to assist cities with buildable lands reports. A 'light' version of the report, which requires less work by staff to complete, was presented and forwarded unanimously.

7:25:49

IV. CONSENT AGENDA:

- A. **Approval of Corrected Minutes:** March 1, 2011 Council Workshop, March 5, 2011 Special Meeting and March 8, 2011 Council Meeting.
- B. **Approval of Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #60685 thru 60725 (including wire transfer #'s 3022011 & 30220111) in the amount of \$356,056.04; Accounts Payable checks/vouchers #60726 thru 60765 in the amount of \$426,898.60 for a grand total of \$782,954.64.
- C. **AB11-20 – Resolution 2100** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign The Sewer Extension Agreement Between The City And Kahne Development.
- D. **AB11-36 – Resolution 2110** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The City To Participate In The WSDOT Sponsored Public Works Emergency Response Mutual Aid Agreement.
- E. **AB11-41 – Resolution 2114** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Agreement With The Washington State Department of Transportation For Plan Review Services.

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

Consent Agenda approved 6 – 0.

V. FINANCE COMMITTEE ISSUES: *None.*

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: *None.*

7:26:02

VII. PUBLIC SAFETY COMMITTEE ISSUES:

- A. **AB11-42 – Ordinance 1384 [D11-42]** - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Portions Of Chapters 6.04 And 18.22 Relating To The Regulation Of Animals, Livestock, And Poultry.

Councilmember Decker moved to approve Ordinance 1384. Councilmember Lewis seconded the motion.

Councilmember Carter said since the recent changes to animal regulations, Council asked for more specific regulations related to poultry. The proposed ordinance prohibits roosters and limits the number of chickens allowed on different size properties. It also clarifies that animals cannot be a nuisance per the Municipal Code.

Ordinance 1384 approved 6 – 0.

7:28:18

VIII. FULL COUNCIL ISSUES:

- A. **AB11-33 – Resolution 2107** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The City To Purchase Eastown Sewer Easements From West And Caldwell Families.

Councilmember Decker moved to approve Resolution 2107. Councilmember Lewis seconded the motion.

**Resolution 2107 approved 5 – 1.
Councilmember McKibbin voted no.**

- B. **AB11-39 – Resolution 2112** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending The Days And Times Of The Community Development Committee Regular Meeting.

Councilmember Lewis moved to approve Resolution 2112. Councilmember Decker seconded the motion.

Councilmember McKibbin said if the new 4:00 p.m. meeting time presents problems for someone who wants to attend, the committee can schedule a special meeting at another time per the Municipal Code. City Attorney Dionne confirmed that special meetings require 24 hours notice.

Resolution 2112 approved 6 – 0.

- C. **AB11-40 – Resolution 2113 ~~2013~~** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Creating A Steering Committee For The Eastown Subarea Plan Update.

Councilmember Lewis moved to approve Resolution 2113. Councilmember Decker seconded the motion.

Councilmember Lewis noted the Meeting agenda recorded this item as Resolution 2013, which is incorrect; the actual number is Resolution 2113. Councilmember Carter said the schedule for the update is very aggressive, with biweekly meetings, and suggested there should be two Councilmembers on the steering committee to help facilitate the process. She said it would be good to have people with experience

on the Planning Commission, who will not be working on election campaigns this year, and who also are members of the Community Development Committee. She recommended that both Councilmembers McKibbin and Lewis sit on the committee.

Councilmember Carter moved to amend the Resolution to add Councilmember Lewis as a second Council Liaison. Councilmember Hamilton seconded the motion.

Councilmember Lewis moved to amend the Resolution to change instances of the word ‘Chairman’ and ‘Vice-Chairman’ to ‘Facilitator’ and ‘Vice-Facilitator’. Councilmember Decker seconded the motion.

Councilmember Lewis noted it’s important for the Steering Committee to move forward and stay on track, and report to the Planning Commission by the June 10, 2011 deadline.

Councilmember Decker moved to table Resolution 2113 to a workshop for discussion. The motion died for lack of a second.

Motion to change language to ‘Facilitator’ approved 6 – 0.

Motion to add a second Council liaison approved 6 – 0.

**Resolution 2113 as amended approved 5 – 1.
Councilmember Decker voted no.**

IX. EXECUTIVE SESSION: *None*

X. ADJOURNMENT:

7:37:02

At 7:37 p.m., Councilmember Lewis moved to adjourn the meeting. Councilmember Decker seconded the motion.

Motion to adjourn approved 6 – 0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items presented to Council at the March 22, 2011 Meeting: *None*.

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City of Bonney Lake, Washington
City Council Agenda Bill (AB)

Department/Staff Contact: Executive / Don Morrison	Meeting/Workshop Date: 19 April 2011	Agenda Bill Number: AB11-49
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D11-49	Councilmember Sponsor:

Agenda Subject: Amendments to BLMC 13.16 Regarding Latecomer Agreements

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 13.16 Of The Bonney Lake Municipal Code And Ordinance Nos. 898 And 1327 Relating To Developer Extensions And Latecomer Agreements..

Administrative Recommendation: Approve the ordinance as written. The City Administrator recommends that the Council subsequently determine the amount of participation required by one or more partners to an Eastown ULA, send notice to interested parties letting them know under what conditions the City will participate in an Eastown sewer ULA, and inviting participation. It is further recommended that once the Eastown lift station design and construction plans are complete, that the project be "shelved" until one or more Eastown partners step forward with required share of financing.

Background Summary: In various discussions about the Eastown sewer system, it has become apparent that BLMC 13.16 needs to be updated to provide a better framework for which to consider utility latecomer agreements. After updating the City policy of utility latecomer agreements generally, the Council will still need to determine the appropriate amount of City participation, if any, in the funding of the Eastown sewer system, and the means of financing the system.
Attachments: Ordinance D11-49

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation: NA			

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	<i>Approvals:</i>		Yes No
Date:	Chair/Councilmember NAME		<input type="checkbox"/> <input type="checkbox"/>
	Councilmember NAME		<input type="checkbox"/> <input type="checkbox"/>
	Councilmember NAME		<input type="checkbox"/> <input type="checkbox"/>
Forward to:	Consent		
	Agenda: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Commission/Board Review:			
Hearing Examiner Review:			

COUNCIL ACTION	
Workshop Date(s): April 19, 2011	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

APPROVALS		
Director:	Mayor:	Date Reviewed by City Attorney: (if applicable):

ORDINANCE NO. D11-49

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTER 13.16 OF THE BONNEY LAKE MUNICIPAL CODE AND ORDINANCE NOS. 898 AND 1327 RELATING TO DEVELOPER EXTENSIONS AND LATECOMER AGREEMENTS.

WHEREAS, the City Council finds it necessary to update the City’s policy on Utility Latecomer Agreements.

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

Section 1. The appropriate sections of Bonney Lake Municipal Code Chapter 13.16 and Ordinance Nos. 898 and 1327, and are hereby amended to read as follows:

13.16.010 Purpose.

The purpose of this chapter is to establish regulations, as authorized by RCW 35.91.020, regarding the execution and administration of agreements for reimbursement, or “latecomer agreements,” under Chapter 35.91 RCW.

13.16.020 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

“Benefitting Party” means any parcel that can utilize a utility extension consistent with the Growth Management Act and the City’s public works standards.

“Cost of construction (cost)” means the sum of the direct construction costs incurred to construct utility system improvements. The direct construction costs include, but are not limited to, all related design services, engineering, surveying, legal services, bonding costs, environmental mitigation, acquisition of right of way and/or easements, government agency fees, testing services, inspection, plan review and approval, labor, materials, equipment rental, and contractor or subcontractor fees or charges the costs to advertise, award, administer and construct the utility system extension. Pre-construction costs include, but are not limited to, all related design services, engineering, surveying, legal services, bonding costs, environmental mitigation, acquisition of right-of-way and/or easements, government agency fees, testing services, inspection, plan review and approval, labor, materials, equipment rental, and contractor and/or subcontractor fees or charges. The cost of construction shall not include costs that will be reimbursed by other means, at the time of construction or development, such as credits or grants.

“Developer extension” means an extension of existing city utility facilities to enable previously unserved properties to be served, which extension is undertaken and paid for by any person other than the city.

“Developer extension agreement” means an agreement setting the terms, conditions and standards by which a person agrees to undertake a developer extension.

“Person” means any individual person or any public or private entity or organization other than the city.

“Utility” means water, stormwater or sanitary sewer service.

“Utility Latecomer Agreement (ULA)” means a contract authorized by RCW 35.91.020 between the City and a developer who constructs or participates in the construction of a developer extension, whereby the City agrees to transmit pro rata share payments, made by persons seeking to connect to the developer extension, to the developer. The reimbursement period is limited to a period not to exceed 20 years from the date the extension is dedicated to the city.

13.16.030 Developer extensions – Latecomer agreements.

A. In any case where a latecomer agreement is contemplated in connection with a developer extension, the latecomer agreement shall be finalized, approved by the council and executed prior to or simultaneous with the city’s acceptance of ownership of the developer extension.

B. No developer extension shall be undertaken without prior execution of a developer extension agreement. Where the person undertaking a developer extension wishes to be reimbursed pursuant to a latecomer agreement, such desire shall be made clear to the city in writing prior to the execution of the developer extension agreement relating to the developer extension. Where a latecomer agreement is contemplated, the city’s standard form latecomer agreement should be made an exhibit to and included by reference in the developer extension agreement executed between the city and the developer of the extension, and the developer extension agreement should clearly provide that the latecomer agreement must be finalized and executed prior to the city accepting ownership of the extension. Should no request for a latecomer agreement made pursuant to this subsection be made prior to execution of a developer extension agreement, the person undertaking such developer extension shall be deemed to have waived any entitlement to a latecomer agreement, and no latecomer agreement shall subsequently be considered or executed with respect to such developer extension.

C. Should a developer extension be transferred to and accepted by the city without the execution of a latecomer agreement, the person undertaking such developer extension shall be deemed to have waived any entitlement to a latecomer agreement, and no

latecomer agreement shall subsequently be considered or executed with respect to such developer extension.

D. Nothing in this chapter shall be deemed to preclude the ~~inclusion of further terms or conditions within any developer extension agreement or latecomer agreement, nor shall this chapter be deemed to preclude the city from applying further conditions to the approval of any developer extension agreement or latecomer agreement.~~ City from initiating the latecomer agreement, or the City inclusion of further terms or conditions within any developer extension agreement or latecomer agreement, nor shall this chapter be deemed to preclude the city from applying further conditions to the approval of any developer extension agreement or latecomer agreement.

E. Project Size – Amount of City Participation. In order to be eligible for a latecomer agreement, the estimated cost of the proposed improvement must not be less than ten thousand dollars (\$10,000). The estimated cost of the improvement shall be determined by the public works director, based upon a construction contract for the project, bids, engineering or architectural estimates or other information deemed by the director to be a reliable basis for estimating costs. The determination of the director shall be final. No latecomer agreement may be approved in which the City participation amounts to more than ninety-five percent (95%) of the cost of the improvements. City participation amounts will be considered on a case by case basis in relation to the expected benefit the improvements will have on the City’s tax base, and the extent to which the improvements implement the Comprehensive Plan of the City.

13.16.040 Fee.

In addition to any fee provisions which may be included with any latecomer agreement executed pursuant to this chapter to recover the city’s administrative costs, there shall be charged to any person requesting a latecomer agreement pursuant to this chapter a fee of \$500.00 to cover the cost of public notification, agreement review, development, and city council process time. No request for a latecomer agreement shall be processed unless such fee has been paid. No fee shall be charged for City-initiated latecomer agreements.

13.16.050 Allowable costs - Cost recovery methodology.

The following general guidance shall govern the cost recovery methodology for latecomer agreements executed pursuant to this chapter; provided, that the city council may approve additional or different terms in any particular latecomer agreement:

A. The cost of extension of utility lines across the frontage of the applicant’s developer’s property within public or private roadways may be required in both north-south and east-west roadways in order to complete the utility grid identified in the utility comprehensive plan. Construction of the utility grid(s) is the expected duty of the applicant and will not

be cost recoverable through a latecomer agreement, except for beneficiaries directly across the road or adjacent to the utility extension.

B. Pipe size upgrades ~~will~~ shall be required consistent with the future sizing identified in the utility comprehensive plan. Pipe size upgrades will be reimbursed by the city to the developer only when a planned capital improvement is contemplated within three years of the execution of a developer extension agreement.

C. Depth of sewer will not be a cost recoverable item. Pipe size will not be a cost recoverable item except as noted in subsection B of this section.

D. Any developments or short plats that are connecting to a utility where a latecomer agreement applies shall pay the latecomer fees at final plat. Latecomer fees paid at final plat will be exempt from administration fees.

E. All lots of record identified in the latecomer agreement will pay the applicable latecomer fee when their building permit is issued or, for existing buildings, when the utility connection is made.

F. The city's administration fee for a latecomer agreement shall be 10 percent and shall be charged to the latecomer.

G. Extension of the sewer, storm water and water systems or addition of new facilities shall be designed according to the adopted water, sanitary sewer, and stormwater comprehensive plans or per the Public Works Director's direction when unique site conditions exist.

H. The Public Works Director or designee will make recommendations to the city council as to an appropriate pro rata share for latecomer fee assessment.

I. Recoverable costs ~~shall~~ may include all costs reasonably associated with this extension. These costs include but are not limited to planning, design, construction, ~~acquiring utility easements or right-of-way~~, public notification and information, and any professional services deemed appropriate by the ~~public works director~~ City to establish complete cost compilation and assessment of costs on a fair, pro rata share of the extension, subject to such rules and regulations ~~the city council may provide~~ adopted by the City. Recoverable costs may include the cost of acquiring utility easements or rights-of-way only if said easement or ROW would not have been a required developer contribution under City development codes. If the developer would have been required to donate the easement or ROW as a condition to project approval, then the value of those contributions may not be included as a recoverable cost under a Utility Latecomer Agreement.

J. ~~The city council will determine the method of cost allocation used, which may include but not necessarily be limited to:~~

~~1. Front foot method;~~

- 2. ~~Zone front foot method;~~
- 3. ~~Square footage method;~~
- 4. ~~Contract method;~~
- 5. ~~Other equitable method approved by the city council;~~
- 6. ~~Any combination of the methods in subsections (J)(1) through (5) of this section.~~

J. An assessment reimbursement area shall be formulated by the city based upon a determination by the city of which parcels adjacent to the developer extension would require similar utility improvements upon development.

(1) The Public Works Director shall prepare and recommend to the city council the method of cost allocation to be used for each latecomer agreement. This allocation of pro-rata share costs will normally be based on total square feet of each benefitting parcel utilizing the parcel square footage identified in the Pierce County Assessor's records. Other equitable methods of pro-rata cost allocation may be considered and approved by the city council.

(2) The preliminary determination of benefitting area boundaries and assessments, along with a description of the property owners' rights and options, shall be forwarded by certified mail to the property owners of record within the proposed assessment area. If any property owner requests a hearing in writing within twenty days of the mailing of the preliminary determination, a hearing shall be held before the legislative body, notice of which shall be given to all affected property owners. Subsequent to all requested hearings and execution of the latecomer agreement, the city council's ruling is determinative and final.

(3) The latecomer agreement must be recorded in the Pierce County auditor's office within thirty days of the final execution of the agreement.

(4) If the latecomer agreement is so filed, it shall be binding on owners of record within the assessment area who are not party to the latecomer agreement contract.

13.16.060 City's authority to collect reimbursement.

A. Pursuant to RCW 35.91.020, if the city contributes ~~partially or fully~~ to the financing of water, sanitary sewer or stormwater facility projects, it has the same rights to collect reimbursements as do private owners of real estate that enter into latecomer agreements with the city under this chapter.

B. The city may obtain reimbursements for projects funded solely by the city or in conjunction with private developers. If projects are jointly financed, the amount of reimbursement received by each participant in the financing must be a pro rata share. The city is authorized to enter into such contracts with private parties as are necessary to

finance and construct the project and secure pro rata reimbursements. The amount of reimbursement received by each party to a latecomer agreement shall be a pro rata share of each latecomer assessment paid. The Public Works Director, based on information submitted by the owner, will estimate pro rata share of costs. The Public Works Director may require engineering costs or construction bids to be provided. The Public Works Director will formulate an assessment reimbursement area (benefit area) based upon a determination of which parcels ~~did not contribute to the original cost of such infrastructure and who may connect to or specially benefit from such infrastructure~~ will benefit from the developer extension.

C. The city may not collect any additional reimbursement, assessment, charge or fee for the infrastructure or facilities for which the city collected pro rata reimbursement under this section.

D. Cost recovery methodology for the city's reimbursement shall be governed by BLMC 13.16.050; provided, that the city council, acting on the recommendation of the Public Works Director or designee, may approve additional or different methodology in regard to any particular project.

E. The city shall record in the office of the Pierce County auditor, against every property in the reimbursement area a notice of additional water, sanitary sewer, or stormwater connection charges pursuant to RCW 65.08.170.

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. Effective Date. This Ordinance shall take effect thirty (30) days after its passage, approval, and publication as required by law.

PASSED by the City Council and approved by the Mayor this ____th day of , 2011.

Neil Johnson, Jr.
Mayor

ATTEST:

Harwood T. Edvalson
City Clerk, CMC

APPROVED AS TO FORM:

James Dionne
City Attorney

Passed:
Valid:
Published:
Effective Date:



Proposal for a Public Safety Training Center With a Rifle and Pistol Range

CURRENT

The City of Bonney Lake currently uses Swiss Park for firearms training at a cost of \$ 3,800.00 per year. This allows the department three days a month for training. The Swiss Park range is a small range that allows a good 25 yard outdoor pistol range. There has been some rifle training up to 100 yards; however it is difficult because of the open area and the grounds are also used by campers (tent and trailer).

PROPOSED

Using the Reed Property as a training center with a 25 yard indoor pistol range accompanied with a 25, 100 and 200 yard outdoor ranges for a full rifle and pistol training center. The indoor portion would also utilize the white barn for an indoor training classroom.

PROJECT COMPLETED IN THREE PHASES:

- Phase 1: Using dirt from an existing City property, install dirt barriers that would be placed on three sides of an outdoor 25 yard pistol range.
- Phase 2: Add dirt barriers to additional 100 and 200 yard rifle ranges.
- Phase 3: Remodel the white barn and install walls to secure the perimeter of the barn while completing a class room for training. The indoor pistol range installed with a bullet trap to collect the expended rounds for recycling.



Bonney Lake Police Department

Mike L. Mitchell, Chief of Police

POSSIBLE REVENUES FOR THE CITY OF BONNEY LAKE

There are at least two ways of making projections for revenues for this project. It could be rented on a daily basis similar to what the City of Tacoma does at approximately \$500.00 dollars a day or on an annual basis similar to what the City currently does with Swiss Park and rent it out for the year at \$5,000 for the three days of training a month.

Daily Charges of \$500.00

Range open and used 5 days a week with all days reserved

\$130,000.00

Range open and used 7 days a week with all days reserved

\$182,500.00

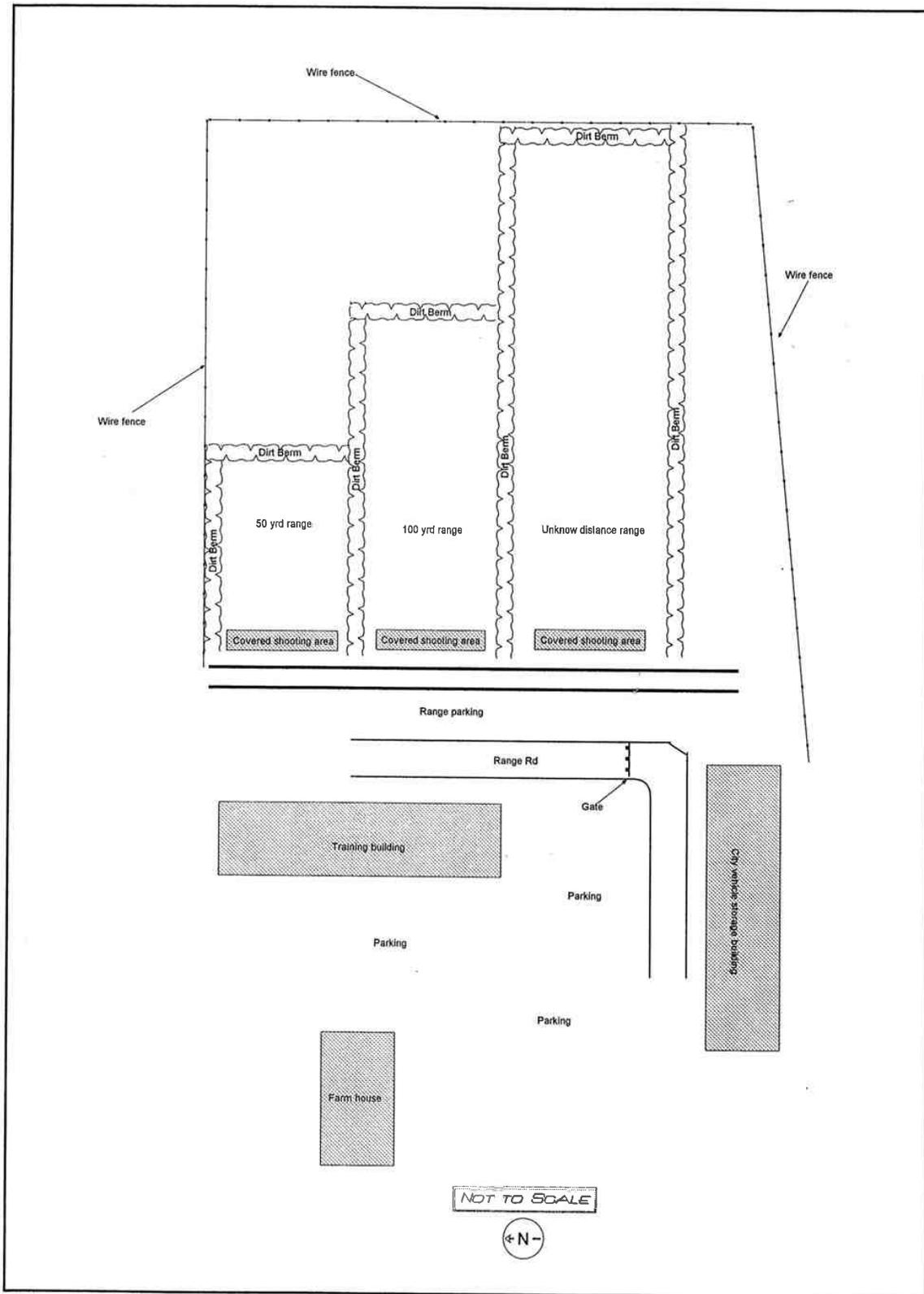
Yearly Fee

Yearly fee of \$5,000.00 allowing three days a month per fee, with range open 7 days a week **\$50,000.00**

Yearly fee of \$5,000.00 allowing three days a month per fee, with range open 5 days a week **\$40,000.00**

Mike L. Mitchell
Chief of Police
Bonney Lake Washington

OUTDOOR RANGE





the map features are approximate and are intended only to provide an indication of said feature. additional areas that have not been mapped may be present. This is not a survey. Orthophotos and other data may not align. The County assumes no liability for variations ascertained by actual survey. ALL DATA IS EXPRESSLY PROVIDED AS IS AND WITH ALL FAULTS. The County makes no warranty of fitness for a particular purpose.

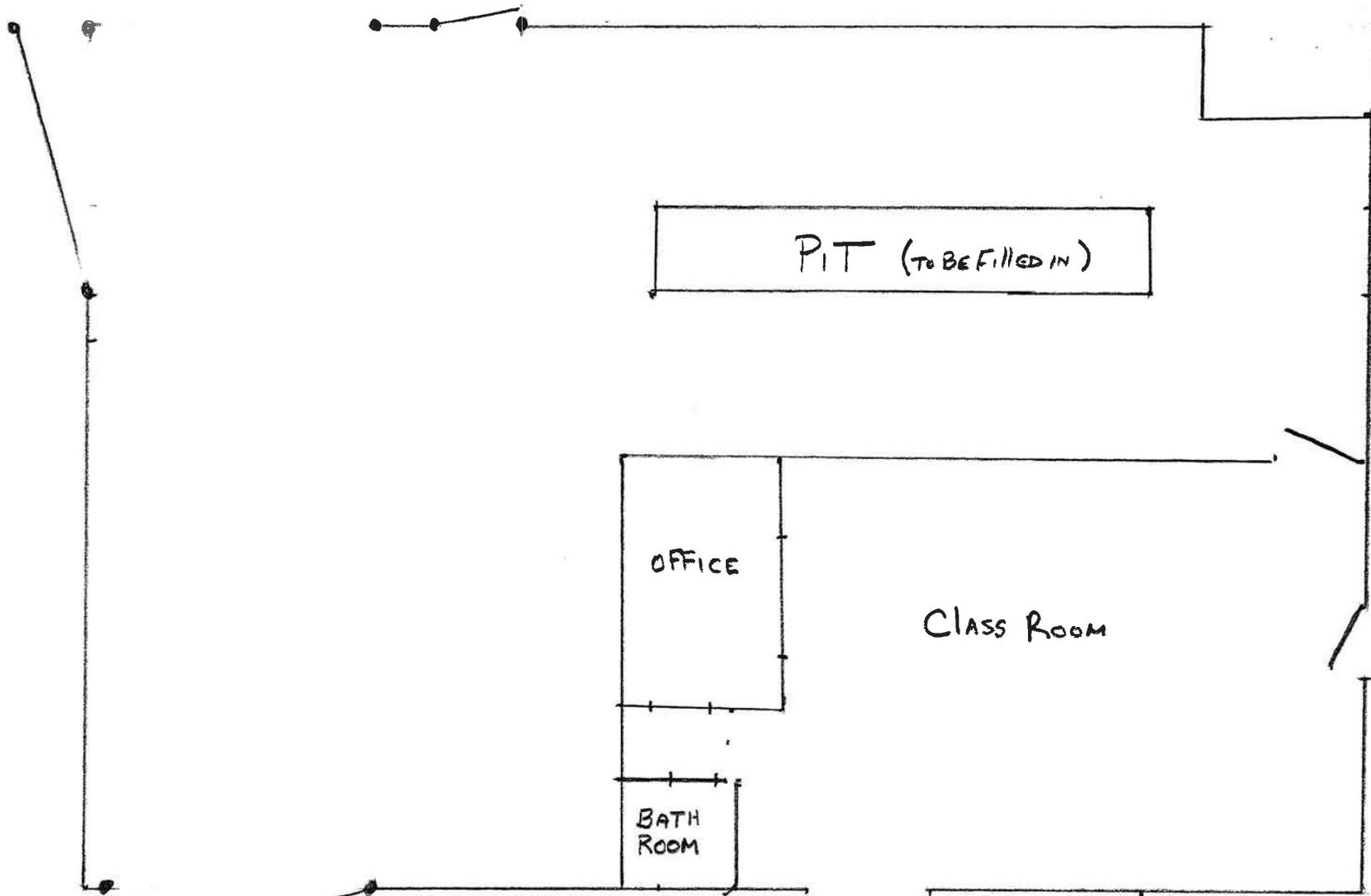


RAVENSDALE RANGE

NOT TO SCALE

CURRENT FLOOR PLAN

← N

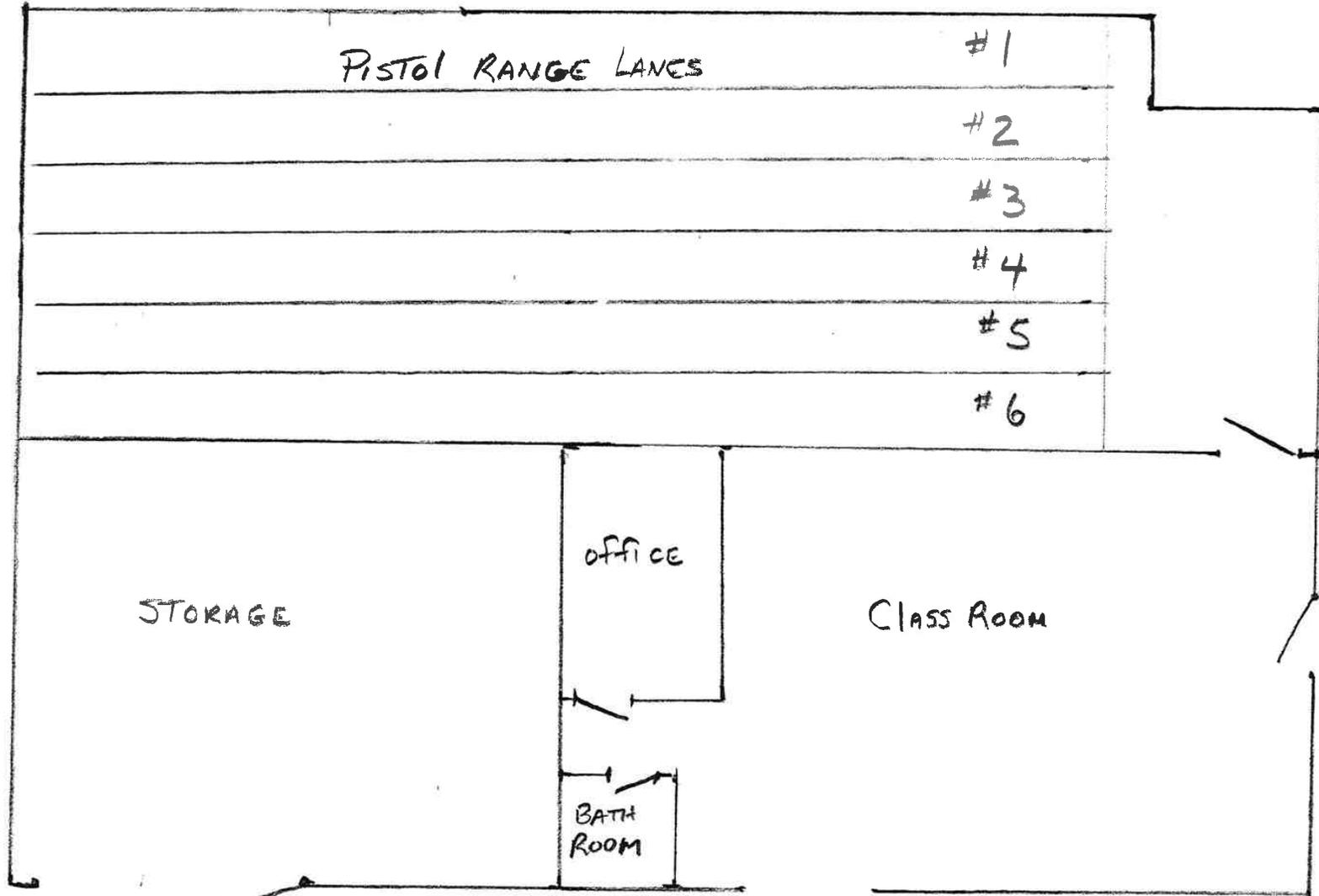


WHITE BARN

PROPOSED FLOOR PLAN

NOT TO SCALE

← N



WHITE BARN