

**CITY COUNCIL WORKSHOP**

**July 3, 2012  
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](http://www.ci.bonney-lake.wa.us)*

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*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.*

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**Location:** Bonney Lake Justice Center, 9002 Main Street East, Bonney Lake, Washington.

**I. Call to Order:** Mayor Neil Johnson

**II. Roll Call:**

Elected Officials: Mayor Neil Johnson, Jr., Deputy Mayor Dan Swatman, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, Councilmember Katrina Minton-Davis, Councilmember James Rackley, and Councilmember Tom Watson.

**III. Agenda Items:**

A. **Council Open Discussion.**

p. 3 B. **Review of Draft Minutes:** May 22, 2012 Meeting, June 5, 2012 Workshop, and June 12, 2012 Meeting.

C. **Discussion:** AWC Conference Lessons Learned.

p. 19 D. **Discussion:** AB12-49 – Resolution 2199 – Establishing an Easttown Utility Latecomer Agreement (ULA).

p. 39 E. **Discussion:** AB12-96 – Pavement Preservation/Management: New Revenue Sources Proposed by Pierce County.

p. 51 F. **Discussion:** AB12-104 – Resolution 2224 – Professional Services Agreement with Shea-Carr-Jewell to Update the Transportation Plan.

p. 73 G. **Discussion:** AB12-107 – Cancellation of August 7, 2012 Council Workshop to allow for Participation in National Night Out Against Crime Celebrations.

**IV. Executive Session:** Pursuant to RCW 42.30.110(b), the City Council may hold an executive session. The topic(s) and the session duration will be announced prior to the executive session.

**V. 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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CITY COUNCIL MEETING

May 22, 2012  
7:00 P.M.

DRAFT MINUTES



“Where Dreams Can Soar”

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

**Location:** Bonney Lake Justice Center, 9002 Main Street East, Bonney Lake, Washington.

**I. CALL TO ORDER** – Deputy Mayor Dan Swatman called the meeting to order at 7:00 p.m.

- A. Flag Salute: Deputy Mayor Swatman led the audience in the Pledge of Allegiance.
- B. Roll Call: Records & Information Specialist Susan Duis called the roll. In addition to Mayor Johnson, elected officials attending were Deputy Mayor Dan Swatman, Councilmember Donn Lewis, Councilmember Katrina Minton-Davis, Councilmember Jim Rackley, and Councilmember Tom Watson. Mayor Neil Johnson, Jr., Councilmember Mark Hamilton, and Councilmember Randy McKibbin were absent.

**Councilmember Rackley moved to excuse Councilmembers Hamilton and McKibbin. Councilmember Watson seconded the motion.**

**Motion to excuse Councilmembers Hamilton and McKibbin approved 5 – 0.**

Staff members in attendance were City Administrator Don Morrison, City Engineer John Woodcock, Chief Financial Officer Al Juarez, Police Sergeant Tom Longtine, Assistant City Attorney Kathleen Haggard, Executive Assistant Brian Hartsell, Assistant Engineer Andrew Fonda, and Records & Information Specialist Susan Duis.

**C. Announcements, Appointments and Presentations:**

- 1. Announcements: None.
- 2. Appointments:
  - a. **AB12-77** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Confirming The Mayor’s Reappointment Of Raymond Bunk To The Civil Service Commission Position #3 For A Six Year Term Expiring April 6, 2018.

**Councilmember Rackley moved to approve motion AB12-77. Councilmember Watson seconded the motion.**

**Motion AB12-77 approved 5 – 2.**

- b. **AB12-84** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Confirming The Mayor’s Appointment Of Terry Reid And Re-Appointment Of James Bouchard As Members Of The Park Board With Terms Expiring April 6, 2015.

**Councilmember Rackley moved to approve motion AB12-84.  
Councilmember Lewis seconded the motion.**

**Motion AB12-84 approved 5 – 0.**

3. Presentations:

- a. **AB12-66** – Presentation of Stormwater Pollution Prevention Program and Art Contest Awards.

Assistant Engineer Andrew Fonda welcomed the student artists and their family members to the 2012 art contest award ceremony. He explained the City's National Pollutant Discharge Elimination System (NPDES) program, which aims to protect and restore water quality. The City wanted to involve local schoolchildren in the program, and read about a city in Delaware that ran an art contest. Mr. Fonda thanked local art teachers Melissa Deckman and Jessica Emery for their participation and support of the program. Deputy Mayor Swatman presented awards to the students whose artwork was selected by Councilmembers to appear in the 2013 stormwater calendar.

**At 7:15 p.m., Deputy Mayor Swatman called for a five-minute recess. The meeting returned to order at 7:23 p.m.**

- D. Agenda Modifications: None.

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

- A. Public Hearings: None.

- B. Citizen Comments:

Chelsea Crawford, Bonney Lake, said she is a member of the Family, Career and Community Leaders of America (FCCLA) student organization. She told the Council about an upcoming silent auction and dinner on June 2, 2012 at the Midtown Grill in Bonney Lake. The FCCLA culinary team will help prepare and serve food. Funds raised at the event will help pay for 10 students to attend the FCCLA national competition in Orlando, Florida. She thanked the Council for their time and support. Councilmember Lewis said he and Mayor Johnson plan to attend this event; Councilmember Watson said he also plans to attend.

Shawn Hoey, Master Builder Association of Pierce County, addressed proposed Ordinance D12-75. He said he sent a letter to the Council via email and provided printed copies at the meeting. He said the MBA recommends the Council set School Impact Fees at \$3,005. He said this is the amount recommended by the Sumner School District, and is the same rate that Pierce County and the City of Sumner have set, which provides consistency. He noted that enrollments have dropped in recent years, and reminded the Council of the information Dr. Elliot Eisenberg presented to the Council in February.

Councilmember Rackley said he is reluctant to lower the fee and transfer costs, but would support a lower fee if the School District requests it.

Mary Urback, Sumner School District, said the Sumner School District appreciates the Council taking action to correct the School Impact Fee. She said the fee approved earlier in the year was incorrect due to errors and missing data in the district's capital facilities plan. She said the error was corrected in December 2011. She explained that the district's estimates are based on actual numbers for developments in the area, not hypothetical numbers of children per household. She said the Sumner School District is aware of the economic times, and it is important to ensure continued growth and to be vigilant about impact fees. She said Sumner School District is willing to be consistent with Pierce County to set the same impact fee as other jurisdictions.

Deputy Mayor Swatman noted that two people had signed up to speak on Ordinance 1428, and asked if they had done so in error. Tyler McCarthy and Chelsea Crawford spoke from the audience, and said they did not intend to speak on this item; they only intended to speak during citizen comments.

- C. Correspondence: None.

### III. COUNCIL COMMITTEE REPORTS

- A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening, with Councilmember Lewis and Councilmember Watson attending in place of the councilmembers who are absent. He said the temporary summer positions are mostly filled at this date. The committee forwarded a grant application for Council action, and reviewed meeting notes. The committee plans to forward discussion of fees for a new Public Works facility to a future workshop for discussion. The committee reviewed the cash versus accrual basis for accounting, and said the City is continuously looking at its processes to be more efficient.
- B. Community Development Committee: Councilmember Rackley said the committee met on May 15<sup>th</sup> and forwarded eight items to the current meeting for action to the Consent Agenda items and Community Development Committee items.
- C. Public Safety Committee: Councilmember Watson said the committee has not met since the last Council meeting.
- D. Other Reports:
- White River Families First Coalition: Councilmember Lewis said he attended the Families First Coalition meeting on May 21<sup>st</sup>. They heard a presentation from State Representative Dan Roach about local issues, including transit. The coalition also presented its annual Community Champion Awards to local residents.

### IV. CONSENT AGENDA:

- A. **Approval of Corrected Minutes**: April 17, 2012 Joint Planning Commission Meeting and Workshop, April 24, 2012 Meeting and May 1, 2012 Workshop.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers**: Accounts Payable checks/vouchers #63586-63666 in the amount of \$425,405.54. Accounts Payable checks/vouchers #63498-63582 in the amount of \$253,580.25. Check void #63577, duplicate payment. Check void #63410, incorrect amount, reissued #63548.

- C. **Approval of Payroll:** Payroll for May 1-15th, 2012 for checks #30463-30488 including Direct Deposits and Electronic Transfers in the amount of \$426,426.21.
- D. **AB12-68 – Ordinance 1428 [D12-68]** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Title 18 Of Bonney Lake Municipal Code To Include Provisions For Conditional Use Permits In Easttown Zoning.
- E. **AB12-69 – Resolution 2203** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Agreement With Sumner Soccer Club To Use Ballfields At Cedarview Park.
- F. **AB12-70 – Resolution 2204** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water And Sewer Developer Extension Agreement With Matt Atai For The Church Lake Subdivision Plat.
- G. **AB12-76 – Resolution 2207** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water Developer Extension Agreement With Williams Pipeline GP For The Lakeland Hills Way Project.
- H. **AB12-78 – Resolution 2208** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Awarding The Allan Yorke Park Sport Court Rehabilitation Project To Mid Pac Tennis Inc.
- I. **AB12-79 – Resolution 2209** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract With Tom Pors For The Reed Well/Water Rights Application.
- J. **AB12-71** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign Grant Applications For A 2012 Community Forestry And Open Space Grant To The United States Department Of Agriculture’s Forest Service.
- K. **AB12-80** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Accept As Complete The VFD Installation Project.
- L. **AB12-81** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Accept As Complete The 80th & 82nd St Sidewalks And Waterline Project With Les Russell Construction, LLC.

**Councilmember Rackley moved to approve the Consent Agenda. Councilmember Watson seconded the motion.**

**Consent Agenda approved 5 – 0.**

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

**VI. COMMUNITY DEVELOPMENT ISSUES:**

- A. **AB12-83 – Resolution 2210** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Professional Service Agreement To Parametrix Consultants For The Design Of The SR 410 Sewer Crossing At 226th Avenue East.

**Councilmember Rackley moved to approve Resolution 2210. Councilmember Lewis seconded the motion.**

Councilmember Rackley said he was the lone dissenting vote for this item in committee. He said his 'no' vote was based on philosophical concerns about Easttown.

**Resolution 2210 approved 5 – 0.**

**VII. PUBLIC SAFETY COMMITTEE ISSUES:** None.

**VIII. FULL COUNCIL ISSUES:**

- A. **AB12-57 – Ordinance 1429 [D12-57]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 13.04.100 Of The Bonney Lake Municipal Code And Section One Of Ordinance No. 1277 Relating To A Reduction Of Water Rates.

**Councilmember Watson moved to approve Ordinance 1429. Councilmember Rackley seconded the motion.**

Councilmember Minton-Davis said she had requested a change at the Workshop to make the charge for homes with fire sprinklers to be the same as 5/8" to 3/4" size meters. Councilmember Lewis agreed this was approved by Council consensus and was an oversight.

**Councilmember Lewis moved to amend the proposed Ordinance as follows: "1" with Fire Sprinkler System: ~~\$16.69~~ \$14.00". Councilmember Rackley seconded the motion.**

**Motion to amend Ordinance 1429 approved 5 – 0.**

Councilmember Watson said he is in favor of this rate reduction and passing savings along to citizens. City Administrator Morrison said he had made Councilmember Minton-Davis' requested change on the ordinance master copy but it was not put in the packet in error.

**Ordinance 1429 approved as amended 5 – 0.**

- B. **AB12-58 – Ordinance 1430 [D12-58]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 13.12 Of The Bonney Lake Municipal Code And The Corresponding Section Of Ordinance No. 1405 Relating To Sewer Rates.

**Councilmember Watson moved to approve Ordinance 1430. Councilmember Lewis seconded the motion.**

**Ordinance 1430 approved 5 – 0.**

- C. **AB12-75 – Ordinance 1431 [D12-75]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 19.08 Of The Bonney Lake Municipal Code And Ordinance No. 1420 Relating To School Impact Fees.

**Councilmember Lewis moved to approve Ordinance 1431. Councilmember Rackley seconded the motion.**

**Councilmember Watson moved to amend section 19.08.120 of the proposed ordinance as follows: “Single-family - detached (including manufactured homes and mobile homes on individual lots) - \$4,448 \$3,005.” Councilmember Minton-Davis seconded the motion.**

Councilmember Rackley moved to table the proposed ordinance to the next Workshop for discussion. Seeing no second the motion died for lack of a second.

**Motion to amend Ordinance 1431 approved 4 – 1.  
Councilmember Rackley voted no.**

Councilmember Lewis said he reviewed the Sumner School District Capital Improvement Plan (CIP), and the district recommends a fee of \$3,005. He said the Council discussed ways to reduce fees to encourage development at its retreat in September 2011. He said the School Impact Fee was lowered from \$2,700 to \$1,300 due to a miscommunication, and needs to be raised back up. He said he works in and supports the school district, and would like to raise fees higher, but now is not the time.

Councilmember Rackley said he supports the proposed ordinance, but suggested the item be tabled until the full Council could discuss the lower fee. Councilmember Minton-Davis said she understands that Mayor Johnson wants to support the School District, but she also supports the \$3,005 fee level. Deputy Mayor Swatman said he supports whatever fee the School District supports, and representatives have told the Council that \$3,005 is an acceptable fee. Councilmember Watson said he also fully supports the school district.

**Ordinance 1431 approved as amended 5 – 0.**

**IX. EXECUTIVE SESSION:**

Pursuant to RCW 42.30.110(1)(b), the Council adjourned to an Executive Session with the City Attorney at 7:55 p.m. for 10 minutes to discuss property acquisition. The Council returned to Chambers at 8:06 p.m. No action was taken.

**X. ADJOURNMENT:**

**At 8:06 p.m., Councilmember Rackley moved to adjourn the Council Meeting. Councilmember Lewis seconded the motion.**

**Motion to adjourn approved 5 – 0.**

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Harwood Edvalson, CMC  
City Clerk

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Neil Johnson, Jr.  
Mayor

Items presented to Council at the May 22, 2012 Meeting:

- Chelsea Crawford – *FCCLA Leadership Dinner & Auction* – BLHS Student.
- Shawn Hoey – *Letter re: Ordinance D12-75* – MBA of Pierce County.

## CITY COUNCIL WORKSHOP

June 5, 2012  
5:30 P.M.

### DRAFT MINUTES

City of



"Where Dreams Can Soar"

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

**Location:** Bonney Lake Justice Center, 9002 Main Street East, Bonney Lake, Washington.

**I. CALL TO ORDER** – Mayor Neil Johnson, Jr. called the workshop to order at 5:32 p.m.

**II. ROLL CALL:**

Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Mayor Johnson, elected officials attending were Deputy Mayor Dan Swatman, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, Councilmember Katrina Minton-Davis, Councilmember Jim Rackley, and Councilmember Tom Watson.

Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Interim Police Chief Dana Powers, Development Review Engineer Cole Elliott, Administrative Services Director/City Clerk Harwood Edvalson, Assistant City Attorney Kathleen Haggard, and Records & Information Specialist Susan Duis.

**III. AGENDA ITEMS:**

**A. Council Open Discussion:**

City Fees: Councilmember Watson said he received a call from a citizen who said all the City fees are too high. He told the citizen the Council is working on ways to reduce fees.

Events: Councilmember Watson said Senior Services Assistant Staci Guirsch is leaving the City and the Senior Center is holding a going away open house for her on June 6<sup>th</sup>.

Councilmember Watson said the Bonney Lake Lions is holding a kickoff party for Don Stevenson's fundraising walk on June 7<sup>th</sup> at Auburn City Hall. Also on June 7<sup>th</sup> the Communities for Families meets at Sumner School District at 3:00 p.m. He said he plans to attend a tour of the Good Samaritan Foundation on June 13<sup>th</sup>.

ICSC Conference: Mayor Johnson said he, Councilmember McKibbin and Community Development Director Vodopich attended the International Council of Shopping Centers conference in May. He said he plans to provide a report to the Council soon. He said it was a beneficial trip and provided him with information and ideas, including ways to partner with other agencies and developers.

Meeting with Senator Cantwell: Mayor Johnson said he met with U.S. Senator Maria Cantwell, along with City Administrator Morrison and Executive Assistant Brian Hartsell. They discussed issues including transportation, recreation facilities, and the proposed veteran's memorial. He said he plans to get the Bonney Lake Veterans Memorial Committee in contact with the Senator's office to discuss options. Mayor Johnson said he plans to meet with Senator Patty Murray soon, and will probably receive invitations from other representatives this election season.

BLHS Traffic Signal: Councilmember Lewis said the new traffic signal is being installed near Bonney Lake High School. He said it is causing some delays for buses, but will be good for kids traveling in the area this summer and during the school year.

- B. **Recognition:** Presentation of Athletic and Academic Awards to Students from Bonney Lake, Sumner, and White River High Schools.

Mayor Johnson read aloud the names of students from area high schools who achieved high academic and athletic marks during the 2011-2012 school year. He presented certificates to the students who were in attendance. He said he asked for names from Sumner, Bonney Lake, and White River high schools, as students living in Bonney Lake attend all three schools. He congratulated the students, and said he plans to continue this yearly recognition to highlight the achievements of local students in the community.

- C. **Review of Draft Minutes:** May 8, 2012 Meeting, May 15, 2012 Special Meeting, May 15, 2012 Workshop, and May 25, 2012 Special Meeting.

Councilmember Lewis noted a typographical error in the May 8<sup>th</sup> minutes. The minutes were forwarded to the June 12, 2012 Meeting for action as corrected.

- D. **Discussion:** AB12-53 – Ordinance D12-53 – Amendment of BLMC Related to Civil Permitting.

Community Development Director Vodopich introduced Development Review Engineer Cole Elliott. Mr. Elliott said when he joined the City he was asked to clarify the civil code and process. He said the proposed ordinance ensures the City complies with the Growth Management Act and describes the civil permitting process from start to finish, including the criteria and paperwork required to close out a project. The proposed ordinance also clears up two issues he discovered in the code since he joined the City 18 months ago. He said the current code is not clear on the requirements and departmental responsibilities for several issues, including connections to the sewer system, grease interceptors, and sprinkler system connections. He said Public Works started a program to track septic conversions, but the process has not been consistent in the past. He said the proposed ordinance assigns responsibility for these items to his position, to ensure inspections are completed and the appropriate paperwork is submitted. Councilmember Lewis commended Mr. Elliott for his approach to find and solve issues in the City's code.

Councilmember Hamilton asked how the City follows up on homes that have septic systems and are required to connect to City sewer when the property is sold. Director Grigsby said when sewer is installed within 250' of a property, the City sends a letter to the property owner stating that when they sell the property (or if the septic fails), they must connect to sewer. The City files a copy of this letter with Pierce County, which appears on a title search so the buyer and seller are aware of the requirement and fee.

Deputy Mayor Swatman noted that the proposed ordinance originated from staff recommendations and the Planning Commission also reviewed it. He asked what the rationale is for doubling fees when the appropriate permit is not submitted. He said the City wants to ensure people follow the proper process, not to punish them for making a mistake. Director Vodopich said this penalty is consistent with fees in the building code. He said the language could be removed if the Council wished.

Mr. Elliot said he set the proposed fees at \$500 for inside City limits and \$1,000 outside City limits. He said \$500 is the lowest fee set by other portions of the permitting code and is reasonable based on the actual staff time and costs required to review, inspect, issue permits, and close out projects. Councilmembers discussed the proposed fees. Several Councilmembers said they would support lower fees. Deputy Mayor Swatman said the City charges no fees for these items currently; he suggested the proposed fees be cut in half (\$250 and \$500). Council consensus was to reduce the proposed fees by half.

Councilmember Minton-Davis asked why fees for areas outside city limits are charged double. Mr. Elliott said locations that require inspections outside City limits can be fairly far away, such as the Lakeland development near Auburn. He said fees in other parts of the permit code are also double for sites outside the City limits. He said his next project will be to look at all City permit fees and evaluate whether they are reasonable or should be raised or lowered.

Deputy Mayor Swatman requested that Section 4. (BLMC 15.20.120) be revised to remove the phrase “in writing”. He said it could cause confusion if the City moves to electronic permit applications in the future. Assistant City Attorney Haggard said ‘writing’ can include online or electronic permits, but agreed the phrase is redundant and could be removed. Consensus of the Council was to forward the proposed ordinance to the June 12<sup>th</sup> meeting with the suggested amendments.

#### IV. EXECUTIVE SESSION:

Pursuant to RCW 42.30.110(1)(b), the Council adjourned to an Executive Session with the City Attorney at 6:23 p.m. for 5 minutes to discuss property acquisition. The Council returned to chambers at 6:32 p.m. No action was taken.

#### V. ADJOURNMENT:

**At 6:32 p.m., Councilmember Rackley moved to adjourn the Council Meeting. Councilmember Watson seconded the motion.**

**Motion to adjourn approved 7 – 0.**

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Harwood Edvalson, CMC  
City Clerk

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Neil Johnson, Jr.  
Mayor

Items presented to Council at the June 5, 2012 Workshop:

- *List of Academic & Athletic Award Recognition Recipients – City of Bonney Lake.*

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CITY COUNCIL MEETING

June 12, 2012  
7:00 P.M.

DRAFT MINUTES

City of



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

**Location:** Bonney Lake Justice Center, 9002 Main Street East, Bonney Lake, Washington.

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

- A. Flag Salute: Deputy Mayor Dan 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 Dan Swatman, elected officials attending were Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, Councilmember Jim Rackley, and Councilmember Tom Watson. Councilmember Katrina Minton-Davis arrived at 7:08 p.m. Mayor Neil Johnson, Jr. was absent, as he was attending his daughter's high school graduation.

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

- C. Announcements, Appointments and Presentations:
  - 1. Announcements:
  - 2. Appointments:
  - 3. Presentations:
    - a. ~~Presentation of Award: Purple Heart to Detective Ryan Boyle.~~

Deputy Mayor Swatman said this item has been postponed, as the Police Department plans to hold a group recognition ceremony once per year in November.

- D. Agenda Modifications: None.

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

- A. Public Hearings: None.
- B. Citizen Comments:

Ray Helgath, 8205 181<sup>st</sup> Ave E, Bonney Lake, asked the Council to forgive his \$3,000 water bill. He said they had a broken water pipe, but the house was empty when the City placed a notice on the side door. They eventually found and fixed the leak, but received a very high bill. He said he has put in low-flow toilets and in-ground sprinklers to make the

property more efficient. He said the nearly \$3,000 bill is too much for him to manage and asked for assistance. Chief Financial Officer Juarez said he would get more information and meet with Mr. Helgath to discuss the options.

Andrew Lear, 17109 114<sup>th</sup> St E, Bonney Lake, spoke on behalf of the Beautify Bonney Lake Board and as the board's former chair. He said BBL wanted to recognize Randy McKibbin's service to BBL since 2004, when the group first started. He said Councilmember McKibbin has provided great ideas and has done a lot on behalf of the organization.

Lillian McGinnis, 11002 203<sup>rd</sup> Ave E, Bonney Lake, is the Executive Director of BBL and Councilmember McKibbin has served on the logistics committee and helped with long range planning. She thanked Councilmember Tom Watson for designing a plaque, which she presented to Councilmember McKibbin for his 8 years of service as a charter member.

David Bowen, 22523 SR 410 E, Bonney Lake, spoke on behalf of the Easttown Sewer Development Association LLC, as Roger Watt was unable to attend the Meeting. He said the group has gathered the over \$201,000 needed for the latecomer agreement fee to move the Easttown sewer project to the next step.

Deputy Mayor Swatman asked about the status of easements for the project. Mr. Bowen said he has waited to sign over the easement on his property, but he plans to turn it in very soon and asked the Council to have faith that he would do so. Councilmember Rackley said the Council needs to have all the easements and the latecomer fee in hand before it will move forward. Mr. Bowen said he has refused to sign paperwork in defense of the Taheri family, who own property to the East of his property. He said the Taheri family has been very poorly treated by the City, and not allowed to develop the property on septic as the County had previously authorized. He said the Taheris will still not have sewer service after the Easttown sewer project.

Public Works Director Grigsby said he met with Easttown property owners about six weeks prior and the LLC asked the City not to move forward until the group had secured the required funds. Once the City approves the latecomer agreement, the LLC has 30 days to present the fee. He said the Council has said in the past that they will not move the project forward until all the easements are received. He said he now has all the easements except for one across Mr. Bowen's property and one for the Compass Pointe property. He confirmed that if other parcels do not develop, the Taheri family would have to construct their own line to 96<sup>th</sup> if they cannot connect across the Compass Pointe property. He said the latecomer agreement will next be discussed at a Council workshop, then scheduled for a public hearing, and finally acted on at a future Council meeting. Deputy Mayor Swatman said he believes Mr. Bowen is honorable and will submit the easement. Mr. Bowen thanked the Council for their time.

Dan Decker, 20401 70<sup>th</sup> St E, Bonney Lake, said the road name of Sumner Buckley Hwy was changed a month ago but there are still signs on SR 410 that have not been changed. He said another sign at the bottom of the hill reads "Meyers" instead of "Myers", and has been incorrect for years. He said he hopes the City will work to get these signs replaced. He added that the old Sumner to Buckley highway was around long before Bonney Lake was founded, which is why Bonney Lake was not in the road name. He said the Council should think harder next time before changing a road name. He said the veterans memorial should be located in a more appropriate area.

- C. Correspondence: None.

### III. COUNCIL COMMITTEE REPORTS

- A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening and reviewed meeting notes, forwarded an agreement with the Sumner School District for the Sumner Family Center for action at the next meeting. The committee reviewed a grant application to extend pedestrian and bike routes on SR 410 from Angeline Rd over the bridge. They also discussed accounting methods and the ongoing utility cost allocation review. He said the Senior Center has raised \$21,000 toward a new van. The City received notification of 2013 health benefit cost increases. CFO Juarez said AWC sent preliminary estimates including a 10% increase for Regence insurance, a 15% increase for Group Health, and minimal to no increases for dental, vision, Employee Assistance Program, and long-term insurance. Councilmember Rackley said he read a news story about insurance companies sitting on large cash reserves, and said he hopes the City can negotiate on fees. Deputy Mayor Swatman said the City gets its insurance through the Association of Washington Cities, which negotiates on behalf of member cities.
- B. Community Development Committee: Councilmember Rackley said the committee met on June 5<sup>th</sup> at 4:00 p.m., and forwarded eight items to the Consent Agenda and two items to Community Development Committee Issues.
- C. Public Safety Committee: Councilmember Hamilton said the committee met on June 4<sup>th</sup> and discussed citizen concerns about speeding on 195<sup>th</sup> Ave E and on 70<sup>th</sup> and 71<sup>st</sup> St at Church Lake Dr. He said there has been a large increase in traffic on Vandermark Rd. He said the school district has offered to pay half the cost for a school bus stop warning sign on 182<sup>nd</sup>, and the City will pay the other half. The committee is checking to find out if residents can place signs on their own property, such as deaf child signs. He said Councilmember Watson reported there are few life jackets at Allan Yorke Park, and the Fire Chief plans to check on this issue. Interim Police Chief Powers provided an update on the proposed traffic school program, and the use of the Reed Property for police and SWAT training. She also reported that the department has three public information officers (PIOs) who provide information to the public during emergency situations.
- D. Other Reports:
- Communities for Families: Councilmember Watson said he attended the Communities for Families meeting on June 7<sup>th</sup> with Councilmember Lewis and Special Events Coordinator David Wells. Mr. Wells discussed summer events, and the group also discussed the Music on Main events in Sumner, the Pierce County Library summer reading program, and program to prevent human trafficking in Pierce County.
- Park Board: Councilmember Watson said he attended the June 11<sup>th</sup> meeting, where new member Terry Reed was introduced. The board discussed options for a municipal park district, community center options, and ways to use grant funds for trail projects.

### IV. CONSENT AGENDA:

- A. **Approval of Corrected Minutes:** May 8, 2012 Meeting, May 15, 2012 Special Meeting, May 15, 2012 Workshop, and May 25, 2012 Special Meeting.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable checks/vouchers #63667-63715 (includes wires #2020503, 20120515, 38495409) in the amount of \$142,416.72.  
Accounts Payable checks/vouchers #63716-63727 in the amount of \$600.00.  
Accounts Payable checks/vouchers #63728-63775 in the amount of \$99,968.37.  
Accounts Payable checks/vouchers #63776-63787 in the amount of \$50,818.00.  
Accounts Payable wires #9354991, 20120517 in the amount of \$77,540.87.  
Accounts Payable checks/vouchers # 63788-63813 in the amount of \$58,270.13.  
Accounts Payable checks/vouchers #63814-63817 in the amount of \$4,977.16.
- C. **Approval of Payroll:** Payroll for May 16-31st, 2012 for checks 30489-30517 including Direct Deposits and Electronic Transfers in the amount of \$640,755.71.
- D. **AB12-53 – Ordinance 1432 [D12-53]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Enacting A New Chapter 15.36 And Amending Sections 3.68, 15.16 And 15.20 Of The Bonney Lake Municipal Code, Related To Civil Construction Permitting.
- E. **AB12-85 – Resolution 2211** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water And Sewer Developer Extension Agreement With Builders Of America LLC For The Orchard Grove II Plat.
- F. **AB12-88 – Resolution 2213** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Professional Service Agreement Amendment With Parametrix Consultants For The Safe Routes (Fennel Creek) Trail.
- G. **AB12-90 – Resolution 2215** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Professional Services Agreement With Stripe Rite, Inc. For The 2012 Street Striping And Pavement Markings Project.
- H. ~~**AB12-91 – Resolution 2216** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contractor Agreement With Doolittle Construction, LLC For The 2012 Chip Seal Application.~~ *Moved to Full Council Issues, Item B.*
- I. **AB12-92 – Resolution 2217** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Supplemental Agreement With Bruce Dees & Associates To Complete Additional Services For The Safe Routes (Fennel Creek) Trail.
- J. **AB12-93 – Resolution 2218** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Professional Service Agreement With Parametrix Consultants For The Stormwater Comprehensive Plan Assistance.
- K. **AB12-82** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Accept As Complete The Lift Station 17 Flow Meter And Fuel Tank Replacement Project With Stouder General Construction, LLC.

**Councilmember Lewis requested that Item H., Resolution 2216, be moved to Full Council Issues as Item B.**

**Councilmember Watson moved to approve the Consent Agenda as amended. Councilmember Lewis seconded the motion.**

**Consent Agenda approved as amended 7 – 0.**

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

**VI. COMMUNITY DEVELOPMENT ISSUES:**

- A. **AB12-86 – Resolution 2212** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Awarding The Sewer Trunk Line Improvement – Myers Road To Main Street Construction Contract To Insituform Technologies.

**Councilmember Rackley moved to approve Resolution 2212. Councilmember Lewis seconded the motion.**

Councilmember Minton-Davis said she voted against this item on the CDC committee. She said the Council has discussed sewer fees in depth recently. She said though this project is funded by a loan, the debt service for the loan comes from the sewer fund. She said it is not possible to know what portion of the loan service is paid for by sewer fees versus SDCs, which is why she opposes the proposed project.

**Resolution 2212 approved 5 – 2.  
Councilmembers Minton-Davis  
and Watson voted no.**

- B. **AB12-89 – Resolution 2214** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Professional Services Agreement With KPG Inc. For Design Of The Allan Yorke Park Dike 13 Project.

**Councilmember Rackley moved to approve Resolution 2214. Councilmember Lewis seconded the motion.**

**Resolution 2214 approved 7 – 0.**

**VII. PUBLIC SAFETY COMMITTEE ISSUES:** None.

**VIII. FULL COUNCIL ISSUES:**

- A. **AB12-94** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Canceling The Regular Council Workshop Of June 19, 2012.

**Councilmember Lewis moved to approve motion AB12-94. Councilmember Watson seconded the motion.**

Deputy Mayor Swatman said the full council plans to attend the Association of Washington Cities conference and will be unable to attend the workshop.

**Motion AB12-94 approved 7 – 0.**

- B. **AB12-91 – Resolution 2216 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contractor Agreement With Doolittle Construction, LLC For The 2012 Chip Seal Application.** *Moved from Consent Agenda Issues, Item H.*

**Councilmember Rackley moved to approve Resolution 2216. Councilmember Watson seconded the motion.**

Councilmember Lewis said his homeowners association was very unhappy with the chip seal job done in 2011. He said the same company won the contract this year, and he wants assurances that this year’s job would be of better quality. He said there was a lot of very sharp gravel that came loose, and a year later there are already patches where the chip seal has worn away. He said the City should also let residents know what to expect and how they should deal with their roads after the chip seal is complete.

Director Grigsby said the City swept the streets more than usual after last year’s project. He said the City has a process to notify residents of the upcoming chip seal and seal coat project areas, but he would be happy to host an open meeting for residents as well. He said the entire project usually takes about a week to complete. Councilmember Lewis reiterated that the City should let residents know they should drive on the roads after the project is complete, and not to avoid driving.

**Resolution 2216 approved 7 – 0.**

**IX. EXECUTIVE SESSION: None.**

**X. ADJOURNMENT:**

**At 7:59 p.m., Councilmember Rackley moved to adjourn the Council Meeting. Councilmember Lewis seconded the motion.**

**Motion to adjourn approved 7 – 0.**

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Harwood Edvalson, CMC  
City Clerk

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Neil Johnson, Jr.  
Mayor

Items presented to Council at the June 12, 2012 Meeting: *None.*

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

<b>Department/Staff Contact:</b> PW / Director Dan Grigsby	<b>Meeting/Workshop Date:</b> 3 July 2012	<b>Agenda Bill Number:</b> AB12-49
<b>Agenda Item Type:</b> Resolution	<b>Ordinance/Resolution Number:</b> 2199	<b>Councilmember Sponsor:</b>

**Agenda Subject:** ESTABLISH EASTOWN UTILITY LATECOMER AGREEMENT (ULA)

**Full Title/Motion:** A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Relating To Creation Of A Sewer Utility Latecomer Agreement In Eastown.

**Administrative Recommendation:** Recommend Adoption

**Background Summary:** The City Council approved a non-binding MOU with the Eastown Sewer Development Association LLC to build a sewer system extension into Eastown with Resolution 2165 on October 18, 2011. This resolution will authorize the Mayor to enter into a ULA with the Association. A Public Hearing will be held at the City Council meeting on July 10 prior to forwarding this Resolution to the City Council for action on July 24.

**Attachments:** Resolution 2199; EASTOWN Utility Latecomer Agreement; Eastown Sewer Easement Map

<b>BUDGET INFORMATION</b>			
<b>Budget Amount</b>	<b>Current Balance</b>	<b>Required Expenditure</b>	<b>Budget Balance</b>
<b>Budget Explanation:</b>			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>			
<b>Council Committee Review:</b>	Other	<i>Approvals:</i>	Yes No
	Date:	Chair/Councilmember Randy McKibbin	<input type="checkbox"/> <input type="checkbox"/>
		Councilmember Katrina Minton-Davis	<input type="checkbox"/> <input type="checkbox"/>
		Councilmember Jim Rackley	<input type="checkbox"/> <input type="checkbox"/>
	Forward to:	<b>Consent</b>	
		<b>Agenda:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Commission/Board Review:</b>			
<b>Hearing Examiner Review:</b>			

<b>COUNCIL ACTION</b>			
Workshop Date(s):	3APR2012, 17APR2012, 3JUL2012	Public Hearing Date(s):	10 July 2012
Meeting Date(s):	18OCT2011, 24JUL 2012	Tabled to Date:	

<b>APPROVALS</b>		
<b>Director:</b> DAN GRIGSBY	<b>Mayor:</b>	<b>Date Reviewed by City Attorney:</b> (if applicable):

**RESOLUTION NO. 2199**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE ESTABLISHMENT OF THE EASTOWN UTILITY LATECOMER AGREEMENT.**

**WHEREAS**, the City Council approved a non-binding Memorandum Of Understanding with the Eastown Sewer Development Association LLC to build a sewer system extension into Eastown with Resolution 2165 on October 18, 2011; and,

**WHEREAS**, the City and Eastown Sewer Development Association LLC now desire to enter into a Utility Latecomer Agreement for the purpose of building an extension of the City sewer system into Eastown; and,

**WHEREAS**, the terms of this agreement are as set forth in the attached Utility Latecomer Agreement;

**NOW THEREFORE, BE IT RESOLVED;** that the City Council of the City of Bonney Lake, Washington, does hereby authorize the Mayor to sign the Eastown Sewer Development Financing Contract and Utility Latecomer Agreement.

**PASSED** by the City Council this \_\_\_\_ day of \_\_\_\_\_.

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Neil Johnson Jr., Mayor

ATTEST:

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Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

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James Dionne, City Attorney

When recorded please return to:

Don Morrison  
City of Bonney Lake  
PO Box 7380  
Bonney Lake, WA 98391

DOCUMENT TITLE:  
Sewer Development Financing Contract

REFERENCE NUMBERS OF DOCUMENTS RELEASED:  
N/A

GRANTOR/GRANTEE:  
Eastown Sewer Development LLC/City of Bonney Lake

ABBREVIATED LEGAL DESCRIPTION: EASTOWN UTILITY LATECOMER  
AGREEMENT

TAX PARCEL/RECORDING NUMBERS: See tax parcel numbers on EXHIBIT D

**EASTOWN SEWER DEVELOPMENT  
FINANCING CONTRACT AND  
UTILITY LATECOMER AGREEMENT**

WHEREAS, the City of Bonney Lake (“City”) and the Eastown Sewer Development Association L.L.C. (“Association”) and its individual members, in recognition of the individual and public benefit to be served by installing a sanitary sewer system in the area of Bonney Lake known as Eastown, executed a Memorandum of Understanding (MOU) in Resolution 2165 on October 18, 2011, expressing their intentions to execute a Sewer Development Financing Contract (“Agreement”); and

WHEREAS, installing sewer service in Eastown will augment the city’s utility rate base, implement the comprehensive plan of the city by extending utility infrastructure and stimulating commercial development in Eastown, and benefit the sewer utility’s efficiency and economy of scale; and

WHEREAS, the City has completed plans and specifications for the development of a sewer lift station and associated sewer system infrastructure in Eastown; and

WHEREAS, Chapter 35.91.020 RCW gives cities the authority to contract with private property owners for construction of utility infrastructure, to assess benefitted properties for pro rata share of construction costs, and to collect reimbursements from property owners who connect to the system within twenty (20) years; and

WHEREAS, the RCW and Bonney Lake Municipal Code (“**BLMC**”) Chapter 13.16 authorize the City to partner with interested parties in financing development of utilities, and to receive latecomer reimbursements for City expenditures on same; and

WHEREAS, the Code provides that no financing arrangement may be approved in which the city participation amounts to more than 95 percent of the total construction costs as determined by the Engineers Estimate.

NOW THEREFORE, the undersigned agree upon all of the following terms:

1. Construction Project. The City shall be responsible for the construction of sanitary sewer infrastructure in Eastown, including a lift station and associated infrastructure (hereinafter referred to the Eastown Sewer Development Project, or “**Project**”). The Project shall consist of a new sewer lift station, a north/south gravity main to the lift station starting on the South Side of SR 410, and a pressure/gravity line along 96<sup>th</sup> Street East connecting to the existing sewer system. A map indicating the location of construction work is attached as **Exhibit A** to this Agreement. The City shall have sole discretion and authority to manage the Project and direct the work, including the granting of change orders or alteration of designs where appropriate.
2. Public works laws. The City shall manage the Project as a public works project, abiding by all applicable requirements of Title 39 RCW, including competitive bidding, bonding, retainage, and the payment of prevailing wages.
3. Association’s contribution. The City’s obligation to construct the Project shall be contingent upon the Association’s upfront payment to the City of five percent (5%) of the total estimated Project construction costs within thirty (30) days of the Association’s execution of this Agreement. The Association’s payment shall be made in cash to the City’s Finance Director. Failure to make the payment within thirty (30) days shall render this Agreement void and of no further effect, and shall nullify the City’s obligation to construct the Project. The Association’s contribution, payable within thirty (30) days of execution of this Agreement, shall be two hundred and one thousand one hundred and five dollars (\$201,105.00), the amount calculated as 5% of the Engineer’s Estimate of four million twenty-two thousand one-hundred dollars (\$4,022,100.00), pursuant to BLMC § 13.60.030E. However, should the actual construction costs be less than the Engineer’s Estimate, the \$201,105 amount shall be reduced a proportional amount, but no event shall the reduced amount be less than one hundred seventy-eight thousand dollars (\$178,000). A refund of any reduced amount shall be provided to the Association at project close-out.
4. Assessments recorded. Upon Final Completion of the Project, the City shall record latecomer assessments against all benefiting properties in the assessment reimbursement area (“Latecomer Fees”), including the properties belonging to Association members. The total costs for the Project, including all costs eligible for reimbursement under this agreement, shall be as itemized in **Exhibit B**, including the proportionate share of the

total project costs paid by the City and the Association respectively. The assessment reimbursement area, showing the benefiting properties to be served by the Eastown sewer lift station, is depicted on **Exhibit C** map to this Agreement. **Exhibit D** to this agreement summarizes the initial amount of the Latecomer Fee for each benefiting property; however, each year these fees shall be adjusted by the accrued revenue bond interest with a minimum of five years interest to be paid by each latecomer. The latecomer assessments shall require the property owners to contribute their pro-rata share of the construction costs of the Project, payable at the time the property owner is issued a building permit on his or her property or at other such time as allowed by the BLMC. The City shall not allow any owner of a parcel within the assessment reimbursement area to connect to the city sewer system or otherwise utilize the system improvements as described herein without such owner or owners having first paid to the City the latecomer assessment due for that parcel or parcels.

5. Connection costs. Each property owner in the Eastown area, including the members of the Association, shall be required to pay the all costs and fees applicable for connecting their properties to the sewer system, including the costs of designing and constructing the connection, the Latecomer Fee, system development charges, and any other fees established by the BLMC in effect at the time of connection.
6. Assessment calculation. The pro-rata shares included in the latecomer assessments shall be calculated according to the square footage of the property seeking connection to the system, as follows:

Latecomer Fee = Parcel Net Square footage X Total Project Cost per square foot

- Parcel Net Square Footage = Pierce County Assessor parcel square footage less future public road right-of-way square footage on that parcel
- Total Project Cost includes design, pre-construction, and construction costs (currently estimated at \$4,850,190).
- Total Project Cost per square foot = Total Project Cost / Total net square footage in the assessment reimbursement area
- Square footage conversion to acres will be used for the Assessment Rolls

7. Form of assessment. Latecomer assessments recorded against the properties shall substantially take the form of **Exhibit E** to this Agreement, provided, however, that the City has sole discretion to alter the form of assessments as necessary.
8. Interest. Each parcel's Latecomer Fee and LLC Reimbursement assessment shall accrue interest at a per annum rate equivalent to the rate on the Revenue Bond secured to finance this Project, provided that any property owner may avoid paying accrued interest by paying in full the assessed Latecomer Fee within six (6) months of its recording against the Property or before January first of the following year, whichever comes first.

9. Allocation of latecomer reimbursements. The City shall be entitled to all reimbursement received from Latecomer Fees less the amount owed to the Association. At time of receipt of each Latecomer Fee, the City shall remit to the Association 5% of the Engineers Estimate of construction costs, as determined in paragraph 3 above and as assessed to each parcel on a pro-rata basis per Exhibit F. The City shall issue the 5% amount due within sixty (60) days after receipt of each Latecomer Fee payment. Payment shall be made to the Association at the address of the Association as set forth hereinafter, or at such other address as the Association shall notify the City. If such payments are returned to the City unclaimed, and if through reasonable efforts the City is unable to locate the Association, or if the Association dissolves or otherwise becomes defunct within the 20 year reimbursement period, the City shall retain all sums then received in a separate fund for two years, and shall release the funds when contacted by any individual or entity with standing to claim the funds. After expiration of the two year period, the Association's right to the collected latecomer fee shall expire and the City shall be deemed owner of the funds. The Association shall keep the City continually updated with information regarding the current contact information. If the Association fails in this duty and the City is not able through reasonable efforts to determine the rightful recipient of latecomer assessments, the City may collect any reimbursement and deposit those funds into an appropriate capital fund of the City. The City will record a certificate of payment and release of assessment for the entire reimbursement area when all the property owners have paid their assessments or upon expiration of the twenty-year reimbursement period.
  
10. Assignment. The Association may at any time assign its right to receive latecomer reimbursements to the individual or entity of its choosing, provided that it immediately notifies the City in writing of such assignment, and complies with the notification requirements of Section 9 above. Under no circumstances will the City be responsible for deciding or settling any disputes with regard to the proper recipient of latecomer reimbursements, or have any liability for transfer of funds to a recipient. In the event of a dispute, the City may transfer the funds into an escrow account designated by the parties to the dispute. The City may also, at its option, commence an interpleader action joining any party claiming rights under this Agreement, or other parties which the City believes to be necessary or proper parties, and the City shall be discharged from further liability upon paying the person or persons whom any court having jurisdiction of such interpleader action shall determine, and in such action the City shall be entitled to withhold its reasonable attorney's fees and costs from such payment.
  
11. Joint defense. The City and the Association jointly agree to defend, or pay the cost of such defense, and indemnify the City against any lawsuits attacking the validity of this Agreement. Costs shall be apportioned based on the pro rata contribution of each party to the Extension, as defined in the Utility Extension Agreement. Notwithstanding the foregoing, at any time after it becomes apparent that litigation may ensue, either party may inform the other in writing that it intends terminate this Agreement, at which time its obligation to defend or pay the cost of defense shall cease. The Association's termination of this Agreement shall not relieve any of its property owner members of the obligation to pay any latecomer assessments due.

12. Administrative fee. The City shall charge, in addition to its usual and ordinary charges made against persons applying for service from said facility, and in addition to the amount agreed to be collected by the City in this paragraph, a sum equal to five percent (5%) of the Engineers Estimate to be collected from the owner or owners of said properties connecting to or using said facility, which sum shall be used by the City to defray the cost of contract administration, labor, bookkeeping, and accounting, pursuant to the terms of this Agreement. This fee shall be pro-rated to all property owners based on their net benefitting area.
13. Costs. The Parties shall bear their own costs and expenses including, without limitation, attorneys' fees and costs related to this Agreement, the latecomer assessments, and the agreements contemplated herein.
14. Preliminary assessment notices. Prior to this Agreement being recorded, the City shall send a map of the Assessment Reimbursement Area (Exhibit C), a preliminary calculation of the assessments due (Exhibit D), and a description of the property owners' rights and options, by certified mail to the property owners of record within the assessment reimbursement area pursuant to BLMC 13.16.050(J)(2). Appeals of the assessment shall be made in accordance with this Code section.
15. City's right to terminate. The City shall have the right, in its sole and absolute discretion, to terminate this Agreement based upon testimony received during City Council appeal hearings held in accordance with Section 14 above.
16. Term of Agreement. This Agreement shall be effective for a period of twenty (20) years following the issuance of the Certificate of Final Completion to the construction contractor, or until every benefited property owner in the assessment reimbursement area has paid the latecomer assessment, whichever is sooner.
17. Timing. The parties agree to use their best efforts to move forward with the Project in anticipation of construction beginning in the latter half of 2012.
18. Governing law and venue. Disputes arising under this Agreement shall be brought in Pierce County Superior Court and adjudicated under the laws of the State of Washington.
19. Modification or Amendment. No amendment, change or modification of this Agreement shall be valid unless in writing and signed by all of the parties hereto.
20. Agreement runs with the land. The terms of this Agreement shall run with the land and bind subsequent owners of the properties affected.
21. Entire Agreement. This Agreement constitutes the entire understanding and agreement of the parties with respect to its subject matter and any and all prior agreements, understandings or representations with respect to its subject matter are hereby canceled in their entirety and are of no further force or effect.

22. Attorneys' Fees. Should either party bring suit to enforce this Agreement, the prevailing party in such lawsuit shall be entitled to an award of its reasonable attorneys' fees and costs incurred in connection with such lawsuit.
23. Headings. The captions and paragraph headings used in this Agreement are inserted for convenience of reference only and are not intended to define, limit or affect the interpretation or construction of any term or provision hereof.
24. Exhibits. All exhibits attached hereto are incorporated by reference.
25. Counterparts. This Agreement may be executed in counterparts, and each set of duly delivered identical counterparts which includes all signatories shall be deemed to be one original document.
26. Agreement date. For purposes of calculation of all time periods described in this Agreement, all phrases such as "the date of this Agreement" or "the date of execution of this Agreement" or any other like phrase referring to the date of the Agreement, shall mean and refer to the date the Bonney Lake City Council approves this Agreement.
27. Recording. This Agreement shall be recorded with the Pierce County Auditor within thirty (30) days of execution by the City. The City shall pay the costs of recording.

IN WITNESS THEREOF, this Agreement has been approved by the City Council of the City of Bonney Lake as of the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

CITY OF BONNEY LAKE

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



## **SUMMARY OF EXIBITS**

### **Exhibit A**

Map indicating the location of the construction work.

### **Exhibit B**

The total costs for the Project, including all costs eligible for reimbursement under this agreement, including the proportionate share of the total project costs paid by the City and the Association respectively.

### **Exhibit C**

Map showing location of benefiting parcels/Assessment Reimbursement Area.

### **Exhibit D**

Summary of the initial amount of the Latecomer Fee for each benefiting property, not including accrued revenue bond interest with a minimum five years interest to be paid by each latecomer.

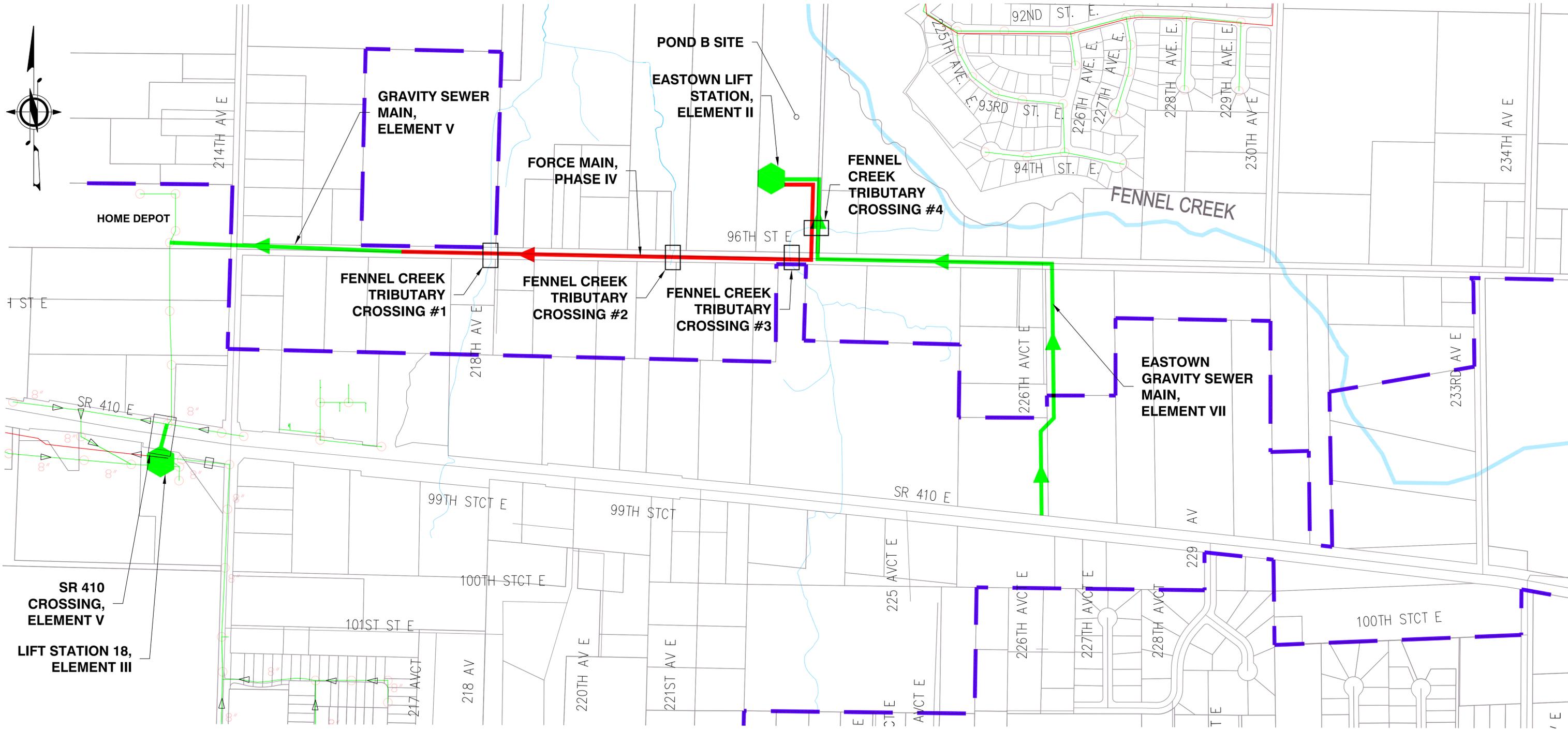
### **Exhibit E**

(Latecomer assessment standard form.)

## **NOTICE OF ADDITIONAL SEWER CONNECTION CHARGES**

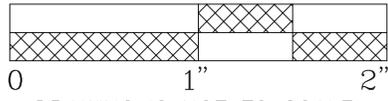
### **Exhibit F**

Pro-rata share of received latecomer fees to be distributed to the Association.



**LEGEND**

-  PROPOSED GRAVITY SEWER
-  PROPOSED FORCE MAIN
-  LIFT STATION
-  FENNEL CREEK TRIBUTARY CROSSING
-  BONNEY LAKE CITY LIMITS
-  BONNEY LAKE SEWER SERVICE AREA



DRAWING IS NOT TO SCALE  
IF BAR IS NOT 2" LONG

**EXHIBIT D  
PROPOSED EASTOWN SEWER SYSTEM**

1" = 500'



EXHIBIT A

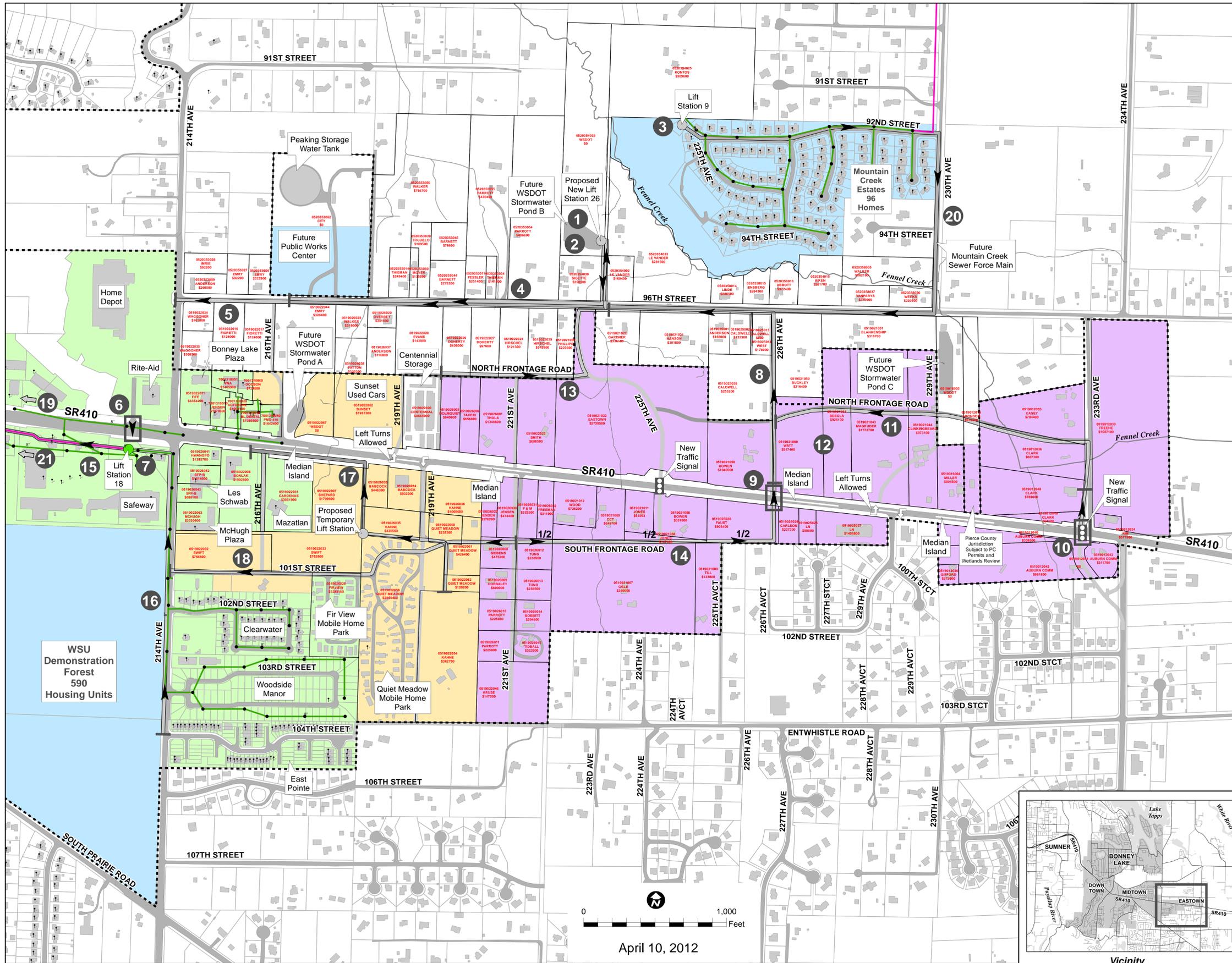
## EASTOWN SEWER SYSTEM - LATECOMER FEE - PRELIMINARY COST SUMMARY

<u>Phase</u>	<u>Project Number</u>	<u>Resolution Number</u>	<u>PO Number</u>	<u>Award Amount</u>	<u>Actual Amount</u>	<u>TOTAL</u>
						April 4, 2012
<b><u>Planning In 2005</u></b>						
Eastown Sub-Area Plan (Parametrix) -- Sewer Element	35310019	1360	24681	\$80,700	\$68,793	\$68,793
Eastown Sewer Details (RH2)		1504	24967	\$25,000	\$21,214	\$90,007
<b><u>Sewer Line Easements</u></b>						
Easement Dedications - Recording Fees =					\$1,499	\$91,506
216th Ave - Caldwell						
Cash =				\$9,256	\$9,256	\$100,762
Mitigation =	Pave street and driveway; Bushes planted on Eastern property line					
216th Ave - West						
Cash =				\$6,003	\$6,003	\$106,765
Mitigation =	Pave street and driveway; Bushes planted on Eastern property line					
Kontos Easement						
Mitigation:	Reroute existing utility lines through Lift Station 9 in Mountain Creek Sub-division					
Survey =		2119		\$5,574	\$4,539	\$111,304
Utility Trench and Pipe =		2118		\$32,750	\$32,735	\$144,039
PSE Charge =				\$3,228	\$3,228	\$147,267
Century Link Charge =				\$491	\$491	\$147,758
Total Kontos Easement Cost =					\$40,993	
<b><u>Purchase Land from WSDOT for Sewer Lift Station</u></b>						
Paid to WSDOT for 9,000 s.f.	35310050	2163		\$10,950	\$10,950	\$158,708
Archaeological Survey				\$4,886	\$4,886	\$163,594
Professional Services for Pond B Purchase		2099		\$5,205	\$5,205	\$168,799
Paid to WSDOT staff for Review		2098		\$3,000	\$3,115	\$171,914

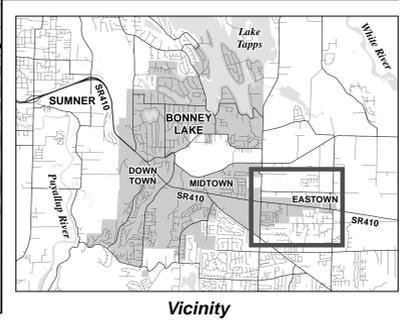
<u>Phase</u>		<u>Project Number</u>	<u>Resolution Number</u>	<u>PO Number</u>	<u>Award Amount</u>		<u>Actual Amount</u>	<u>TOTAL</u>
<b><u>Design</u></b>		35310050						
Sewer Lift Station - RH2			2058	31683 / 031457	\$370,350		\$370,350	\$542,264
225th Ave. Boring - Parametrix (Preliminary Plan)				30745	\$4,482		\$4,482	\$546,746
Legal description - Parametrix (May 2010)							\$966	\$547,711
Review of electrical sewer lift station standards (Parametrix)							\$4,274	\$551,985
226th Ave. Boring - Parametrix (Final Design)							\$15,000	\$566,985
<b>Total Design Costs</b>							<b>\$395,072</b>	
<b><u>Construction</u></b>		35310050						
Sewer Lift Station Upstream sewer lines from SR410 to the lift station Downstream sewer lines from LS to 214th Ave Boring under SR410 at Safeway Lift Station 18 Pump Replacement					\$3,677,100		TBD	\$4,244,085
Other Costs to be Paid for By City:								
Electrical Utility Service Charge =					\$50,000			\$4,294,085
Deep Sewer Construction Surcharge =					\$100,000			\$4,394,085
Boring under SR410 at 226th Avenue					\$195,000			\$4,589,085
<b>Total Engineer's Estimate for Construction</b>					<b>\$4,022,100</b>			
<b>5% of Engineer's Estimate (ULA Agreement Amount)</b>					<b>\$201,105</b>		???	
<b>City 5% Fee (BLMC 13.16.050(F)) to Administer the Latecomer Fee Collection and ULA Agreement</b>					<b>\$201,105</b>			\$4,790,190
<b>Bond Underwriter/Origination Fee</b>					<b>\$60,000</b>			\$4,850,190
<b>Bond Reserve</b>					<b>\$0</b>			\$4,850,190
<b>TOTAL ULA COSTS</b>								<b>\$4,850,190</b>
<b>Note:</b>								
1. Did not include any City staff time.								
2. Bond Reserve. \$350,000 set aside in City Account for twenty years.								
3. <b>BLMC 13.16.050 (F):</b> The city's administration fee for a latecomer agreement shall be <b>10 percent</b> and shall be charged to the latecomer.								
<b>Proposed Ordinance:</b> The city's administration fee for a latecomer agreement shall be <b>5 percent of actual construction costs</b> and shall be charged to the <b>all</b> latecomers.								

# EASTOWN PROPERTIES CURRENTLY WITHOUT BONNEY LAKE SEWER SERVICE

## Overlaid on Easttown Future Sewer Projects and Roads Base Map



- EXISTING SEWER SERVICE**
- Existing Bonney Lake Sewer Customer
  - Manhole
  - Lift Station
  - Sewer Force Main
  - Sewer Gravity Main
  - Easttown Tax Parcels with:
    - Parcel Number
    - Owner
    - Assessed Value
  - Bonney Lake Sewer Service Currently Provided to Existing Lift Station 18
  - No Bonney Lake Sewer Service Currently Available; Future Lift Station 26 Service
  - No Bonney Lake Sewer Service Currently Available; Future Existing Lift Station 18 Service
  - No Bonney Lake Sewer Service Currently Available; Future Rebuilt/Expanded Lift Station 18 Service
  - No Development Planned; Existing Septic System will be used in the Future
- FUTURE SEWER PROJECTS**
- Future Sewer Project Number
  - Lift Station
  - SR410 Highway Crossing
  - Project Start/Stop
  - Flow Direction
  - Gravity Main
  - Force Main
- FUTURE ROADS BASE MAP**
- SR410 Median Islands
  - Future Public Roads
  - Future Private Roads
  - Tax Parcels
  - Building
  - Paved Road
  - Bonney Lake City Limits
  - Fennel Creek & Tributaries



April 10, 2012

**EASTOWN - UTILITY LATECOMER AGREEMENT (ULA) -  
Sewer Preliminary Assessment Roll**

Number of Properties	Map ID	TAX PARCEL	Parcel Size Acres	Future Public Street	Public Street Length Feet	Share of Street Width Feet	Public Street Credit Sq. Ft.	Public Street Credit Acres	Net ULA Benefit Area Acres	Preliminary Assessment \$	Parcel Owner	
<b>EASTOWN NORTHERN SEWER SERVICE AREA</b>			North side of SR410	Total ROW Width = 57 ft.								Updated 4 April 2012
				1 Acre = 43,560								<b>Northern Sewer Service Area Pro-Rata Cost</b>
										<b>\$31,601</b>	<b>\$/Acre (See Calculation Below)</b>	
1	10	0519022020	3.12						0.00	\$0	CENTENNIAL STORAGE I LLC	
2	11	0519026003	1.77						1.77	\$55,931	HOLMQUIST ALBERT R & LONNA M	
3	12	0519026002	1.83						1.83	\$57,717	TAHERI MOHAMMAD & GABRIELLE	
4	13	0519026001	3.85	221st Ave	611	28.5	17,414	0.40	3.25	\$102,712	THOLA MARY JO	
5	14	0519022023	3.48	221st Ave	611	28.5	17,414	0.40	3.09	\$97,656	SMITH DICKIE	
6	15	0519021032	20.83	225th Ave	1032	57.0	58,624	1.35	18.29	\$577,878	EASTOWN LLC	
7	16	0519021058	5.54	226th Ave	470	Various	51,875	1.18			(Less 225th Ave Turn Lanes - North Side of SR410)	
8	17	0519021060	5.52	226th Ave	506	28.5	14,421	0.33	5.21	\$164,610	BOWEN DAVID W	
				226th Ave	506	28.5	14,421	0.33	5.08	\$180,584	WATT ROGER	
					164	28.5	4,874	0.11				
9	18	0519021061	4.87						4.87	\$153,896	BESOLA MARK L	
10	19	0519021043	9.58	229th Ave	378	57.0	21,546	0.49	9.07	\$286,479	MAGRUDER VERLIN & DELORES	
11	20	0519021044	4.66	229th Ave	237	57.0	13,508	0.31	4.04	\$127,683	CLINKINGBEARD MARK W & KATHLEEN R	
					674	20.0	13,488	0.31		\$0	CLINKINGBEARD MARK W & KATHLEEN R	
12	21	0519016004	2.00						2.00	\$63,203	MILLER RAYMOND E & MARY K	
13	125A	0519012016 (3.55 Ac Total)	1.278						1.28	\$40,380	ARONSON ERICK A & KAREN J (Commercially Zoned)	
14	22	0519012035	5.05						5.05	\$159,588	CASEY & JOEL LLC (Clark Family)	
15	23	0519012036	5.04						5.04	\$159,271	CLARK FAMILY HOLDINGS LLC	
16	24	0519012037	5.35						5.35	\$169,066	CLARK FAMILY HOLDINGS LLC	
17	25	0519012033	18.12						18.12	\$572,610	FREEHE HAZEL E TTEE	
18	26	0519012024	0.39						0.39	\$12,331	KIM HAN KUK & CHONG SUK	
19	70	0519012040	1.80						1.80	\$60,043	STOBIE - AUBURN COMMERCIAL DEVELOPMENT INC	
20	71	0519012030	0.45						0.45	\$14,221	GIFFORD GRANT R & CHRISTINE A	
21	72A	0519012031-0519012042	5.65						5.65	\$178,548	STOBIE - AUBURN COMMERCIAL DEVELOPMENT INC	
	72B	0519012043	1.04						1.04	\$32,866	STOBIE - AUBURN COMMERCIAL DEVELOPMENT INC	
	73	0519012039	0.7700						0.77	\$24,333	CLARK FAMILY HOLDINGS LLC	
<b>NORTHERN TOTAL =</b>			<b>111.87</b>						<b>103.53</b>	<b>\$3,271,618</b>		
			<b>67.6%</b>									
NOTE: Actual cost depends on actual scope of work and actual construction costs... To Be Determined!!												

**EASTOWN - UTILITY LATECOMER AGREEMENT (ULA) -  
Sewer Preliminary Assessment Roll**

Number of Properties	Map ID	TAX PARCEL	Parcel Size Acres	Future Public Street	Public Street Length Feet	Share of Street Width Feet	Public Street Credit Sq. Ft.	Public Street Credit Acres	Net ULA Benefit Area Acres	Preliminary Assessment \$	Parcel Owner	
<b>EASTOWN SOUTHERN SEWER SERVICE AREA</b>			South Side of SR410	Total ROW Width = 57 ft.								
					1 Acre = 43,560					\$31,601	\$/Acre (See Calculation Below)	
1	46	0519026028	1.11						1.11	\$35,078	JENSEN DANIEL	
2	47	0519026030	1.40	221st Ave	426	28.5	12,141	0.28	1.12	\$35,434	JENSEN DANIEL	
3	48	0519026031	1.04	221st Ave	428	28.5	12,141	0.28	0.76	\$24,054	F & M GROUP LLC	
4	49	0519026032	1.04						1.04	\$32,862	FREEMAN WILLIAM E	
5	50	0519026008	1.15	221st Ave	220	28.5	8,270	0.14	1.01	\$31,793	SIEBENS MACHINE INC	
6	51	0519026012	1.25	221st Ave	220	28.5	8,270	0.14	1.11	\$34,953	TUNG CHEE N & KATHERINE	
7	52	0519026009	1.25	221st Ave	217	28.5	8,185	0.14	1.11	\$35,015	CORBALEY CARL L & LESLIE TRACY	
8	53	0519026013	1.25	221st Ave	217	28.5	8,185	0.14	1.11	\$35,015	TUNG CHEE N & KATHERINA	
9	54	0519026010	1.25	221st Ave	221	28.5	8,299	0.14	1.11	\$34,932	PARROTT WILLIAM & RON SEVERSON	
10	55	0519026014	1.25	221st Ave	221	28.5	8,299	0.14	1.11	\$34,932	BOBBITT RONALD K	
11	56	0519026011	1.25	221st Ave	219	28.5	8,242	0.14	1.11	\$34,974	PARROTT WILLIAM & MARCELLA	
12	57	0519026015	1.24	221st Ave	219	28.5	8,242	0.14	1.10	\$34,655	TIDBALL GARRY L & ROSEANA G	
13	58	0519022046	4.99	221st Ave	437	57.0	24,909	0.57	4.42	\$139,621	KRUSE LENNART & PATRICIA R	
14	59	0519021012	2.06						2.06	\$65,096	WOOD J SCOTT	
15	60	0519021069	2.39						2.39	\$75,528	MCCARTHY VINCENT J JR	
16	61	0519021011	1.38						1.38	\$43,610	JONES HELEN	
17	62	0519021008	1.93	225th Ave	298	Various	35,370	0.81	1.12	\$35,328	BOWEN, BRIAN & ANGELINA (Less 225th Ave Turn Lanes - South Side of SR410)	
18	63	0519021068	0.80	225th Ave	45	60.0	4,050	0.09	0.51	\$16,023	JONES HELEN (Less 225th Ave Turn Lanes - South Side of SR410)	
19	64	0519021067	15.76						15.76	\$498,039	OGLE Mary C/O Donna Rowell	
20	65	0519021008	2.69	225th Ave Ct	850	57.0	37,050	0.85	2.60	\$82,070	TILL MILTON D & IMOGENE J	
21	66	0519025030	3.30	226th Ave	250	28.5	7,125	0.16	3.14	\$99,116	FAUST TRUST	
22	67	0519025029	0.83	226th Ave	250	28.5	7,125	0.16	0.67	\$21,060	CARLSON ROBERT TTEE	
23	68	0519025028	0.31						0.31	\$9,951	LN REAL ESTATE LLC	
24	69	0519025027	2.83						2.83	\$89,432	LN REAL ESTATE LLC - Lumber Store	
<b>SOUTHERN TOTAL =</b>			<b>53.56</b>					<b>4.36</b>	<b>49.95</b>	<b>\$1,578,572</b>		
			<b>32.4%</b>							<b>TBD</b>		
<b>NORTHERN AND SOUTHERN AREA TOTAL =</b>			<b>166.43</b>						<b>163.48</b>	<b>\$4,850,190</b>	<b>TOTAL PRELIMINARY ASSESSMENT AMOUNT</b>	
			<b>100%</b>							<b>\$31,601</b>	<b>Preliminary Assessment Rate = \$/Acre</b>	

Exhibit E  
Latecomer assessment standard form.

**NOTICE OF ADDITIONAL SEWER CONNECTION CHARGES**

WHEREAS, the owner of the property located at [address], Bonney Lake, Washington, having the Tax Parcel Number \_\_\_\_\_, is subject to the terms of a Sewer Development Financing Contract and Utility Latecomer Agreement (“Agreement”) executed between the City of Bonney Lake and the Easttown Sewer Development Association LLC; and,

WHEREAS, pursuant to Chapter 35.91 RCW and Chapter 13.16 of the Bonney Lake Municipal Code, and the Agreement, a “latecomer” assessment shall be due, equivalent to the pro rata share of Project costs, in the following amount:

[insert \$\$]

Said sum shall be payable at the time of building permitting, connection to the public sewer system, or at other such time as the City may determine. Said sum shall be due in addition to other fees and charges due pursuant to the Bonney Lake Municipal Code.

Signed this \_\_\_\_ day of \_\_\_\_\_, 20??.

\_\_\_\_\_  
Don Morrison, Bonney Lake City Administrator

EASTOWN - UTILITY LATECOMER AGREEMENT (ULA)

Reimbursement Schedule to Eastown Sewer System Association LLC

Number of Properties	Map ID	TAX PARCEL	Parcel Size Acres	Future Public Street	Public Street Length Feet	Share of Street Width Feet	Public Street Credit Sq. Ft.	Public Street Credit Acres	Net ULA Benefit Area Acres	Preliminary Assessment \$	Parcel Owner
<i>Updated 4 April 2012</i>											
<b>EASTOWN NORTHERN SEWER SERVICE AREA</b>			North side of SR410	Total ROW Width = 57 ft.							<b>Northern Sewer Service Area Pro-Rata Cost</b>
						1 Acre = 43,560				<b>\$1,310</b>	<b>\$/Acre (See Calculation Below)</b>
1	10	0519022020	3.12						0.00	\$0	CENTENNIAL STORAGE I LLC
2	11	0519026003	1.77						1.77	\$2,319	HOLMQUIST ALBERT R & LONNA M
3	12	0519026002	1.83						1.83	\$2,393	TAHERI MOHAMMAD & GABRIELLE
4	13	0519026001	3.65	221st Ave	611	28.5	17,414	0.40	3.25	\$4,259	THOLA MARY JO
5	14	0519022023	3.49	221st Ave	611	28.5	17,414	0.40	3.09	\$4,048	SMITH DICKIE
6	15	0519021032	20.83	225th Ave	1032	57.0	58,824	1.35	18.28	\$23,960	Compass Pointe Development EASTOWN LLC
7	16	0519021058	5.54	228th Ave	506	Various	51,975	1.19			(Less 225th Ave Turn Lanes - North Side of SR410)
8	17	0519021080	5.52	226th Ave	506	28.5	14,421	0.33	5.21	\$6,826	BOWEN DAVID W
9	18	0519021081	4.87		184	28.5	4,674	0.11	5.08	\$6,656	WATT ROGER
10	19	0519021043	9.56	229th Ave	378	57.0	21,548	0.49	4.87	\$6,381	BESOLA MARK L
11	20	0519021044	4.66	229th Ave	237	57.0	13,509	0.31	9.07	\$11,876	MAGRUDER VERLIN & DELORES
					674	20.0	13,480	0.31	4.04	\$5,294	CLINKINGBEARD MARK W & KATHLEEN R
12	21	0519016004	2.00						2.00	\$2,621	CLINKINGBEARD MARK W & KATHLEEN R
13	125A	0519012018 (3.55 Ac Total)	1.278						2.00	\$2,621	MILLER RAYMOND E & MARY K
14	22	0519012035	5.05						1.28	\$1,674	ARONSON ERICK A & KAREN J (Commercially Zoned)
15	23	0519012036	5.04						5.05	\$6,617	CASEY & JOEL LLC (Clark Family)
16	24	0519012037	5.35						5.04	\$6,604	CLARK FAMILY HOLDINGS LLC
17	25	0519012033	18.12						5.35	\$7,010	CLARK FAMILY HOLDINGS LLC
18	26	0519012024	0.39						18.12	\$23,742	FREEHE HAZEL E TTEE
19	70	0519012040	1.90						0.39	\$511	KIM HAN KUK & CHONG SUK
20	71	0519012030	0.45						1.90	\$2,489	STOBIE - AUBURN COMMERCIAL DEVELOPMENT INC
21	72A	0519012031-0519012042	5.65						0.45	\$590	GIFFORD GRANT R & CHRISTINE A
		72B	1.04						5.65	\$7,403	STOBIE - AUBURN COMMERCIAL DEVELOPMENT INC
		73	0.7700						1.04	\$1,363	STOBIE - AUBURN COMMERCIAL DEVELOPMENT INC
<b>NORTHERN TOTAL =</b>			<b>111.87</b>						<b>103.53</b>	<b>\$136,648</b>	CLARK FAMILY HOLDINGS LLC
			<b>67.6%</b>								
<i>NOTE: Actual cost depends on actual scope of work and actual construction costs...To Be Determined!!</i>											

Exhibit F

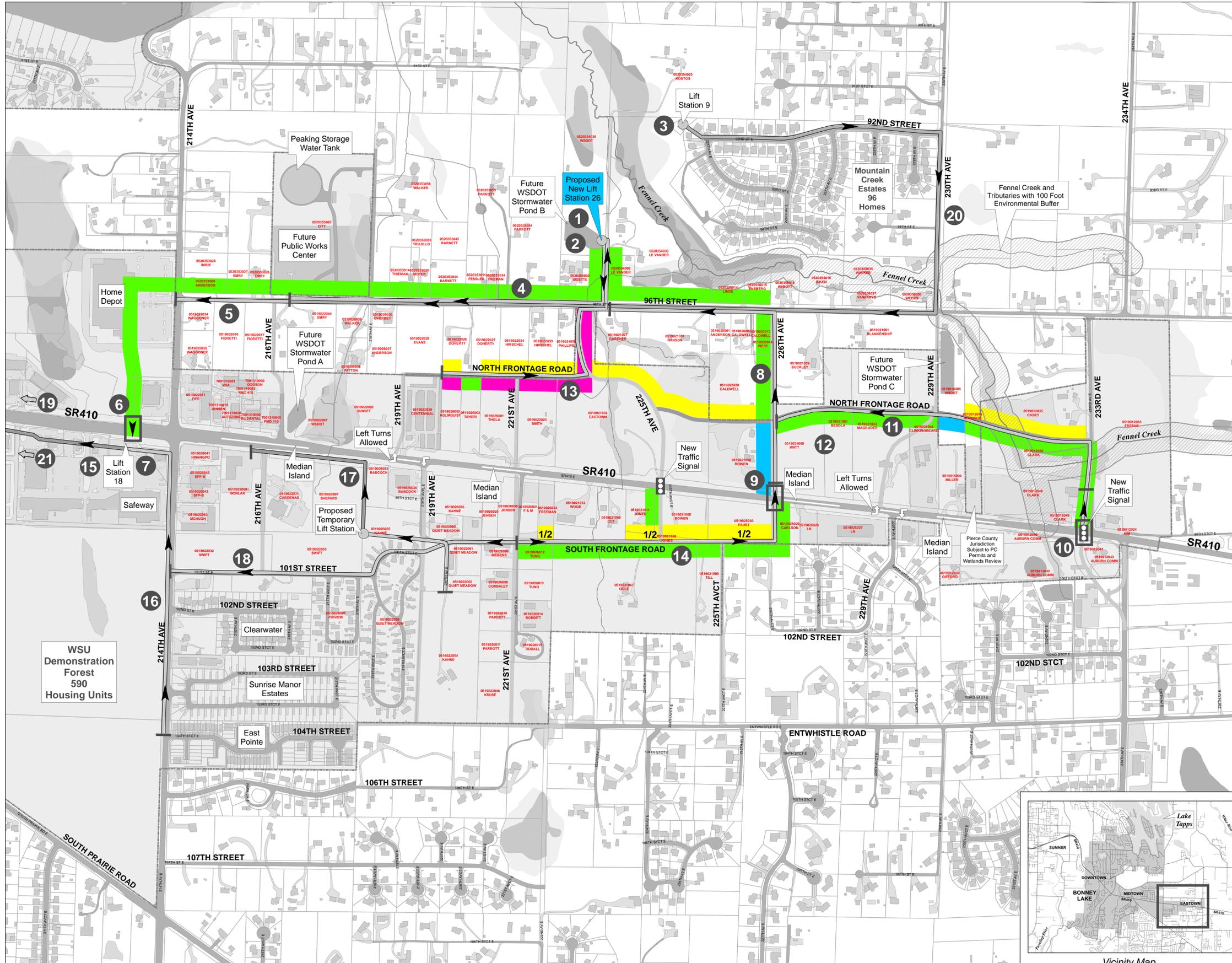
EASTOWN - UTILITY LATECOMER AGREEMENT (ULA)

Reimbursement Schedule to Eastown Sewer System Association LLC

Number of Properties	Map ID	TAX PARCEL	Parcel Size Acres	Future Public Street	Public Street Length Feet	Share of Street Width Feet	Public Street Credit Sq. Ft.	Public Street Credit Acres	Net ULA Benefit Area Acres	Preliminary Assessment \$	Parcel Owner	
<b>EASTOWN SOUTHERN SEWER SERVICE AREA</b>			South Side of SR410	Total ROW Width = 57 ft.								
				1 Acre = 43,560							\$1,310	\$/Acre (See Calculation Below)
1	46	0519026029	1.11						1.11	\$1,454	JENSEN DANIEL	
2	47	0519026030	1.40	221st Ave	426	28.5	12,141	0.28	1.12	\$1,468	JENSEN DANIEL	
3	48	0519026031	1.04	221st Ave	426	28.5	12,141	0.28	0.76	\$997	F & M GROUP LLC	
4	49	0519026032	1.04						1.04	\$1,363	FREEMAN WILLIAM E	
5	50	0519026008	1.15	221st Ave	220	28.5	6,270	0.14	1.01	\$1,318	SIEBENS MACHINE INC	
6	51	0519026012	1.25	221st Ave	220	28.5	6,270	0.14	1.11	\$1,449	TUNG CHEE N & KATHERINE	
7	52	0519026009	1.25	221st Ave	217	28.5	6,185	0.14	1.11	\$1,452	CORBALLEY CARL L & LESLIE TRACY	
8	53	0519026013	1.25	221st Ave	217	28.5	6,185	0.14	1.11	\$1,452	TUNG CHEE N & KATHERINA	
9	54	0519026010	1.25	221st Ave	221	28.5	6,289	0.14	1.11	\$1,448	PARROTT WILLIAM & RON SEVERSON	
10	55	0519026014	1.25	221st Ave	221	28.5	6,289	0.14	1.11	\$1,448	BOBBITT RONALD K	
11	56	0519026011	1.25	221st Ave	219	28.5	6,242	0.14	1.11	\$1,450	PARROTT WILLIAM & MARCELLA	
12	57	0519028015	1.24	221st Ave	219	28.5	6,242	0.14	1.10	\$1,437	TIDBALL GARRY L & ROSEANA G	
13	58	0519022046	4.89	221st Ave	437	57.0	24,909	0.57	4.42	\$5,789	KRUSE LENNART & PATRICIA R	
14	59	0519021012	2.06						2.06	\$2,699	WOOD J SCOTT	
15	60	0519021099	2.39						2.39	\$3,132	MCCARTHY VINCENT J JR	
16	61	0519021011	1.38						1.38	\$1,808	JONES HELEN	
17	62	0519021008	1.83	225th Ave	296	Various	35,370	0.61	1.12	\$1,465	BOWEN, BRIAN & ANGELINA (Less 225th Ave Turn Lanes - South Side of SR410)	
18	63	0519021088	0.60	225th Ave	45	90.0	4,050	0.09	0.51	\$664	JONES HELEN (Less 225th Ave Turn Lanes - South Side of SR410)	
19	64	0519021087	15.76						15.76	\$20,650	OGLE Mary C/O Donna Rowell	
20	65	0519021009	2.89	225th Ave Ct	650	57.0	37,050	0.85	2.80	\$3,403	TILL MILTON D & IMOGENE J	
21	66	0519025030	3.30	228th Ave	250	28.5	7,125	0.16	3.14	\$4,110	FAUST TRUST	
22	67	0519025029	0.83	226th Ave	250	28.5	7,125	0.16	0.67	\$873	CARLSON ROBERT TTEE	
23	68	0519025028	0.31						0.31	\$413	LN REAL ESTATE LLC	
24	69	0519025027	2.83						2.83	\$3,714	LN REAL ESTATE LLC - Lumber Store	
<b>SOUTHERN TOTAL =</b>			<b>53.66</b>					<b>4.36</b>	<b>49.96</b>	<b>\$66,457</b>		
			<b>32.4%</b>									
<b>NORTHERN AND SOUTHERN AREA TOTAL =</b>			<b>165.43</b>							<b>TBD</b>		
			<b>100%</b>						<b>163.48</b>	<b>\$201,105</b>	<b>ULA - 5% Reimbursement Amount to LLC</b>	
										<b>\$1,310</b>	<b>Preliminary Assessment Rate = \$/Acre</b>	

# EASTOWN SEWER & FRONTAGE ROAD EASEMENTS

Overlaid on Easttown Future Sewer Projects and Roads Base Map

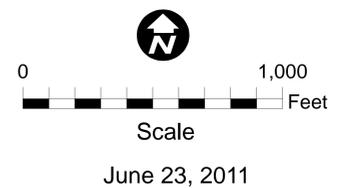
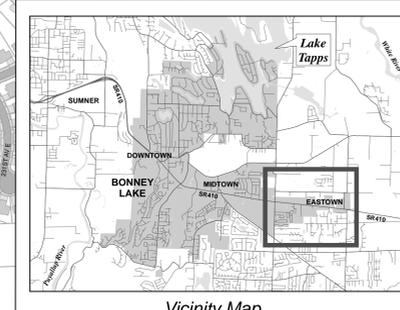


- EASEMENTS**
- Sewer Easement Acquired
  - Sewer Easement Acquisition in Progress
  - Sewer Easement Not Provided
  - Frontage Road Easement Not Provided

- FUTURE SEWER PROJECTS**
- Future Sewer Project Number
  - Lift Station
  - SR410 Highway Crossing
  - Project Start/Stop
  - Flow Direction
  - Gravity Main
  - Force Main
  - Mountain Creek Force Main

- FUTURE ROADS BASE MAP**
- SR410 Median Islands
  - Future Public Roads
  - Future Private Roads
  - Tax Parcels
  - Building
  - Paved Road
  - Other Impervious Surface
  - Stormwater Pond
  - Bonney Lake City Limits

- FENNEL CREEK & WETLANDS**
- Fennel Creek
  - Fennel Creek Tributaries
  - Fennel Creek 100 Foot Buffer
  - CWI Wetlands
  - Supplemental Wetland Inventory
  - National Wetlands Inventory



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

<b>Department/Staff Contact:</b> PW / Director Dan Grigsby	<b>Meeting/Workshop Date:</b> 3 July 2012	<b>Agenda Bill Number:</b> AB12-96
<b>Agenda Item Type:</b> Discussion	<b>Ordinance/Resolution Number:</b>	<b>Councilmember Sponsor:</b>

**Agenda Subject:** Pavement Preservation - Pierce County Funding Alternatives

**Full Title/Motion:** n/a Discussion By The City Council Of The City Of Bonney Lake, Pierce County, Washington, Relating To Pavement Preservation Funding In Pierce County.

**Administrative Recommendation:**

**Background Summary:** Pierce County sponsored a meeting of City PW Directors/City Engineers to discuss the status of and possible solutions to the shortfall of revenue sources available to adequately maintain streets throughout the County. All agencies expressed concerns about their ability to maintain existing streets and the lack of funding to make improvements needed to support growth in population. At the conclusion of this meeting, PC PW Director Brian Ziegler asked attendees to get a sense of whether or not their respective agencies would support a PC initiative to establish a 3.75 cent gas tax and/or \$20 Transportation Benefit District (TBD) fee. This presentation will explain how these two actions would impact Bonney Lake. Question for City Council: Would you support either or both of these actions?  
**Attachments:** REET-Gas Tax Revenue, LOTT Revenue, TBD Revenue, RCW References, DRAFT Q&A, City Council Response Options

<b>BUDGET INFORMATION</b>			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
<b>Budget Explanation:</b>			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>			
<b>Council Committee Review:</b>	Other	<i>Approvals:</i>	Yes No
	Date:	Chair/Councilmember Randy McKibbin	<input type="checkbox"/> <input type="checkbox"/>
		Councilmember Katrina Minton-Davis	<input type="checkbox"/> <input type="checkbox"/>
		Councilmember Jim Rackley	<input type="checkbox"/> <input type="checkbox"/>
	Forward to:	<b>Consent</b>	
		<b>Agenda:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Commission/Board Review:</b>			
<b>Hearing Examiner Review:</b>			

<b>COUNCIL ACTION</b>	
Workshop Date(s): 3JUL2012	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

<b>APPROVALS</b>		
<b>Director:</b> DAN GRIGSBY	<b>Mayor:</b>	<b>Date Reviewed</b> <b>by City Attorney:</b> (if applicable):

**City of Bonney Lake**  
**REET and FUEL TAX Revenue**  
 18 June 2012

	2012 To-Date	2012 Budget	2011	2010	2009	2008	2007
<b>REET 1</b>	24,070	52,894	56,120	64,898	73,271	86,449	182,807
<b>REET 2</b>	56,164	158,681	126,559	151,428	170,966	201,714	426,550
<b>MVFT</b>	84,102	297,000	362,210	356,143	358,685	382,641	346,748

Please note – for to-date revenues, we have 5 of 12 REET collections received due to accruals, and only 3 of 12 MVFT received (the state remittances are on a two-month lag time, and are received on the last day of the month, so the June 30<sup>th</sup> receipt will be for April receipts.)

As a state shared revenue, the MVFT estimate for 2012 is based on per capita. We should have the 2013 per capita estimate from MRSC the 4<sup>th</sup> week of July when the new revenue book is released.

With regards to REET, here are the definitions from MRSC....

**REET 1** For Cities & Counties with a population of 5,000 or more that are planning under GMA....

**These jurisdictions must spend the first quarter percent of their real estate excise tax receipts solely on capital projects that are listed in the capital facilities plan element of their comprehensive plan. [RCW 82.46.010\(2\)\(6\)](#).**

*RCW 82.46.010(6) defines "capital projects" as:*

*those public works projects of a local government for planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of streets; roads; highways; sidewalks; street and road lighting systems; traffic signals; bridges; domestic water systems; storm and sanitary sewer systems; **parks; recreational facilities; law enforcement facilities; fire protection facilities; trails; libraries; administrative and judicial facilities...***

**REET 2** All cities and counties that levy this tax face the same provisions, whether their population is greater or less than 5,000. This part of the real estate excise tax may only be levied by cities and counties that are required to or choose to plan under the Growth Management Act.

- **For this quarter percent of the real estate excise tax, "capital project" means those:**  
*public works projects of a local government for planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, bridges, domestic water systems, storm and sanitary sewer systems, and planning, **construction, reconstruction, repair, rehabilitation, or improvement of parks.***  
[RCW 82.46.035\(5\)](#).
- Note that acquisition of land for parks is not a permitted use of REET 2 receipts, although it is a permitted use for street, water, and sewer projects.

2011 legislation (HB 1953, Ch. 354, Laws of 2011) **allows cities and counties to use REET 2 revenues for operations and maintenance (O&M) of existing capital projects**, as defined in the paragraph above. There is a limit, however, on how much can be spent on O&M. **The maximum amount of REET 2 that may be spent on O&M is the greater of \$100,000 or 35 percent of the available funds**, not to exceed \$1 million. Counties only may use REET 2 revenues to pay existing debt service on capital projects listed in RCW 82.46.010(6) - the kinds of capital projects that may be done with REET 1 revenues. **This legislation sunsets on December 31, 2016.**

**Local Option Gas Tax  
Distribution In Pierce County**

	<u>2012 population</u>	weight	weighted population	share	<u>2011 Possible Funding</u>			
					1 cent/gal	2 cents/gal	3 cents/gal	3.75 cents/gal
Pierce County	809,075							
Tacoma	199,403	1	199,403	<b>20.0%</b>	\$ 804,687	\$ 1,609,374	\$ 2,414,061	\$ <b>3,017,576</b>
Lakewood	58,217	1	58,217	5.8%	\$ 234,934	\$ 469,867	\$ 704,801	\$ <b>881,001</b>
Puyallup	37,458	1	37,458	3.8%	\$ 151,161	\$ 302,322	\$ 453,483	\$ <b>566,854</b>
University Place	31,196	1	31,196	3.1%	\$ 125,891	\$ 251,782	\$ 377,673	\$ <b>472,091</b>
<b>Bonney Lake</b>	<b>17,626</b>	<b>1</b>	<b>17,626</b>	<b>1.8%</b>	<b>\$ 71,129</b>	<b>\$ 142,259</b>	<b>\$ 213,388</b>	<b>\$ 266,735</b>
Edgewood	9,423	1	9,423	0.9%	\$ 38,026	\$ 76,053	\$ 114,079	\$ <b>142,599</b>
Sumner	9,449	1	9,449	0.9%	\$ 38,131	\$ 76,263	\$ 114,394	\$ <b>142,992</b>
DuPont	8,661	1	8,661	0.9%	\$ 34,951	\$ 69,903	\$ 104,854	\$ <b>131,067</b>
Fife	9,267	1	9,267	0.9%	\$ 37,397	\$ 74,794	\$ 112,190	\$ <b>140,238</b>
Gig Harbor	7,274	1	7,274	0.7%	\$ 29,354	\$ 58,708	\$ 88,062	\$ <b>110,078</b>
Orting	6,794	1	6,794	0.7%	\$ 27,417	\$ 54,834	\$ 82,251	\$ <b>102,814</b>
Auburn	7,891	1	7,891	0.8%	\$ 31,844	\$ 63,688	\$ 95,532	\$ <b>119,415</b>
Fircrest	6,503	1	6,503	0.7%	\$ 26,243	\$ 52,485	\$ 78,728	\$ <b>98,410</b>
Steilacoom	6,015	1	6,015	0.6%	\$ 24,273	\$ 48,547	\$ 72,820	\$ <b>91,025</b>
Milton	6,143	1	6,143	0.6%	\$ 24,790	\$ 49,580	\$ 74,370	\$ <b>92,962</b>
Buckley	4,336	1	4,336	0.4%	\$ 17,498	\$ 34,996	\$ 52,494	\$ <b>65,617</b>
Eatonville	2,792	1	2,792	0.3%	\$ 11,267	\$ 22,534	\$ 33,801	\$ <b>42,251</b>
Roy	797	1	797	0.1%	\$ 3,216	\$ 6,433	\$ 9,649	\$ <b>12,061</b>
Ruston	751	1	751	0.1%	\$ 3,031	\$ 6,061	\$ 9,092	\$ <b>11,365</b>
Carbonado	610	1	610	0.1%	\$ 2,462	\$ 4,923	\$ 7,385	\$ <b>9,231</b>
Wilkeson	473	1	473	0.0%	\$ 1,909	\$ 3,818	\$ 5,726	\$ <b>7,158</b>
South Prairie	436	1	436	0.0%	\$ 1,759	\$ 3,519	\$ 5,278	\$ <b>6,598</b>
Pacific	78	1	78	0.0%	\$ 315	\$ 630	\$ 944	\$ <b>1,180</b>
Enumclaw (King County)	-	1	-	0.0%	\$ -	\$ -	\$ -	\$ -
Unincorporated Pierce County	377,482	1.5	566,223	<b>56.7%</b>	\$ 2,284,982	\$ 4,569,963	\$ 6,854,945	\$ <b>8,568,681</b>
			997,816		\$ 4,026,667	\$ 8,053,333	\$ 12,080,000	\$ <b>15,100,000</b>
							\$	15,100,000

## TRANSPORTATION BENEFIT DISTRICT (TBD) REVENUE

May 1, 2012

Location	Count of Vehicles	Revenue generated by TBD \$20 Vehicle Fee
Auburn/King	43,039	\$ 860,780
Auburn/Pierce	4,289	\$ 85,780
<b>Bonney Lake</b>	<b>12,554</b>	<b>\$ 251,080</b>
Buckley	3,597	\$ 71,940
Carbonado	522	\$ 10,440
DuPont	5,259	\$ 105,180
Eatonville	2,349	\$ 46,980
Edgewood	7,035	\$ 140,700
Fife	6,812	\$ 136,240
Fircrest	5,039	\$ 100,780
Gig Harbor	5,407	\$ 108,140
Lakewood	34,363	\$ 687,260
Milton/Pierce	4,577	\$ 91,540
Milton/King	690	\$ 13,800
Orting	5,600	\$ 112,000
Pacific/King	4,272	\$ 85,440
Pacific/Pierce	379	\$ 7,580
Puyallup	25,723	\$ 514,460
Roy	778	\$ 15,560
Ruston	637	\$ 12,740
South Prairie	250	\$ 5,000
Steilacoom	4,545	\$ 90,900
Sumner	6,859	\$ 137,180
Tacoma	128,648	\$ 2,572,960
University Place	18,174	\$ 363,480
Wilkeson	352	\$ 7,040
Unincorporated Pierce County	241,182	\$ 4,823,640
<b>Total (Includes King Co portions of cities)</b>	572,931	\$11,458,620
<b>Not including King Co portion of cities</b>	524,930	\$10,498,600

Jurisdiction	Vehicle Fee	Sales Tax
<b>Transportation Benefit Districts Passed in 2012</b>		
<a href="#">Royal City - Has not passed funding provision</a>		
<a href="#">Toppenish</a>	\$20 (Ordinance 2012-TBD-02, passed 05/14/2012)	
<a href="#">Waitsburg</a>		\$0.002 sales tax (passed, election 04/17/2012)
<a href="#">Yakima - Has not passed funding provision</a>		
<b>Transportation Benefit Districts Passed in 2011</b>		
<a href="#">Auburn - Has not passed funding provision</a>		
<a href="#">Ferndale</a>		\$0.002 sales tax (passed, election 02/14/2012)
<a href="#">Grandview</a>	\$20 (02/01/2012)	
<a href="#">Mabton</a>	\$20 (12/01/2011)	
<a href="#">Mountlake Terrace</a>	\$20 (passed 12/05/2011, effective 08/01/2012)	
<a href="#">North Bend</a>		\$0.002 sales tax (passed, election 11/08/2011)
<a href="#">Orting - Has not passed funding provision</a>	\$20 Vehicle Fee Scheduled to be passed in June 2012	
<a href="#">Snohomish County</a>		\$0.002 sales tax (passed 08/16/11)
<a href="#">Spokane</a>	\$20 (09/01/2011)	
<a href="#">Walla Walla</a>		\$0.002 sales tax (passed, election 02/14/2012)
<a href="#">Wenatchee</a>	\$20 (passed 01/26/2012, effective 08/01/2012)	
<a href="#">Zillah</a>	\$20 (passed 12/19/2011, effective 7/12/2012)	
<b>Transportation Benefit Districts Passed in 2010</b>		
<a href="#">Bellingham</a>		\$0.002 sales tax on car dealers and leasing companies (04/01/11)
<a href="#">King County - No funding designated</a>		
<a href="#">Leavenworth</a>		\$0.002 sales tax (04/01/2011)
<a href="#">Lynnwood</a>	\$20 (07/01/2011)	
<a href="#">Seattle</a>	\$20 (05/01/2011)	
<a href="#">Snohomish</a>		\$0.002 sales tax (01/01/2012)
<a href="#">Snoqualmie</a>	\$20 (03/01/2011)	
<b>Transportation Benefit Districts Passed in 2009</b>		
<a href="#">Bremerton</a>	\$20 (12/07/2011 passed, effective 07/01/2012)	
<a href="#">Burien</a>	\$10 (02/01/2010)	
<a href="#">Prosser</a>	\$20 (11/01/2009)	
<a href="#">Shoreline</a>	\$20 (02/01/2010)	
<a href="#">University Place - No funding designated</a>		
<b>Transportation Benefit Districts Passed in 2008</b>		
<a href="#">Des Moines</a>	\$20 (09/01/2009)	
<a href="#">Edmonds</a>	\$20 (09/01/2009)	
<a href="#">Lake Forest Park</a>	\$20 (09/01/2009)	
<a href="#">Olympia</a>	\$20 (10/01/2009)	
<a href="#">Ridgefield</a>		\$0.002 sales tax (04/01/2009)
<a href="#">Sequim</a>		\$0.002 sales tax (04/01/2010)
<b>Transportation Benefit Districts Passed Prior to 2008</b>		
<a href="#">Liberty Lake (2002)</a>		
<a href="#">Point Roberts, Whatcom County (1992)</a>		Special gas tax \$0.01/gallon (1992)

# City of Bonney Lake Response to Pierce County Initiative to Establish A Transportation Benefit District (TBD) and/or Local Option Transportation Tax (LOTT)

June 27, 2012

## RCW 36.73 Transportation Benefit District (TBD) – Vehicle Fee

- **WHO'S ELIGIBLE** (AWC Presentation)  
Transportation Benefit Districts which can be established city-wide up to multi-county.
- **PURPOSE**  
To finance construction of, and operate, improvements to roadways, high capacity transportation systems, public transit systems, and other transportation management programs.
- **FINANCE PROVISIONS**  
Ch 36.73 RCW and RCW 36.73.040, Sales and Use Tax (82.14.0455)  
RCW 82.80.140 Up to \$100, with voter approval; **Up to \$20 Vehicle Fee without voter approval**; Tax may not be in effect longer than 10 years unless reauthorized by voters

### **RCW 36.73.015 Definitions.**

(4) "Transportation improvement" means a project contained in the transportation plan of the state, a regional transportation planning organization, city, county, or eligible jurisdiction as identified in RCW [36.73.020](#)(2). A project may include investment in new or existing highways of **statewide significance**, principal arterials of **regional significance, high capacity transportation, public transportation, and other transportation projects and programs of regional or statewide significance** including transportation demand management. Projects may also include the operation, preservation, and maintenance of these facilities or programs.

### **RCW 36.73.020**

#### **Establishment of district by county or city — Participation by other jurisdictions.**

(2) Subject to subsection (6) of this section, the *district may include area within more than one county, city, port district, county transportation authority, or public transportation benefit area, if the legislative authority of each participating jurisdiction has agreed to the inclusion as provided in an interlocal agreement* adopted pursuant to chapter [39.34](#) RCW. However, the boundaries of the district need not include all territory within the boundaries of the participating jurisdictions comprising the district.

### **RCW 36.73.065 Taxes, fees, charges, tolls.**

(4)(a) A district that includes all the territory within the boundaries of the jurisdiction, or jurisdictions, establishing the district may **impose by a majority vote of the governing board of the district** the following fees and charges:

- (i) Up to twenty dollars of the vehicle fee authorized in RCW [82.80.140](#)

**RCW 35.21.225 Transportation benefit districts.**

The legislative authority of a city may establish a transportation benefit district subject to the provisions of chapter 36.73 RCW.

*Note: Several cities have done this already including Orting.*

**RCW 82.80.140 Vehicle fee — Transportation benefit district — Exemptions.**

(2)(a) A district that includes all the territory within the boundaries of the jurisdiction, or jurisdictions, establishing the district may impose by a majority vote of the governing board of the district up to twenty dollars of the vehicle fee authorized in subsection (1) of this section. If the district is countywide, the revenues of the fee shall be distributed to each city within the county by interlocal agreement.

The interlocal agreement is effective when approved by the county and sixty percent of the cities representing seventy-five percent of the population of the cities within the county in which the countywide fee is collected.

## TRANSPORTATION BENEFIT DISTRICT

### City of Bonney Lake Questions:

1. **Would the Port of Tacoma be included in this TBD? If so, what would the basis be for determining POT's share of the TBD revenue? What is the RCW allowing this?**  
Answer:
2. **If a Vehicle Fee is collected, what would the impact be on local Transportation Impact Fees (TIF) collection by the City? Would credit need to be given for the local TIF collected or would the City be precluded from assessing TIF?**  
Answer:
3. **If a Vehicle Fee is collected, what would the impact be on local SEPA mitigation projects required by the City? Would credit need to be given for the local SEPA mitigation projects by the County or would the City be precluded from requiring mitigation projects?**  
Answer:
4. **RCW 82.80.140 Would allocation of revenue be based on the vehicle license registration address, by zip code, or on the 2012 population? If on vehicle registration address, would it be based on Zip Code or the address the vehicle is registered to? What allocation formula is most advantages to Cities?**  
Answer:
5. **How much, if anything, would Pierce County charge the cities for administering such a program?**  
Answer:
6. **What would be the benefit of sharing in the Pierce County TBD versus setting up a TBD by the City? Would the administrative cost be less if the City administered its own TBD?**  
Answer:
7. **Would the City's have representation on the Governing Board of the TBD?**  
Answer:
8. **RCW 36.73.015 Definitions. Transportation Improvements appears to limit expenditures of the Vehicle Fee to projects of State and Regional significance.**
  - a. **How will smaller and mid sized cities be allowed to use the TBD Vehicle Fee without projects of "State" and "Regional" significance?**
  - b. **Will the State and Pierce County control how the funds allocated to the cities are utilized as long as they are utilized for transportation projects?**Answer:
9. **Where in RCW is the following statement found? "Tax may not be in effect longer than 10 years unless reauthorized by voters."**  
Answer:

## **RCW 82.80 Local Option Transportation Taxes (LOTT)**

### **RCW: 82.80.010 Motor Vehicle and Special Fuel Tax (Authorized in 1990)**

- **WHO'S ELIGIBLE** (AWC Presentation)  
Countywide (including incorporated areas).
- **PURPOSE**  
For "highway purposes" as defined by the 18th Amendment, including the construction, maintenance, and operation of city streets, county roads, and state highways; operation of ferries; and related activities.
- **FINANCE PROVISIONS**
  - 2012 Legislation (not passed) would have enabled counties to seek a 1, 2, or 3 cent gas tax (instead of a current law which allows for a county-wide gas tax of 10% of the state gas tax rate (3.75 cent). The revenue is distributed by formula between unincorporated county and the cities.
  - **Equal to 10% of statewide motor vehicle fuel tax and special fuel tax (3.75 cents per gallon based on 37.5-cent statewide gas tax with the full implementation of a 9.5-cent tax rate increase included in 2005 Transportation legislation).**
  - Countywide imposition (no city levy).
  - Revenues distributed back to county and cities contained within the county, levying the tax on a weighted per capita basis (**1.5 for population in unincorporated areas; 1.0 for population in incorporated areas**).
  - Voter approval required.
  - Subject to planning provisions.

### **RCW: 82.80.010 Motor Vehicle and Special Fuel Tax**

- (2) Subject to the conditions of this section, any county may levy, **by approval of its legislative body and a majority of the registered voters of the county** voting on the proposition at a general or special election, **additional excise taxes equal to ten percent of the statewide motor vehicle fuel tax rate** under RCW [82.36.025](#) on each gallon of motor vehicle fuel as defined in RCW [82.36.010](#) and on each gallon of special fuel as defined in RCW [82.38.020](#) sold within the boundaries of the county.
- (7) The state treasurer shall distribute monthly to the levying county and cities contained therein the proceeds of the additional excise taxes collected under this section, **after the deductions for payments and expenditures** as provided in RCW [46.68.090](#)(1) (a) and (b) and under the conditions and limitations provided in RCW [82.80.080](#).
- (8) The proceeds of the additional excise taxes levied under this section shall be used strictly for transportation purposes in accordance with **RCW 82.80.070**.

## RCW 82.80.070 Use of revenues.

(1) The proceeds collected pursuant to the exercise of the local option authority of RCW [82.80.010](#), [82.80.030](#), and [82.80.050](#) (hereafter called "**local option transportation revenues**") **shall be used for transportation purposes only, including but not limited to the following: The operation and preservation of roads, streets, and other transportation improvements; new construction, reconstruction, and expansion of city streets, county roads, and state highways and other transportation improvements; development and implementation of public transportation and high capacity transit improvements and programs; and planning, design, and acquisition of right-of-way and sites for such transportation purposes.** The proceeds collected from excise taxes on the sale, distribution, or use of motor vehicle fuel and special fuel under RCW [82.80.010](#) shall be used exclusively for "highway purposes" as that term is construed in Article II, section 40 of the state Constitution.

## RCW 82.80.080 Distribution of taxes.

(1) The state treasurer shall distribute revenues, less authorized deductions, generated by the local option taxes authorized in RCW [82.80.010](#) and [\\*82.80.020](#), levied by counties to the levying counties, and cities contained in those counties, based on the relative per capita population. **County population for purposes of this section is equal to one and one-half of the unincorporated population of the county.** In calculating the distributions, the state treasurer shall use the population estimates prepared by the state office of financial management and shall further calculate the distribution based on information supplied by the departments of licensing and revenue, as appropriate.

## **RCW 82.80 Local Option Transportation Taxes (LOTT)**

### **City of Bonney Lake Questions:**

1. Would the Port of Tacoma (POT) be included in this LOTT? If so, what would the basis be for determining POT's share of the LOTT revenue? What is the RCW allowing this?
- 2.

**CITY OF BONNEY LAKE Response Options  
Pierce County TBD or LOTT**

July 3, 2012

**1. Maintain Status Quo.**

- a. Rely on REET, State Gas Tax, and TIF revenue to fund Transportation Recurring Maintenance and Improvement contracts.
- b. Seek loan (PWTF) and grant (Safe Routes to School, PSRC and TIB) opportunities where possible. Ensure match and debt servicing funding is sufficient.
- c. Identify SEPA mitigation projects, where applicable, resulting from and funded by commercial and residential development.
- d. Utilize property tax and sales tax revenue to fund Public Works staff, equipment, material, and overhead costs.

**City Council Response:**

**2. Establish City Transportation Improvement District with a \$20 Vehicle Fee.**

**City Council Response:**

**3. Participate in a Pierce County Transportation Benefit District with a \$20 Vehicle Fee.**

**City Council Response:**

**4. Participate in a Pierce County Transportation Benefit District with a \$20 Vehicle Fee only if it is voted on by the public.**

**City Council Response:**

**5. Participate in a Pierce County Local Option Transportation Tax of 3.75 cents per gallon.**

**City Council Response:**

**6. Participate in both a Pierce County TBD and LOTT?**

**City Council Response:**

**7. No City response will be offered until answers are provided to the City's TBD and LOTT questions.**

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

<b>Department/Staff Contact:</b> Executive / Don Morrison	<b>Meeting/Workshop Date:</b> 3 July 2012	<b>Agenda Bill Number:</b> AB12-104
<b>Agenda Item Type:</b> Resolution	<b>Ordinance/Resolution Number:</b> 2224	<b>Councilmember Sponsor:</b>

**Agenda Subject:** Transportation Plan Update

**Full Title/Motion:** A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Professional Services Agreement With Carr-Shea-Jewell To Update The Transportation Element Of The Comprehensive Plan..

**Administrative Recommendation:** Approve

**Background Summary:** The City sent an RFQ to more than a dozen planning/engineering firms who specialize in transportation plans. The City interviewed 4 firms. The panel consisted of Don Morrison, John Woodcock, John Vodopich, and Heather Stinson. The panel recommends that Shea-Carr-Jewell be retained to update the comprehensive plan. This firm is familiar with Bonney Lake and has done TIA studies as well as transportation design studies for the City. It is anticipated that this will be the first of two contracts. This first one to update the Transportation Plan, and a second contract the 1<sup>st</sup> quarter of next year to update the TIF and concurrency program.

**Attachments:** Resolution, Profession Services Agreement, Scope of Work, Labor Estimate

<b>BUDGET INFORMATION</b>			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
120,000	120,000	115,709	4,291
<b>Budget Explanation:</b>			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>			
<b>Council Committee Review:</b>	<i>Approvals:</i>	<b>Yes</b>	<b>No</b>
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:	<b>Consent Agenda:</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Commission/Board Review:</b>			
<b>Hearing Examiner Review:</b>			

<b>COUNCIL ACTION</b>	
Workshop Date(s): July 3, 2012	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

<b>APPROVALS</b>		
<b>Director:</b>	<b>Mayor:</b>	<b>Date Reviewed by City Attorney:</b> (if applicable):

**RESOLUTION NO. 2224**

**A RESOLUTION OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH SHEA-CARR-JEWELL TO UPDATE THE TRANSPORTATION ELEMENT OF THE COMPREHENSIVE PLAN.**

The City Council of the City of Bonney Lake, Washington, does hereby resolve that the Mayor is authorized to sign an Agreement between the City of Bonney Lake and Shea-Carr-Jewell, attached hereto and incorporated herein by this reference, to update the Transportation Plan of the City.

**PASSED BY THE CITY COUNCIL THIS 10<sup>TH</sup> DAY OF JULY, 2012.**

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

ATTEST:

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

APPROVED AS TO FORM:

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

## PERSONAL SERVICES AGREEMENT

THIS PERSONAL SERVICES AGREEMENT (“Agreement”) is made and entered into this 10<sup>th</sup> day of July, 2012, by and between the City of Bonney Lake (“City”) and Shea-Carr-Jewell, Inc. (“Consultant”).

The parties hereby agree as follows:

- 1. Scope of Work.** The Consultant shall perform all work and provide all materials described in the Scope of Work set out in Exhibit A-1 attached hereto and incorporated herein by this reference. Such work shall be performed using facilities, equipment and staff provided by Consultant, and shall be performed in accordance with all applicable federal, state and local laws, ordinances and regulations. The Consultant shall exercise reasonable care and judgment in the performance of work pursuant to this Agreement. The Consultant shall make minor changes, amendments or revisions in the detail of the work as may be required by the City, such work not to constitute Extra Work under this Agreement.
- 2. Ownership of Work Product.** Documents, presentations and any other work product produced by the Consultant in performance of work under this Agreement shall be tendered to the City upon completion of the work, and all such product shall become and remain the property of the City and may be used by the City without restriction; *provided*, that any such use by the City not directly related to the particular purposes for which the work product was produced shall be without any liability whatsoever to the Consultant.
- 3. Payment.** The Consultant shall be paid by the City for completed work and services rendered under this Agreement pursuant to the rates and charges set out in Exhibit A-2, attached hereto and incorporated herein by this reference. Such payment shall be full compensation for work performed or services rendered and for all labor, materials, supplies, equipment, and incidentals necessary to complete the work. All billings for compensation for work performed under this Agreement shall list actual time and dates during which the work was performed and the compensation shall be figured using the rates set out in Exhibit B ; *provided*, that payment for work within the Scope of Work (Exhibit A-1) shall not exceed the fee/hour estimate set out in Exhibit A-2 without written amendment to this Agreement, agreed to and signed by both parties.

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

The Consultant and any sub-consultants shall keep available for inspection, by the City, for a period of three years after final payment, the cost records and accounts pertaining to this Agreement and all items related to, or bearing upon, such records. If any litigation, claim or audit is started before the expiration of the three-year retention period, the records shall be retained until all

litigation, claims or audit findings involving the records have been resolved. The three-year retention period shall commence when the Consultant receives final payment.

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

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

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

7. **Nondiscrimination and Legal Compliance.** Consultant agrees not to discriminate against any client, employee or applicant for employment or for services because of race, creed, color, national origin, marital status, gender, age or handicap except for a bona fide occupational qualification with regard to, but not limited to, the following: employment upgrading; demotion or transfer; recruitment or any recruitment advertising; layoff or termination; rates of pay or other forms of compensation; selection for training; and rendition of services. The contractor represents and warrants that it is in compliance with and agrees that it will remain in compliance with the provisions of the Immigration Reform and Control Act of 1986, including but not limited to the provisions of the Act prohibiting the hiring and continued employment of unauthorized aliens and requiring verification and record keeping with respect to the status of each of its employees' eligibility for employment. The contractor shall include a provision substantially the same as this section in any and all contracts with subcontractors performing work required of the contractor under this contract. The contractor agrees to indemnify and hold the City harmless from any and all liability, including liability for interest and penalties, the City may incur as a result of the contractor failing to comply with any provisions of the Immigration Reform and Control Act of 1986. Consultant understands and agrees that if it violates this section, this Agreement may be terminated by the City, and that Consultant shall be barred from performing any services for the City in the future unless and until a showing is made satisfactory to the City that discriminatory practices have terminated and that recurrence of such action is unlikely.

8. **Term.** This Agreement shall become effective upon the day of its execution by both parties, and shall terminate upon completion of the work and delivery of all materials described in Exhibit A-1.

9. **Termination by City.** The City may terminate this Agreement at any time upon not less than ten (10) days written notice to Consultant, subject to the City's obligation to pay Consultant in accordance with subsections A, B, and C below.

A. In the event this Agreement is terminated by the City other than for fault on the part of the Consultant, a final payment shall be made to the Consultant for actual cost of work complete at the time of termination of the Agreement. In addition, the Consultant shall be paid on the same basis as above for any authorize Extra Work completed. No payment shall be made for any work completed after ten (10) days following receipt by the Consultant of the termination notice. If the accumulated payment(s) made to the Consultant prior to the termination notice exceeds the total amount that would be due as set forth in this subsection, then no final payment shall be due and the Consultant shall immediately reimburse the City for any excess paid.

B. In the event the services of the Consultant are terminated by the City for fault on the part of the Consultant, subsection A of this section shall not apply. In such event the amount to be paid shall be determined by the City with consideration given to the actual costs incurred by the Consultant in performing the work to the date of termination, the amount of work originally required which was satisfactorily completed to date of termination, whether that work is in a form or of a type which is usable by the City at the time of termination, the cost to the City of employing another person or firm to complete the work required and the time which may be required to do so, and other factors which affect the value to the City of the work performed at the time of termination. Under no circumstances shall payment made under this subsection exceed the amount which would have been made if subsection A of this section applied.

C. In the event this Agreement is terminated prior to completion of the work, the original copies of all work products prepared by the Consultant prior to termination shall become the property of the City for its use without restriction; *provided*, that any such use by the City not directly related to the particular purposes for which the work product was produced shall be without any liability whatsoever to the Consultant.

10. **Termination by Consultant.** Consultant may terminate this Agreement only in response to material breach of this Agreement by the City, or upon completion of the work set out in the Scope of Work and any Extra Work agreed upon by the parties.

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

12. **Indemnification / Hold Harmless.**

Consultant shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney

fees, arising out of or resulting from the acts, errors or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

## **Insurance**

The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

### **A. Minimum Scope of Insurance**

Consultant shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The City shall be named as an insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City.
3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
4. Professional Liability Insurance appropriate to the project.

### **B. Minimum Amounts of Insurance**

Consultant shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

### **C. Other Insurance Provisions**

The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability and Commercial General Liability insurance:

1. The Consultant's insurance coverage shall be primary insurance as respect the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.
2. The Consultant's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

#### **D. Acceptability of Insurers**

Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

#### **E. Verification of Coverage**

Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work.

13. **Subletting or Assigning.** The Consultant shall not sublet or assign any of the work covered by this Agreement without the express written consent of the City.
14. **Entire Agreement.** This Agreement represents the entire Agreement between the parties. No change, termination or attempted waiver of any of the provisions of the Agreement shall be binding on any party unless executed in writing by authorized representatives of each party. The agreement shall not be modified, supplemented or otherwise affected by the course of dealing between the parties.
15. **Waiver.** Failure by any party to this Agreement to enforce any provision of this Agreement or to declare a breach shall not constitute a waiver thereof, nor shall it impair any party's right to demand strict performance of that or any other provision of this Agreement any time thereafter.
16. **Severability.** If any provision of this Agreement or its application is held invalid, the remainder of the Agreement or the application of the remainder of the Agreement shall not be affected.
17. **Execution and Acceptance.** This Agreement may be executed in several counterparts, each of which shall be deemed to be an original having identical legal effect. The Consultant hereby ratifies and adopts all statements, representations, warranties, covenants, and agreements contained in the supporting materials submitted by the Consultant, and does hereby accept the Agreement and agrees to all of the terms and conditions thereof.

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

CITY OF BONNEY LAKE

CONSULTANT

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

By: \_\_\_\_\_  
Shea-Carr-Jewell, Inc. .

**Attachments:**

- Exhibit A-1
- Exhibit A-2



## **EXHIBIT A-1**

### **SCOPE OF WORK**

#### **Transportation Element Update Bonney Lake, WA**

**Prepared for:** City of Bonney Lake  
Don Morrison, City Administrator

**Prepared by:** Shea Carr Jewell, Inc.  
Perry Shea, PE, Principal  
Eric Johnston, PE, Associate Principal

**Date prepared:** June 13, 2012

#### **Project Understanding**

Over the last 20 years, the City of Bonney Lake experienced significant residential growth in the incorporated city limits as well as the surrounding unincorporated areas of Pierce County, and rapid commercial development along the SR 410 corridor. Even with the economic slow-down the last few years, the City must address previous growth that threatened to overwhelm the transportation system and plan for anticipated future growth.

The City is currently operating under provisional approval by Puget Sound Regional Council (PSRC) of the current transportation plan. PSRC has identified deficiencies that need to be corrected prior to them granting full certification of the City's Comprehensive Plan.

Shea Carr Jewell will provide professional transportation planning and engineering services to assist the City of Bonney Lake in updating the Transportation Element of the Comprehensive Plan. The work will include refinements to the travel demand traffic model of the City's transportation network, updating the transportation project list of the City's Transportation Plan and Capital Facilities Plan (CFP), and assisting the City with adoption of the Transportation Element Update.



### **Phase 1 – Travel Demand Model Update**

Updating the Transportation Element of the Comprehensive Plan will require major refinements and enhancements to the Travel Demand Model to prepare future traffic volume estimates. The model will be calibrated to current conditions (2012). The 2040 traffic forecasts will be based on projected households and employment for the area as defined by current OFM forecasts and City-wide allocations obtained from the Puget Sound Regional Council (PSRC).

#### **Task 1 – Base Year Update and Validation**

- 1.1 Identify areas where additional zonal resolution or roadway connectivity detail is needed.
- 1.2 Identify and include recent roadway and intersection improvements that are currently not in the model.
- 1.3 Coordinate with PSRC and Pierce County to collect current existing employment and household data. Provide guidance to Bonney Lake staff in the process of allocating the current land-use totals to the Bonney Lake traffic analysis zone (TAZ) structure.
- 1.4 Incorporate new count data into link volumes for model.
- 1.5 Perform PSRC model cordon to identify Bonney Lake UGA and CUGA trip interaction with the surrounding network.
- 1.6 Validate 2012 trip generation/trip distribution/assignment steps to arrive at base year 2012 forecast.
- 1.7 Develop specific model performance measures to track the correlation between modeled data and observed data to confirm an appropriate level of model accuracy.

#### **Task 2 - Future Year 2040 Forecast**

- 1.8 Collect regional control totals for 2040 household and employment projections from PSRC and Pierce County. Provide data to Bonney Lake staff and provide assistance in confirming or adjusting the growth projections and allocating the final 2040 projections to the Bonney Lake TAZ structure.
- 1.9 Collect “pipeline” development data for Bonney Lake and surrounding areas to guide the allocation of future household and employment within the Bonney Lake UGA. Confirm that TAZ’s outside the UGA and CUGA have appropriate levels of growth to reflect known pipeline development.
- 1.10 Identify improvements from City TIP to include in future “base” network.
- 1.11 Build updated future base network.
- 1.12 Run 2040 base model and track performance.
- 1.13 Track performance and continue network improvement/calibration through alternatives analysis.



- 1.14 Prepare technical memorandum documenting basic model assumptions.

#### *Phase 1 Deliverables*

- Travel Demand Model for City of Bonney Lake network with base year 2012 and 2040 future year traffic assignments for PM peak hour conditions.
- Technical memorandum documenting model update.

#### *Phase 1 Assumptions*

- Existing and future household and employment data will be reviewed, approved and allocated to the Bonney Lake TAZ structure by Bonney Lake staff. This scope of work reflects use of one approved land use forecast for process of base year validation and establishing the initial 2040 travel forecast. After approval, changes to the existing or future land use may require additional services.
- GIS data will be available from the City of Bonney Lake, PSRC and Pierce County.
- City staff will arrange for use of the previous City of Bonney Lake model as a base to work from. The Bonney Lake model will not be built from the ground up.
- It is predicted that 20 new intersection turning movement counts will be required for model validation. This scope of work assumes existing turning movement counts tube count data collected from Bonney Lake, WSDOT, Pierce County and King County will supplement these counts to provide sufficient count data to complete this scope of work.

#### ***Phase 2 –Transportation Element Update***

- 2.1 Identify stakeholder groups the City would like included in the planning for the Transportation Element Update.
- 2.2 Collect and evaluate the City of Bonney Lake’s current transportation planning documents including Comprehensive Transportation Plan, Capital Facilities Plan, and available sub-area studies.
- 2.3 Prepare outline of Transportation Element Update structure, incorporating previously collected studies as applicable. Circulate outline for review and comment by City of Bonney Lake staff and PSRC.
- 2.4 Meet with PSRC staff to outline transportation plan update scope of work to ensure consistency and achieve PSRC certification. Ensure that the proposed Transportation Element Update adequately addresses comments in the 7/7/2011 PSRC review letter and conditions in 8/1/2011 PSRC certification letter.
- 2.5 Update structure and content of report.
- 2.6 Prepare statement of how comprehensive plan addresses VISION 2040.
- 2.7 Coordinate with City staff in incorporating the Introduction and Goals and Policies sections (to be prepared by the City) into the master Transportation Plan document.



- 2.8 Include sections in transportation plan update required for PSRC certification, including but not limited to:
  - TDM strategies
  - Coordination with other agencies
  - Inventories for transit, cycling, walking, freight
  - Air quality conformity
  - ADA transition plan
  - Existing and planned uses near airport
  - Regulations that discourage incompatible uses
- 2.9 Prepare traffic analysis of existing intersections using the Synchro/SimTraffic software package. Approximately 40 intersections assumed for analysis.
- 2.10 Prepare future network operational assessment using travel demand forecasts identified in the previous section.
- 2.11 Based on the operational analysis, identify area roadways, streets and intersections that will not meet the adopted Level of Service (LOS) standard and other traffic circulation and safety criteria.
- 2.12 Prepare interim deliverable identifying the projected areas of travel concurrency, circulation and safety deficiency. Have a work session meeting with Bonney Lake staff to discuss and establish strategies to address predicted deficiencies. Strategies could include:
  - Revising (lowering) household and/or employment projections in areas with deficiencies
  - Establishing “strategy or exception areas” where concurrency levels are adopted at lower LOS thresholds
  - Re-allocating household and/or employment projections moving densities from deficient areas to areas with available roadway capacity
  - Adding transportation capacity through roadway widening, intersection improvements, multi-modal improvements
  - Revisiting LOS/concurrency standards where infrastructure improvements would be difficult, unwanted or cost-prohibitive
- 2.13 Prepare up to one additional model iteration including updated household and/or employment allocations if desired by the City of Bonney Lake.
- 2.14 Identify system improvements (i.e., street widening, intersection upgrades, safety enhancements, signals, new connections, etc.) that will achieve the adopted LOS standard for all facilities projected to be below the adopted LOS requirement.
- 2.15 Identify improvement approach for the SR 410 Strategy Corridor.



- 2.16 Prepare model scenarios including proposed project list to reevaluate future deficiencies. This will be performed iteratively to identify the best “package” of roadway improvements. Assumes up to three iterations.
- 2.17 Meet with City staff to review transportation improvement project list.
- 2.18 Prepare new project list for inclusion into the City’s Transportation Element. Prepare programmatic construction cost estimate for each proposed improvement.
- 2.19 City staff will identify funding sources and implementation plan to complete all improvements on the transportation improvement project list. Include reassessment strategy to address funding shortfall.
- 2.20 Complete Draft Transportation Element document with text, tables and graphics.
- 2.21 Prepare plan review questionnaire and return to PSRC with draft Transportation Element.
- 2.22 Respond to PSRC recommendation on certification. Revise plan as necessary.
- 2.23 Produce PDF version of final plan.
- 2.24 Produce reproducible hard copy of final plan.

#### *Phase 2 Deliverable*

- PDF electronic copy of DRAFT and FINAL updated Transportation Element.
- 20 bound hard copies of DRAFT updated Transportation Element.
- 20 bound hard copies of FINAL updated Transportation Element.

#### *Phase 2 Assumptions*

- All transportation project costs will be prepared at a programmatic level and will not constitute a formal Engineer’s Estimate of project cost.
- No more than two iterations of future land-use allocation are assumed (one allocation in Phase 1 Task 2 and a possible additional re-allocation in Phase 2 as a strategy to address concurrency deficiencies). More than two total future land-use scenarios may require additional services.

#### **Phase 3 – Public Process Facilitation**

It is anticipated that the City will lead the public process effort to educate and obtain approval of the Transportation Plan. SCJ will assist with assist and provide key support through the city adoption process. Specific items of work will include the following primary tasks:

- 3.1 Assist staff in developing Council presentation materials.
- 3.2 Preparation and attendance at (2) 3-hour public meetings (one Council Study session and one Planning Commission meeting).



- 3.3 Review and comment on City concurrency ordinance.
- 3.4 Provide recommendations on enhancements to concurrency program.

*Phase 3 Deliverable*

- Plan graphics, tables and charts for use in Council and Planning Commission presentations.

*Phase 3 Assumption*

- City staff will prepare project briefings and agendas for the Council and Planning Commission meetings.

***Phase 4 – Concurrency Program Development (Option)***

- 4.1 The City of Bonney Lake may adopt an enhanced or updated concurrency management program to provide a consistent and clear methodology for new development within the city limits. The City may elect to have SCJ provide services in support of developing and maintaining this new program.
- 4.2 Work collaboratively with staff to identify a methodology that is consistent with State requirements and facilitates development review and approval.
- 4.3 Develop a tracking mechanism for calculating and recording “capacity units” for the City’s transportation system.
- 4.4 Document a process for staff and developers to use in seeking concurrency approval for a project.
- 4.5 Prepare materials for City staff to utilize in administering the concurrency program.

*Phase 4 Deliverable*

- Prepare tables and charts for use in managing concurrency availability.

*Phase 4 Assumption*

- Regular annual capacity statements will be prepared for the City based on a time and materials basis.

**End of Proposal**



## EXHIBIT A-2

### Labor Hour Estimate

#### Transportation Element Update Bonney Lake, WA

**Prepared for:** City of Bonney Lake  
Don Morrison, City Administrator

**Prepared by:** Shea Carr Jewell, Inc.  
Perry Shea, PE, Principal  
Eric Johnston, PE, Associate Principal

**Date prepared:** June 13, 2012

#### Budget Summary

<i>Phase 1 – Travel Demand Model Update</i>	\$44,210
<i>Phase 2 – Transportation Element Update</i>	\$56,207
<i>Phase 3 – Public Process Facilitation</i>	\$6,872
<i>Phase 4 – Concurrency Program Development (Option)</i>	\$13,732
<i>Subconsultant – Traffic Count Consultants, Inc.</i>	\$6,000
<i>Expenses</i>	\$2,420
<i>Total</i>	\$129,441
<i>Total Initial Contract (Excludes Phase 4)</i>	\$115,709

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EXHIBIT A-2

Labor Hour Estimate

**Shea Carr Jewell**

**Client: City of Bonney Lake**

**Project: Bonney Lake Transportation Element Update**

**Job #: P597.01**

**File #:**

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Task No.	Task Description	Principal Engineer	Associate Principal	Senior Transportation Planner	Traffic Modeler	Traffic Analyst	Planner	Project Coord II	Administrative Assistant	Total Hours
<b>Phase 1 - Travel Demand Model Update</b>										
<i>Task 1. Base Year Update and Validation</i>										
1.1	Identify areas where additional zonal resolution or roadway connectivity detail is needed.									
1.2	Identify and include recent roadway and intersection improvements that are currently not in the model.		2.0	4.0		16.0	2.0			24.0
1.3	Coordinate with PSRC and Pierce County to collect current existing employment and household data. Provide guidance to Bonney Lake staff in the process of allocating the current land use totals to the TAZ structure.		1.0	4.0		4.0	2.0			11.0
1.4	Incorporate new count data into link volumes for model.			2.0	8.0	14.0	2.0			26.0
1.5	Perform PSRC model cordon to identify Bonney Lake UGA and CUGA trip interaction with the surrounding network.		1.0	1.0	14.0	8.0	2.0			26.0
1.6	Validate 2012 trip generation/trip distribution/assignment steps to arrive at base year 2012 forecast.	2.0	4.0	20.0	48.0	16.0				90.0
1.7	Develop specific model performance measure to track the correlation between modeled data and observed data to confirm an appropriate level of model accuracy.		1.0	4.0	10.0	6.0				21.0
<i>Task 2. Future Year 2040 Forecast</i>										
1.8	Collect regional control totals for 2040 household and employment projections from PSRC and Pierce County. Provide assistance to City staff in confirming or adjusting the growth projections and allocating the final 2040 projections to the Bonney Lake TAZ structure.	2.0	2.0	4.0	4.0	2.0	4.0			18.0
1.9	Collect pipeline development data for Bonney Lake and surrounding areas to guide the allocation of future household and employment within the UGA and CUGA.		1.0	1.0		2.0	4.0			8.0
1.10	Identify improvements from City TIP to include in future "base" network.			2.0		8.0				10.0
1.11	Build updated future base network.			8.0	16.0	30.0				54.0

EXHIBIT A-2

Labor Hour Estimate

**Shea Carr Jewell**

Client: City of Bonney Lake

Project: Bonney Lake Transportation Element Update

Job #: P597.01

File #:

Task No.	Task Description	Principal Engineer	Associate Principal	Senior Transportation Planner	Traffic Modeler	Traffic Analyst	Planner	Project Coord II	Administrative Assistant	Total Hours
1.12	Run 2040 base model and track performance.		2.0	8.0	20.0	12.0				42.0
1.13	Track performance and continue network improvement/calibration through alternatives analysis.		2.0	4.0	12.0	10.0				28.0
1.14	Prepare technical memorandum documenting basic model assumptions.	1.0	2.0	16.0	2.0	6.0	4.0		4.0	35.0
Phase 1 Total Hours:		5.0	18.0	78.0	134.0	134.0	20.0		4.0	393.0
Billing Rate by category:		\$208.00	\$155.00	\$135.00	\$110.00	\$95.00	\$105.00	\$95.00	\$70.00	
Total Labor Billing Cost Phase 1:		\$1,040.00	\$2,790.00	\$10,530.00	\$14,740.00	\$12,730.00	\$2,100.00		\$280.00	\$44,210.00
<b>Phase 2. Transportation Element Update</b>										
2.1	Identify stakeholder groups the City would like included in the planning for the Transportation Element Update.	1.0	2.0				2.0			5.0
2.2	Collect and evaluate the City's current transportation planning documents including Comprehensive Transportation Plan, Capital Facilities Plan and available subarea studies.	1.0	1.0	4.0			16.0			22.0
2.3	Prepare outline of Transportation Element Update structure, incorporating previously collected studies as applicable. Circulate outline for review and comment by City staff and PSRC.	1.0	2.0	2.0			16.0			21.0
2.4	Meet with PSRC staff to outline transportation plan update scope of work to ensure consistency and achieve PSRC certification. Ensure that the proposed update adequately addresses comments in the 7/7/11 PSRC review letter and conditions in 8/1/11 PSRC certification letter.		4.0				4.0			8.0
2.5	Update structure and content of report.	1.0	4.0	2.0			24.0			31.0
2.6	Prepare statement of how comprehensive plan addresses VISION 2040.		2.0				4.0			6.0
2.7	Coordinate with City staff in incorporating the Introduction and Goals and Policies section (to be prepared by City) into the master Transportation Plan document.		2.0				12.0			14.0

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EXHIBIT A-2

Labor Hour Estimate

**Shea Carr Jewell**

**Client:** City of Bonney Lake

**Project:** Bonney Lake Transportation Element Update

**Job #:** P597.01

**File #:**

Task No.	Task Description	Principal Engineer	Associate Principal	Senior Transportation Planner	Traffic Modeler	Traffic Analyst	Planner	Project Coord II	Administrative Assistant	Total Hours
2.8	Include sections required for PSRC Certification, including but not limited to TDM Strategies, coordination with other agencies, inventories for transit, cycling, walking, freight, air quality conformity, ADA Transition Plan, existing and planned uses near airport, regulations that discourage incompatible uses.		4.0	2.0			8.0		2.0	16.0
2.9	Prepare traffic analysis of existing intersections using the Synchro/SimTraffic software. Assumes approx 40 intersections for analysis.		4.0	4.0		20.0				28.0
2.10	Prepare future network operational assessment using travel demand forecasts identified in previous section.	1.0	2.0	2.0		24.0				29.0
2.11	Based on operational analysis, identify area roadways, streets and intersections that will not meet adopted LOS standard and other circulation and safety criteria.		2.0	2.0		16.0				20.0
2.12	Prepare interim deliverable identifying the projected areas of travel concurrency, circulation and safety deficiency. Have work session with City staff to discuss and establish strategies to address predicted deficiencies.		2.0	3.0		12.0	2.0			19.0
2.13	Prepare up to one additional model iteration including updated household and/or employment allocations if desired by City.									
2.14	Identify system improvements that will achieve the adopted LOS standard for all facilities projected to be below adopted LOS.	2.0	2.0	6.0		12.0				22.0
2.15	Identify improvement approach for SR 410 Strategy Corridor.	2.0	6.0	6.0		2.0				16.0
2.16	Prepare model scenarios including proposed project list to reevaluate future deficiencies. Assumes up to three iterations.	1.0	4.0	16.0		20.0				41.0
2.17	Meet with City staff to review transportation improvement project list.	2.0	4.0			2.0	2.0			10.0
2.18	Prepare new project list for inclusion into Transportation Element. Prepare programmatic construction cost estimate for each proposed improvement.	2.0	8.0	4.0		6.0	12.0			56.0
2.19	City staff will identify funding sources and implementation plan to complete all improvements on the transportation improvement project list. Include reassessment strategy to address funding shortfall.	1.0	1.0				2.0			4.0

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EXHIBIT A-2

Labor Hour Estimate

**Shea Carr Jewell**

**Client: City of Bonney Lake**

**Project: Bonney Lake Transportation Element Update**

**Job #: P597.01**

**File #:**

Task No.	Task Description	Principal Engineer	Associate Principal	Senior Transportation Planner	Traffic Modeler	Traffic Analyst	Planner	Project Coord II	Administrative Assistant	Total Hours
2.20	Complete Draft Transportation Element document with text, tables and graphics.	4.0	24.0	12.0		16.0	32.0		4.0	92.0
2.21	Prepare plan review questionnaire and return to PSRC with draft Transportation Element.		2.0				4.0			6.0
2.22	Respond to PSRC recommendation on certification. Revise plan as necessary.									
2.23	Produce PDF version of final plan.		1.0	1.0		2.0	2.0		1.0	7.0
2.24	Produce reproducible hard copy of final plan.							4.0		4.0
Phase 2 Total Hours:		19.0	83.0	66.0		132.0	142.0	4.0	7.0	477.0
Billing Rate by category:		\$208.00	\$155.00	\$135.00	\$110.00	\$95.00	\$105.00	\$95.00	\$70.00	
Total Labor Billing Cost Phase 2:		\$3,952.00	\$12,865.00	\$8,910.00		\$12,540.00	\$14,910.00	\$380.00	\$490.00	\$56,207.00
<b>Phase 3 Public Process Facilitation</b>										
3.1	Assist staff in developing Council presentation materials.	1.0	4.0	2.0		8.0	4.0			19.0
3.2	Preparation and attendance at two 3-hour public meetings (one Council Study Session and one Planning Commission meeting)	8.0	12.0	2.0		4.0	4.0			30.0
Phase 3 Total Hours:		9.0	16.0	4.0		12.0	8.0			49.0
Billing Rate by category:		\$208.00	\$155.00	\$135.00	\$110.00	\$95.00	\$105.00	\$95.00	\$70.00	
Total Labor Billing Cost Phase 2:		\$1,872.00	\$2,480.00	\$540.00		\$1,140.00	\$840.00			\$6,872.00
<b>Phase 4 Concurrency Program Development (Option)</b>										

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EXHIBIT A-2

Labor Hour Estimate

**Shea Carr Jewell**

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Task No.	Task Description	Principal Engineer	Associate Principal	Senior Transportation Planner	Traffic Modeler	Traffic Analyst	Planner	Project Coord II	Administrative Assistant	Total Hours
4.1	Review and comment on City concurrency ordinance.	2.0	2.0	4.0		2.0	8.0			18.0
4.2	Provide recommendations on enhancements to concurrency program.	4.0	2.0	4.0			2.0			12.0
4.3	The City may adopt an enhanced or updated concurrency management program and may elect to have SCJ provide services in support of developing and maintaining this new program.	2.0	2.0							4.0
4.4	Work collaboratively with staff to identify a methodology that is consistent with State requirements and facilitates development review and approval.	4.0	8.0							12.0
4.5	Develop a tracking mechanism for calculating and recording capacity units for the City's transportation system.		4.0	8.0		12.0				24.0
4.6	Document a process for staff and developers to use in seeking concurrency approval for a project.	2.0	4.0	2.0		8.0	4.0			20.0
4.7	Prepare materials for City staff to utilize in administering the concurrency program.		4.0			4.0	4.0			12.0
Phase 4 Total Hours:		14.0	26.0	18.0		26.0	18.0			72.0
Billing Rate by category:		\$208.00	\$155.00	\$135.00	\$110.00	\$95.00	\$105.00	\$95.00	\$70.00	
Total Labor Billing Cost Phase 4:		\$2,912.00	\$4,030.00	\$2,430.00		\$2,470.00	\$1,890.00			\$13,732.00
Total Hours All Phases:		47.0	143.0	166.0	134.0	304.0	188.0	4.0	11.0	991.0
		\$208.00	\$155.00	\$135.00	\$110.00	\$98.00	\$95.00	\$90.00	\$75.00	
		\$9,776.00	\$22,165.00	\$22,410.00	\$14,740.00	\$29,792.00	\$17,860.00	\$360.00	\$825.00	

EXHIBIT A-2

Consultant Fee Estimate

**Shea Carr Jewell**

Client: City of Bonney Lake

Project: Bonney Lake Transportation Element Update

Job #: P597.01

File #:

**Consultant Fee Determination**

**DIRECT LABOR REVENUE**

<u>Discipline</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Principal Engineer	47.0	\$208	\$9,776
Associate Principal	143.0	\$155	\$22,165
Traffic Modeler	134.0	\$110	\$14,740
Senior Transportation Planner	166.0	\$135	\$22,410
Traffic Analyst Planner	304.0	\$95	\$28,880
Engineering Technician II	188.0	\$105	\$19,740
Project Coordinator II	24.0	\$90	\$2,160
Administrative Assistant	4.0	\$95	\$380
	11.0	\$70	\$770

**Subtotal SCJ: 1,021 \$121,021**

**INDIRECT COSTS**

<b>Subconsultant Fees:</b>	Traffic Count Consultants, Inc.	(20 AM/PM Peak Hour Counts)	\$6,000
			\$0

**Subtotal: \$6,000**

**Total Subconsultant: \$6,000**

**Expenses:**

Copies, Reproductions, etc (2.0% of fee)	\$2,420
Mileage (# miles @ \$0.55)	\$0

**Total Expenses: \$2,420**

**Estimated Fee: \$129,441**

**Contracted Fee (Excludes Phase 4): \$115,709**

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

<b>Department/Staff Contact:</b> Admin Services / Edvalson	<b>Meeting/Workshop Date:</b> 3 July 2012	<b>Agenda Bill Number:</b> AB12-107
<b>Agenda Item Type:</b> Discussion	<b>Ordinance/Resolution Number:</b>	<b>Councilmember Sponsor:</b>

**Agenda Subject:** Consideration of Possible Council Workshop Cancellation - August 7, 2012

**Full Title/Motion:** A Motion Of The Bonney Lake City Council Canceling The August 7, 2012 Council Workshop To Allow For Participation In National Night Out Against Crime Celebrations.

**Administrative Recommendation:** Discuss and provide direction.

**Background Summary:** National Night Out Against Crime is scheduled to be observed the evening of Tuesday, August 7<sup>th</sup>. National Night Out has fallen on the first workshop of August for the past several years, and the Council has typically canceled their workshop to allow Councilmembers and staff to participate. The Administration seeks Council direction on whether or not to place this motion on the next regular Council meetings agenda for action.  
**Attachments:** NNO Flyer

<b>BUDGET INFORMATION</b>			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
<b>Budget Explanation:</b> There are no significant budget impact from this discussion.			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>			
<b>Council Committee Review:</b>	<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:	<b>Consent</b>		
	<b>Agenda:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>Commission/Board Review:</b>			
<b>Hearing Examiner Review:</b>			

<b>COUNCIL ACTION</b>	
Workshop Date(s): 3 July 2012	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

<b>APPROVALS</b>		
<b>Director:</b> <i>HTE</i>	<b>Mayor:</b> <i>NHJ</i>	<b>Date Reviewed by City Attorney:</b> N/A (if applicable):

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