

CITY COUNCIL WORKSHOP

**November 20, 2012
5:30 p.m.**

AGENDA



“Where Dreams Can Soar”

*The City of Bonney Lake’s Mission is to protect the community’s livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.
Website: www.ci.bonney-lake.wa.us*

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

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:

Pg. 3 **A. Public Hearing (Continued):** AB12-134 – A Public Hearing for Proposed Ordinance D12-135, Setting the Annual Ad Valorem Tax Levy for 2013.

Pg. 13 **B. Public Hearing (Continued):** AB12-156 – A Public Hearing for Proposed Ordinance D12-157, Adopting the 2013-2014 Biennial Budget.

Pg. 15 **C. Discussion:** AB12-167 – Resolution 2256 – Principles and Actions to Develop Easttown Sewer.

Pg. 19 **D. Discussion:** AB12-168 – Resolution 2257 – Council Goals for Certain Public Works and Parks Facilities.

Pg. 23 **E. Discussion:** AB12-141 – Ordinance No. D12-141 – Connection to Public Sewer Facilities.

F. Council Open Discussion.

Pg. 27 **G. Review of Draft Minutes:** November 6th Workshop, and November 13rd Meeting.

H. Discussion: 2013-2014 Biennial Budget /"Budgets previously distributed. Direct link to the budget is located on the City website at:

http://www.ci.bonney-lake.wa.us/UserFiles/2013-2014_PreliminaryBudget.pdf

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.

This Page Intentionally Left Blank

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

| | | |
|---|---|--|
| Department/Staff Contact: Finance / Al Juarez | Meeting/Workshop Date: 20 November 2012 | Agenda Bill Number: AB12-134 |
| Agenda Item Type: Public Hearing | Ordinance/Resolution Number: D12-135 | Councilmember Sponsor: |

Agenda Subject: Public Hearing for Ordinance D12-135, to set the amount of the annual Ad Valorem tax levy to be collected in 2013

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Setting The Amount Of The Annual Ad Valorem Tax Levy For Fiscal Year 2013.

Administrative Recommendation:

Background Summary: Pursuant to Revised Code of WA (RCW) 84.52.020 the Mayor of the City of Bonney Lake must certify to the Pierce County Assessor-Treasurer and the Pierce County Council that the Bonney Lake City Council requests the following levy amounts be collected in year 2013 as provided in the city's budget and said property taxes will be adopted following a public hearing held on November 20, 2012.

The regular tax levy, \$2,630,646.77, as illustrated in the attached "Preliminary Tax Levy Limit" worksheet, consists of the lawful regular tax levy multiplied by the 1% limit factor (RCW 84.55.005) plus the current years assessed value of new construction and improvements.

A refund levy, \$6,395.32, is also illustrated in the attached "Preliminary Tax Levy Limit" worksheet that is provided by the Pierce County Assessor-Treasurer. Administrative refunds are defined as taxes that were either refunded back to the taxpayer or abated from the tax rolls due to loss of value from destroyed property. Law allows a district to relevy for revenue lost from an administrative change in the district's value, senior exemption, Department of Revenue exempt determinations, board of appeals actions, etc. and any taxes that were abated from the tax rolls prior to being paid due to destroyed property claims.

As defined in the attached ordinance, the dollar amount of the increase over the actual levy amount from the previous year shall be \$20,414.07, which is a percentage increase of .7912% from the previous year.

Attachments: Ordinance D12-135

| BUDGET INFORMATION | | | |
|--|-----------------|----------------------|----------------|
| Budget Amount | Current Balance | Required Expenditure | Budget Balance |
| Budget Explanation: 2012 Property Tax Levy: Regular Levy = \$2,630,646.77; plus, Refund Levy = \$6,395.32. Total Allowable (Combined Total) = \$2,637,042.09. | | | |

| COMMITTEE, BOARD & COMMISSION REVIEW | | | |
|---|---|--|--|
| Council Committee Review: | Finance Committee Date: 13 November 2012 | <i>Approvals:</i> Chair/Councilmember Deputy Mayor Swatman Councilmember Mark Hamilton Councilmember Randy McKibbin | Yes No <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> |
| | Forward to: 27 November 2012 Council Meeting | Consent Agenda: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Commission/Board Review: | | | |
| Hearing Examiner Review: | | | |

COUNCIL ACTION

Workshop Date(s):

Public Hearing Date(s): 11/13/2012, 11/20/2012

Meeting Date(s): November 27, 2012

Tabled to Date:

APPROVALS

Director:
Al Juarez

Mayor:

**Date Reviewed
by City Attorney:** Standard
(if applicable):

ORDINANCE NO. D12-135

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, SETTING THE AMOUNT OF THE ANNUAL AD VALOREM TAX LEVY NECESSARY FOR THE FISCAL YEAR 2013 FOR THE PURPOSES SET FORTH BELOW:

WHEREAS, the City Council of the City of Bonney Lake is meeting and discussing the biennial budget for the fiscal years 2013 and 2014; and

WHEREAS, the City Council held a public hearing on November 13, 2012 to discuss the feasibility of an increase in property tax revenues for collection in year 2013; and

WHEREAS, the City Council of the City of Bonney Lake after hearing and after duly considering all relevant evidence and testimony presented, determined that the City of Bonney Lake requires a regular levy in the amount of \$2,637,042.09, which includes an increase in property tax revenue from the previous year, and amounts resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property, and amounts authorized by law as a result of any annexations that have occurred and refunds made, in order to discharge the expected expenses and obligations of the City and in its best interest;

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

SECTION 1: The City Council of the City of Bonney Lake, Washington, does hereby resolve the city's actual levy amount from the previous year was \$2,580,172.57; and, the population is more than 10,000; and now therefore, that an increase in the regular property tax levy is authorized for the levy to be collected in the 2013 tax year. The dollar amount of the increase over the actual levy amount from the previous year shall be \$20,414.07, which is a percentage increase of .7912% from the previous year. This increase is exclusive of additional revenue resulting from new construction, improvements to property, newly constructed wind turbines, any increase in the value of state assessed property, any annexations that have occurred and refunds made.

SECTION 2: That the taxes to be collected from the levies hereby fixed and made, together with the estimated revenues from sources other than taxation, which constitutes the appropriation of the City of Bonney Lake for the fiscal year 2013, are hereby approved.

SECTION 3: A certified copy of this Ordinance and original Ad Valorem Levy Certification shall be transmitted on or before November 30th of the year preceding the year in which the levy amounts are to be collected to the Pierce County Assessor-Treasurer (Attn: Levy Department; 2401 S. 35th St. Rm. 142; Tacoma, WA 98409); and, the Pierce County Council (Attn: Clerk, Rm. 1046; County City Building; 930 Tacoma Ave. S.; Tacoma, WA 98402); and, any other governmental office as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF BONNEY LAKE
and approved by the Mayor this 27th day of November, 2012.

Mayor Neil Johnson, Jr.

AUTHENTICATED:

Harwood T. Edvalson, CMC
City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney



Levy Certification

Submit this document to the county legislative authority on or before November 30 of the year preceding the year in which the levy amounts are to be collected and forward a copy to the assessor.

In accordance with RCW 84.52.020, I, Al Juarez,
(Name)

Chief Financial Officer, for the City of Bonney Lake, do hereby certify to
(Title) (District Name)

the Pierce County legislative authority that the City Council
(Name of County) (Commissioners, Council, Board, etc.)

of said district requests that the following levy amounts be collected in 2013 as provided in the district's
(Year of Collection)

budget, which was adopted following a public hearing held on 11/13/12 ;
(Date of Public Hearing)

Regular Levy: \$2,630,646.77
(State the total dollar amount to be levied)

Excess Levy: _____
(State the total dollar amount to be levied)

Refund Levy: \$6,395.32
(State the total dollar amount to be levied)

Signature: _____

Date: _____

To ask about the availability of this publication in an alternate format for the visually impaired, please call (360) 705-6715. Teletype (TTY) users, please call (360) 705-6718. For tax assistance, call (360) 534-1400.

REV 64 0100e (w) (2/21/12)



Pierce County

Dale Washam, Assessor-Treasurer

2401 South 35th Street
Tacoma, WA 98409-7498
(253) 798-6111 FAX (253) 798-3142
ATLAS (253) 798-3333
www.piercecountywa.org/atr

PRELIMINARY TAX LEVY LIMIT 2012 FOR 2013

BONNEY LAKE
> 10,000

REGULAR TAX LEVY LIMIT:

| | |
|--|--|
| | 2011 |
| A. <u>Highest regular tax which could have been lawfully levied beginning with the 1985 levy</u> [refund levy not included] times limit factor (as defined in RCW 84.55.005). | 2,574,838.26 1.01 2,600,586.64 |
| B. Current year's assessed value of new construction, improvements and wind turbines in original districts before annexation occurred times last year's levy rate (if an error occurred or an error correction was made in the previous year, use the rate that would have been levied had no error occurred). | 21,856,013 1.375371262837 30,060.13 |
| C. Current year's state assessed property value in original district if annexed less last year's state assessed property value. The remainder to be multiplied by last year's regular levy rate (or the rate that should have been levied). | 22,140,795 22,140,795 0.00 1.375371262837 0.00 |
| D. REGULAR PROPERTY TAX LIMIT (A + B + C) | <i>Regular Levy Limit</i> 2,630,646.77 |

ADDITIONAL LEVY LIMIT DUE TO ANNEXATIONS:

| | |
|--|---|
| E. To find rate to be used in F, take the levy limit as shown in Line D above and divide it by the current assessed value of the district, excluding the annexed area. | 2,630,646.77 1,688,464,255 1.558011528530 |
| F. Annexed area's current assessed value including new construction and improvements times rate found in E above. | 0.00 1.558011528530 0.00 |
| G. NEW LEVY LIMIT FOR ANNEXATION (D + F) | <i>Regular Levy</i> 2,630,646.77 |

LEVY FOR REFUNDS:

| | |
|---|---|
| H. RCW 84.55.070 provides that the levy limit will not apply to the levy for taxes refunded or to be refunded pursuant to Chapters 84.68 or 84.69 RCW. (D or G + refund if any) | 2,630,646.77 <i>Refund Levy</i> 6,395.32 2,637,042.09 |
| I. TOTAL ALLOWABLE LEVY AS CONTROLLED BY THE LEVY LIMIT (D,G, or H) | <i>Total Allowable</i> 2,637,042.09 |
| J. Amount of levy under statutory rate limitation. | 1,688,464,255 1.600000000000 2,701,542.81 |
| K. LESSER OF I OR J | 2,637,042.09 |



Pierce County

Dale Washam, Assessor-Treasurer

2401 South 35th Street
Tacoma, WA 98409-7498
(253) 798-6111 FAX (253) 798-3142
ATLAS (253) 798-3333
www.piercecountywa.org/atr

September 14, 2012

OFFICIAL NOTIFICATION TO: **BONNEY LAKE**

RE: 2012 PRELIMINARY ASSESSED VALUES

FOR REGULAR LEVY

| | |
|---|---------------------|
| Total Taxable Regular Value | 1,688,464,255 |
| Highest lawful regular levy amount since 1985 | 2,574,838.26 |
| Last year's actual levy amount | 2,580,172.57 |
| Additional revenue from current year's NC&I | 30,060.13 |
| Additional revenue from annexations (RCW 84.55) | 0.00 |
| Additional revenue from administrative refunds (RCW 84.69) | 6,395.32 |
| <i>No additional revenue from administrative refunds will be allowed if you are limited by your statutory rate limit.</i> | |
| Last year's additional revenue from increase in state-assessed property | 0.00 |

FOR EXCESS LEVY

| | |
|----------------------------|---------------|
| Taxable Value | 1,678,797,522 |
| Timber Assessed Value | not available |
| Total Taxable Excess Value | 1,678,797,522 |

2012 New Construction and Improvement Value 21,856,013

*If you need assistance or have any questions regarding this information, please contact Kim Fleshman
253.798.7114 kfleshm@co.pierce.wa.us.*

RCW 84.55.120

Public hearing — Taxing district's revenue sources — Adoption of tax increase by ordinance or resolution.

A taxing district, other than the state, that collects regular levies shall hold a public hearing on revenue sources for the district's following year's current expense budget. The hearing must include consideration of possible increases in property tax revenues and shall be held prior to the time the taxing district levies the taxes or makes the request to have the taxes levied. The county legislative authority, or the taxing district's governing body if the district is a city, town, or other type of district, shall hold the hearing. For purposes of this section, "current expense budget" means that budget which is primarily funded by taxes and charges and reflects the provision of ongoing services. It does not mean the capital, enterprise, or special assessment budgets of cities, towns, counties, or special purpose districts.

If the taxing district is otherwise required to hold a public hearing on its proposed regular tax levy, a single public hearing may be held on this matter.

No increase in property tax revenue, other than that resulting from the addition of new construction, increases in assessed value due to construction of electric generation wind turbine facilities classified as personal property, and improvements to property and any increase in the value of state-assessed property, may be authorized by a taxing district, other than the state, except by adoption of a separate ordinance or resolution, pursuant to notice, specifically authorizing the increase in terms of both dollars and percentage. The ordinance or resolution may cover a period of up to two years, but the ordinance shall specifically state for each year the dollar increase and percentage change in the levy from the previous year.

[2006 c 184 § 6; 1997 c 3 § 209 (Referendum Bill No. 47, approved November 4, 1997); 1995 c 251 § 1.]

Notes:

Severability -- Part headings not law -- Referral to electorate -- 1997 c 3: See notes following RCW 84.40.030.

**EXAMPLE OF ORDINANCE/RESOLUTION
REQUESTING HIGHEST LAWFUL LEVY**

**Ordinance/Resolution No. _____
RCW 84.55.120**

WHEREAS, the _____ of **BONNEY LAKE** has met and considered
(Governing body of the taxing district) (Name of the taxing district)
its budget for the calendar year _____; and,

WHEREAS, the districts actual levy amount from the previous year was \$ 2,580,172.57 and,
(Previous Year's Levy Amount)

WHEREAS, the population of this district is more than or less than 10,000; and now, therefore,
(Check One)

BE IT RESOLVED by the governing body of the taxing district that an increase in the regular property tax levy is hereby authorized for the levy to be collected in the 2013 tax year.
(Year of Collection)

The dollar amount of the increase over the actual levy amount from the previous year is: \$20,414.07
which is a percentage increase of 0.7912 % from the previous year. This increase is exclusive of
(Percentage Increase)

additional revenue resulting from new construction, improvements to property, newly constructed wind turbines, any increase in the value of state assessed property, any annexations that have occurred and refunds made.

Adopted this _____ day of _____, _____.

If additional signatures are necessary, please attach additional page.

This form or its equivalent must be submitted to your county assessor prior to their calculation of the property tax. This form or its equivalent must be submitted to your county assessor prior to their calculation of the property tax levies. A certified budget/levy request, separate from this form is to be filed with the County Legislative Authority no later than November 30th. As required by RCW 84.52.020, that filing certifies the total amount to be levied by the regular property tax levy. The Department of Revenue provides the "Levy Certification" form (REV 64 0100) for this purpose. The form can be found at:
<http://dor.wa.gov/dor/Forms/PropTax/Forms/LevyCertf.doc>

For tax assistance, visit <http://dor.wa.gov/content/taxes/property/default.aspx> or call (360) 570-5900. To inquire about the availability of this document in an alternate format for the visually impaired, please call (360) 705-6715. Teletype (TTY) users

This Page Intentionally Left Blank

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

| | | |
|---|---|--|
| Department/Staff Contact: Finance / Al Juarez | Meeting/Workshop Date: 20 November 2012 | Agenda Bill Number: AB12-156 |
| Agenda Item Type: Public Hearing | Ordinance/Resolution Number: D12-157 | Councilmember Sponsor: |

Agenda Subject: Public Hearing for proposed ordinance D12-157 Adopting the 2013 – 2014 Biennial Budget

Full Title/Motion: A Motion Of The City Council Of the City Of Bonney Lake, Pierce County Washington, Conducting A Public Hearing Pursuant To RCW 35A.34 In Consideration Of Adopting The 2013 – 2014 Biennial Budget.

Administrative Recommendation:

Background Summary: Public hearings are a part of the biennial budget adoption process and Revised Code of Washington (RCW) 35A.34 provides procedures for adopting, managing and amending a biennial budget. Pursuant to this guidance and Bonney Lake Municipal Code 3.96, a proposed biennial budget for fiscal year 2013 and 2014 has been prepared, filed and is now subject to the public hearing process. Public hearings on this budget will also be conducted on Tuesday November 20, November 27, and December 4, 2012. Any taxpayer may appear at these public hearings and be heard for or against any part of the budget.

Attachments: Direct link to the budget on the City website:
http://www.ci.bonney-lake.wa.us/UserFiles/2013-2014_PreliminaryBudget.pdf

| BUDGET INFORMATION | | | |
|--|-----------------|----------------------|----------------|
| Budget Amount | Current Balance | Required Expenditure | Budget Balance |
| Budget Explanation: FY2013 Total City budget =\$43,286512; FY2014 Total City budget =\$41,379,774 | | | |

| COMMITTEE, BOARD & COMMISSION REVIEW | | | |
|--------------------------------------|---|--|---|
| Council Committee Review: | Other Finance Committee Date: 13 November 2012 | <i>Approvals:</i> Chair/Councilmember Deputy Mayor Swatman Councilmember Mark Hamilton Councilmember Randy McKibbin | Yes No <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| | Forward to: 11/20/12 Workshop; 11/27/12 Full Council; 12/4/12 Workshop; 12/11/12 Full Council. | Consent Agenda: | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Commission/Board Review: | | | |
| Hearing Examiner Review: | | | |

| COUNCIL ACTION | |
|-------------------|--|
| Workshop Date(s): | Public Hearing Date(s): 11/13/2012; 11/20/2012; 11/27/2012; 12/4/2012 |
| Meeting Date(s): | Tabled to Date: |

| APPROVALS | | |
|-------------------------------|---------------|---|
| Director: Al Juarez | Mayor: | Date Reviewed by City Attorney: Standard (if applicable): |

The City of Bonney Lake Proposed 2013-2014 Biennial Budget
is available for viewing at the following locations:

**Bonney Lake City Hall
19306 Bonney Lake Blvd E
Bonney Lake, WA 98391**

On City website:

www.ci.bonney-lake.wa.us/UserFiles/2013-2014_PreliminaryBudget.pdf

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

| | | |
|--|---|---|
| Department/Staff Contact: Executive / Morrison | Meeting/Workshop Date: 20 November 2012 | Agenda Bill Number: AB12-167 |
| Agenda Item Type: Resolution | Ordinance/Resolution Number: 2256 | Councilmember Sponsor: Swatman and McKibbin |

Agenda Subject: Eastown Sewer Development

Full Title/Motion: A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Identifying Principles And Actions Needed To Develop Eastown Sewers. . . .

Administrative Recommendation:

Background Summary: The Council determined on a 3-4 vote not to enter into a ULA with Eastown property owners to build the full sewer system in Eastown. Subsequently, council members have discussed the various options. It is the intent of this resolution to put forth a statement of principles and actions to move toward the provision of sewer service in Eatown.
Attachments: Resolution No. 2256

| BUDGET INFORMATION | | | |
|---|-----------------|----------------------|----------------|
| Budget Amount | Current Balance | Required Expenditure | Budget Balance |
| Budget Explanation: TBD. The executive proposed 2013-2014 executive budget contains \$2.5M for Eastown sewers. | | | |

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

| COUNCIL ACTION | |
|-----------------------|-------------------------|
| Workshop Date(s): | Public Hearing Date(s): |
| Meeting Date(s): | Tabled to Date: |

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

This Page Intentionally Left Blank

RESOLUTION NO. 2256

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, IDENTIFYING PRINCIPLES AND ACTIONS NEEDED TO DEVELOP EASTOWN SEWERS.

WHEREAS, the Council recognizes significant challenges exist to the development of properties in the Eastown area; and

WHEREAS, the Council desires the development of commercial properties in Eastown; and

WHEREAS, the commercial and business communities provide a significant long term revenue source for the City; and

WHEREAS, the Council seeks to partner with developers and business owners to enhance the marketability of properties to achieve the highest and best use; and

WHEREAS, the Council recognizes the economic and regulatory conditions that currently exist in Eastown, and that these conditions may delay development of certain properties, and that it may take many years to achieve a build-out of the Eastown area; and

WHEREAS, the Council recognizes the current state of the economy and the regulatory climate, and will attempt to facilitate development of Eastown through the use development agreements, incentives, and regulatory relief as the Council deems appropriate, and is legally permissible; and

WHEREAS, the Council desires to proceed with the Eastown sewer development under certain policies and conditions;

NOW THEREFORE, the City Council of the City of Bonney Lake, Washington, does hereby resolve that the City shall proceed with the Eastown sewer development as follows (not necessarily in order):

1. A partner is desired, but not required, to participate in the Eastown sewer development. If there is a partnership, said partner shall contribute at least 5% of the ULA formation costs.
2. The Mayor is authorized and directed to go to bid for the Eastown sewer segment commonly referred to as the “backbone”, up to and including the sewer lift station.
3. It is the intent of the City Council to maximize potential savings and reduce construction costs for this project. Therefore, the timelines and dates for bidding and construction shall be set liberally to take advantage of the most ideal bid climate and construction timelines.

4. The Council will not issue utility bonds to fund the “backbone” project, but will fund the initial sewer system with existing sewer revenues. As latecomer fees are paid by connecting properties, those funds shall be deposited back into the capital fund of the sewer utility.

5. It is the intent of the City Council to adopt an ordinance to facilitate the interim use of existing septic systems until sewer is available, provided those systems have the capacity to handle the proposed development without expansion. Said ordinance shall contain a requirement for connection to the sewer system as soon as it is available.

6. The City Council will encourage development agreements with interested parties to develop Eastown properties, and has found that development agreements are a preferred instrument to ensure that equitable development costs are applied to Eastown development projects.

7. It is the intent of the City Council to appropriate up to two million dollars (\$2M) to facilitate the development of additional needed municipal infrastructure required to serve desired Eastown projects. In evaluating whether the City will fund additional infrastructure serving Eastown, the City will consider assisting projects that can demonstrate a positive return on investment to the City. Only commercial projects, which allow for commercial uses will be considered for additional infrastructure support.

8. The City Council desires Eastown to develop in a manner that meets the intent of the adopted Eastown Sub Area Plan and achieve the best possible development for both public and private interests.

PASSED BY BONNEY LAKE CITY COUNCIL this _____ day of December, 2012.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

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

| | | |
|--|---|---|
| Department/Staff Contact: Executive / Don Morrison | Meeting/Workshop Date: 20 November 2012 | Agenda Bill Number: AB12-168 |
| Agenda Item Type: Resolution | Ordinance/Resolution Number: 2257 | Councilmember Sponsor: Swatman and McKibbin |

Agenda Subject:

Full Title/Motion: A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Identifying Council Goals For Certain Public Works And Park Facilities..

Administrative Recommendation:

Background Summary: City public works facilities are for the most part old, dipapidated, undersized and inefficient. The adopted capital facilities plan of the City calls for a new public works center to be built. With the Council's decision to move PW admin and engineering into City Hall, and Finance, Administrative Services and Community Development into the Justice Center, the Council desires to state its intent regarding public works facilities for both the near and long term, and to assure that parks facilities are not used for general public works purposes.

Attachments: Resolution No. 2257

| BUDGET INFORMATION | | | |
|----------------------------|-----------------|----------------------|----------------|
| Budget Amount | Current Balance | Required Expenditure | Budget Balance |
| Budget Explanation: | | | |

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

| COUNCIL ACTION | |
|-----------------------|-------------------------|
| Workshop Date(s): | Public Hearing Date(s): |
| Meeting Date(s): | Tabled to Date: |

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

This Page Intentionally Left Blank

RESOLUTION NO. 2257

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, IDENTIFYING COUNCIL GOALS FOR CERTAIN PUBLIC WORKS AND PARK FACILITIES.

WHEREAS, the council recognizes significant facilities upgrades are needed as identified in the adopted Capital Facilities plan of the City; and

WHEREAS, the adopted Capital Facilities Element of the Comprehensive Plan calls for the construction of a new public works center, and identifies the City's 96th Street property as a prime candidate site; and

WHEREAS, the Council reaffirms the site as a desirable site for the construction of the facility if site development costs can be made more reasonable, and

WHEREAS, there are concerns about the site development costs due to the need for an expensive storm pond retaining wall and related site preparation costs; and

WHEREAS, it would be desirable to obtain an adjoining parcel for the project if it could reduce the site development costs of the main site; and

WHEREAS, funds have been set-aside for the construction of the PW Center with the balance of the funding to come from a utility bond; and

WHEREAS, Council desires that Allan Yorke Park, including the "Moriarty" extension, be used exclusively for park purposes.

NOW THEREFORE, the City Council of the City of Bonney Lake, Washington, does hereby resolve that the City shall proceed to implement the Capital Facilities plan of the City with respect to the public works center and Allan Yorke Park as follows:

1. The City shall attempt to obtain additional parcels adjacent to the 96th Street public works center site if it can be demonstrated that such acquisition would reduce the overall cost of the public works center project.
2. When the Finance and Administrative Services departments of the City are relocated to the Justice Center, the public works administration and engineering division shall be relocated from the Annex to the current City Hall so that all public works operations will be on the same site. The utility funds shall pay the general fund a fair market rent for use of the building. Since the utility is leasing and paying a fair market rent for the entire City Hall facility, it shall be used exclusively for utility purposes and there shall be no outside uses permitted that would compromise the constitutional prohibition against "lending the city's credit" by non-utility use of the building unless a fair rent is paid for un-needed space.

3. Once plans are developed and funded for use of the Allen Yorke Park (including the “Moriarty” extension), existing public works use of the park for material or equipment storage shall be relocated to the public works center or other suitable utility owned property.

PASSED BY BONNEY LAKE CITY COUNCIL this _____ day of December, 2012.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

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

| | | |
|--|---|---|
| Department/Staff Contact: Executive / Don Morrison | Meeting/Workshop Date: 20 November 2012 | Agenda Bill Number: AB12-141 |
| Agenda Item Type: Ordinance | Ordinance/Resolution Number: D12-141 | Councilmember Sponsor: Swatman and McKibbin |

Agenda Subject: Requirements to Connect to Sewer System When There is a Change of Use

Full Title/Motion: An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Section 13.12.150 Of The Bonney Lake Municipal Code And Ordinance No. 1288 Relating To Connection To The Public Sewer System..

Administrative Recommendation: Approve

Background Summary: Current sewer regulations require connection to the City sewer system when there is a change of use. This is problematic in areas that are not currently served by the City sewer system. This amendment to the ordinance would allow commercial buildings changing use to continue to use the existing septic system provided the load from the new changed use did not exceed what the current on-site septic system could properly treat.
Attachments: Ordinance D12-141

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

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

| COUNCIL ACTION | |
|-----------------------|-------------------------|
| Workshop Date(s): | Public Hearing Date(s): |
| Meeting Date(s): | Tabled to Date: |

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

This Page Intentionally Left Blank

ORDINANCE NO. D12-141

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 13.12.150 OF THE BONNEY LAKE MUNICIPAL CODE AND ORDINANCE NO. 1288 RELATING TO CONNECTION TO THE PUBLIC SEWER SYSTEM.

WHEREAS, the Bonney Lake City Council wishes to amend the municipal code to authorize continued use of existing private wastewater disposal systems, in lieu of requiring a connection to the public sewer system, when the system can accommodate a new use of an existing structure.

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

Section 1. BLMC Section 13.12.150 and Ordinance No. 1288 are hereby amended to read as follows:

13.12.150 – Connection to public system required - When.

Property owners may continue to use a private wastewater disposal system, provided it is functioning properly, or can be made to function in an appropriate reserve area, as determined by Pierce County health department; provided, however, that connection to the public sewer system is required when one of the following applies:

A. For residential properties where gravity and or forced sewer mains have been installed within 250 feet of closest property line; a direct connection to public sewer will be required when the property is sold;

B. Development of all subdivisions, short plats, multifamily construction, commercial construction, or change of use of an existing structure when the new use would increase the load on the existing private wastewater disposal system beyond the capacity of that system;

C. If a private wastewater facility fails and the property is within 250 feet of public sewer lines. At such time as a wastewater disposal facility is abandoned, all tanks shall be cleaned of sludge and filled with suitable material;

D. For commercial properties, connection to the public sewer system is required within one year when the following applies:

1. Sewer mains have been installed within 250 feet of closest property line;

Section 2. This Ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication, as required by law.

PASSED by the City Council and approved by the Mayor this ____ day of December, 2012.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

CITY COUNCIL WORKSHOP

**November 6, 2012
5:30 P.M.**

DRAFT MINUTES



“Where Dreams Can Soar”

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

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

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

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

II. ROLL CALL:

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

Councilmember Rackley moved to excuse Councilmember McKibbin and Deputy Mayor Swatman. Councilmember Lewis seconded the motion.

Motion to excuse Deputy Mayor Swatman and Councilmember McKibbin approved 5-0.

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, Senior Planner Jason Sullivan, Assistant City Attorney Kathleen Haggard, Administrative Services Director/City Clerk Harwood Edvalson, and Administrative Specialist II Renee Cameron.

III. AGENDA ITEMS:

Mayor Johnson asked that Agenda Item G. be moved above Agenda Item A. to allow Planning Commissioner Grant Sulham to provide the presentation on the three ordinances.

Councilmember Rackley moved to move Agenda Item G. above Agenda Item A. Councilmember Lewis seconded the motion.

Motion to amend the agenda approved 5-0.

A. Presentation: Planning Commission Proposed Ordinances.

- a. AB12-147 – Ordinance D12-147 – Amending Chapters 18.04 And 18.08 Of The Bonney Lake Municipal Code And Ordinance Nos. 740 And 746, Relating To Cannabis Collective Gardens And Dispensaries.

Planning Commissioner Chair Grant Sulham presented the ordinance regarding the matter of cannabis collective gardens and dispensaries. Commissioner Sulham said the

draft ordinance has been reviewed by Legal and the Planning Commission's recommendation is for the Council to adopt the ordinance. Community Development Director Vodopich clarified the status of the current moratorium relating to cannabis collective gardens and dispensaries and advised that adoption of the proposed ordinance would go in effect before expiration of the moratorium. Councilmember Minton-Davis asked about the 3-1 vote. Planning Commissioner Co-Chair Winona Jacobsen advised that she was the dissenting vote as she wanted to wait for the outcome of the November 6th election regarding the referendum and how it may affect this proposed ordinance. Councilmember Rackley said his concern is upholding federal law which makes marijuana illegal. This item was forwarded to the November 13, 2012 meeting for Council approval.

- b. AB12-148 – Ordinance D12-148 – Establishing Pre-Annexation Zoning For The Falling Water Subdivision And Identifying The Falling Water Subdivision And The Tehaleh Planned Community As “Proposed UGA” On The City’s Future Land Use Map.

Planning Commissioner Chair Sulham presented the proposed ordinance and said the Planning Commission has recommended Council adopt the draft Ordinance to identify the Falling Water subdivision, the Tehaleh planned community, and three additional areas that would have created ‘island’s’ as “Proposed UGA” on the Comprehensive Plan. He advised there was one dissenting vote by a Commissioner who felt it could be done at a future time. Community Development Director Vodopich advised there is a statutory requirement that two public hearings be conducted, as these properties are outside of the City’s boundaries. These hearings have been scheduled for the current workshop and December 11th. Councilmember Lewis said he believes long term planning is essential and hopes the dissenting voter considers the future of this area. Councilmember Hamilton said he would rather not have the City try to bring the area into an urban growth area until the Council is fully informed and the City is ready to initiate an urban growth area amendment. City Administrator Morrison said that the local planning policies have to be compatible with the multi County Planning Policies, which have to be consistent with the Growth Management Act. He said that urban growth areas have to be affiliated with the city and that cities have to consider incorporation or annexation for urban growth areas, and that annexation is preferred by the County. He said that policy has been hard to convey to the County at times, however, he is hopeful that through this process the City can proceed with identifying these areas as urban growth areas. Councilmember Rackley said the City is already providing sewer service and collecting monthly sewer fees for Falling Water residents. Councilmember Hamilton said he believes the County does not consider these areas urban growth. Councilmember Lewis said that when he served on the Planning Commission there was discussion at the Pierce County level for proposed future annexation to include Falling Water as well as Victor Falls. He said the County knew Bonney Lake was servicing the sewer for that area, and it was agreed that the “island” would be included. Councilmember Hamilton said he was unaware of the previous discussion at staff level about Falling Water becoming an urban growth area. Planning Commissioner Chair Sulham said that as these areas grow they will continue to impact the City. Councilmember Hamilton again said this is a rural area and not a proposed UGA. Councilmember Rackley said that this may help to get these areas designated differently. Mayor Johnson said this information needs to be presented to the County as a starting point. The proposed ordinance was forwarded to the November 13, 2012 meeting for Council approval.

- c. AB12-149 – Ordinance D12-149 – Replacing Chapter 16.14 Of The Bonney Lake Municipal Code, Adopting New Landscaping Standards

Planning Commissioner Chair Sulham said this ordinance was drafted by staff based on the City of Ferndale landscaping standards. He said the Pierce County Master Builders Association commented on the draft and their suggestions have been incorporated into the draft, and the Planning Commission was unanimous in their vote to recommend this ordinance. Councilmember Watson asked if there were any additional costs to the builders with this ordinance and Community Development Director Vodopich said there was not. This item was forwarded to the November 13, 2012 meeting for Council approval.

B. Council Open Discussion.

Senior Planner Jason Sullivan: Mayor Johnson introduced Jason Sullivan, the City's new Senior Planner. Mr. Sullivan provided his previous planning experience and the Council and Mayor welcomed him. Community Development Director Vodopich said he was happy to have Jason as part of his team.

C&D Topsoils: Councilmember Rackley said he had a complaint from a citizen regarding C&D Topsoils on SR 410. He asked Administration to do something about the sewers in Eastown, as this complaint is associated with the need to allow development in Eastown. Community Development Director Vodopich said C&D Topsoils are aware that their temporary-use permit is for a storage facility only and that they are not allowed to conduct sales. Councilmember Rackley said he informed C&D Topsoils that Council is hopeful to do something definitive in December or the near future so they can conduct business. Mayor Johnson said sewer in Eastown is being discussed and is on the City's radar. Mayor Johnson said he and the Council are hopeful that progress for the sewers in Eastown is made soon. Councilmember Watson said he has also heard concerns and people want to know how soon there will be sewers in Eastown.

SR410 – Sewer Main Replacement Project: Councilmember Watson said he has received numerous complaints about the exposed sewer lines on SR 410. Public Works Director Grigsby provided a brief summary of the reasoning for the delay in completion of the construction, mainly the failed lining below Myers Road which is requiring replacement. He said the City will be seeking liquidated damages due to the delay, and construction is estimated to be complete by November 16th or 17th.

Franciscan Medical Pavilion / SR 410 – Main Street Intersection Improvement Project: Councilmember Lewis asked about the status of this project. Public Works Director Grigsby provided a brief summary regarding the project schedule. The proposed start date is November 15th, and Puget Sound Energy should be conducting their work in the next few days.

199th Project / Mountain View Sidewalks: Councilmember Lewis spoke about the 199th Ave E Project / Mountain View Sidewalk Repair and obvious reduction of the traffic safety concerns simply by completing the street striping. Public Works Director Grigsby said the contractors did the final overlay this week and they are almost complete.

Metropolitan Park District: Councilmember Watson said he would like Council to continue discussion about the Metropolitan Park District (MPD) and hopes to possibly go for an election next April. Councilmember Hamilton said he is hearing from citizens about their misunderstanding of the MPD and how it would be formed. Mayor Johnson said Administration is waiting to hear back from the Park Board about their recommendation for the MPD. City Administrator Morrison said he hopes the City and Council will develop a simple campaign to educate the public.

Lake Tapps Educational Group: Mayor Johnson said he had a meeting with the Lake Tapps Educational Group, East Pierce Fire & Rescue, Sumner School District, and Cascade Water Alliance to discuss a variety of items, mainly though how the City will educate kids and residents regarding safety on the lake.

- C. Public Hearing:** AB12-150 – A Public Hearing for Proposed Ordinance D12-148 Establishing Pre-Annexation Zoning for the Falling Water Subdivision on November 6th and December 11th.

Mayor Johnson opened the public hearing at 6:03 p.m. Director Edvalson said there were no speakers signed up to speak for the public hearing. The public hearing was left open and continued to the December 11, 2012 Council meeting at 7:00 p.m.

- D. ACTION:** AB12-134 – Motion Setting a Public Hearing on November 13, 2012 at 7:00 p.m. for Proposed Ordinance D12-136 – Annual Ad Valorem Tax Levy for Fiscal Year 2013.

Councilmember Rackley asked if the 1% banked is something the City could utilize now since the budget is going to be so tight. City Administrator Morrison said he would recommend waiting to use this reserve when the City has more capacity.

Councilmember Rackley moved to approve AB12-134. Councilmember Lewis seconded the motion.

**Motion to approve AB12-134
approved 5-0.**

- E. ACTION:** AB12-156 – Motion Setting a Public Hearing on November 13, 2012 at 7:00 p.m. for Proposed Ordinance D12-157 – 2013-2014 Biennial Budget.

Councilmember Rackley moved to approve AB12-156. Councilmember Watson seconded the motion.

**Motion to approve AB12-156
approved 5-0.**

- F. Review of Council Minutes:** October 16, 2012 Council Workshop, October 23, 2012 Council Meeting, and October 30, 2012 Special Joint Council/Park Board Meeting.

The October 16, 2012 Council Workshop, October 23, 2012 Council Meeting, and October 30, 2012 Special Joint Council/Park Board Meeting minutes were forwarded to the November 13, 2012 Council Meeting for action, with one minor correction.

G. Discussion: Jail Services Contracts.

- a. AB12-152 – Resolution 2250 – Contract with Okanogan County for Jail Services.

Interim Police Chief Powers said that the County of Okanogan and the Bonney Lake Police Department would like to enter into a contractual agreement for the use of the Okanogan County jail to house the City of Bonney Lake inmates that are sentenced to jail for a prolong period of time. The agreement provides for a very cost effective location for long term commitments and the Okanogan County corrections agrees to transport our prisoners to and from their facility. Councilmember Rackley asked how much the closing of the Buckley jail will affect the City. Chief Powers said they are not scheduled to be closed yet but monetarily the City will have to wait to see. City Administrator Morrison said the City will utilize the Cities of Enumclaw and Puyallup jail services before taking inmates to Fife. Councilmember Hamilton said this contract was approved by the Public Safety Committee. Councilmember Minton-Davis asked about the distance to Okanogan and if it is feasible for the City to contract with them. Chief Powers said that for inmates with mandatory long term sentences it is feasible and the contract requires Okanogan to do the transports to and from their facility.

- b. AB12-153 – Resolution 2251 – Contract with City of Fife for Jail Services.

Interim Police Chief Powers said the City of Fife and the Bonney Lake Police Department needed to update the current contract for jail services. The Bonney Lake Police Department uses the Fife jail facility and needs to continue to have this facility as an option for booking Bonney Lake prisoners. This Interlocal Agreement would allow the City to continue use of the City of Fife’s facility.

Proposed Resolutions 2250 and 2251 were forwarded to the November 13, 2012 meeting for Council approval.

IV. ADJOURNMENT:

At 6:16 p.m., Councilmember Rackley moved to adjourn the Council Workshop. Councilmember Watson seconded the motion.

Motion to adjourn approved 5-0.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council for the November 6th Workshop: None

This Page Intentionally Left Blank

CITY COUNCIL MEETING

November 13, 2012
7:00 P.M.

DRAFT MINUTES

City of



“Where Dreams Can Soar”

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

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

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

I. CALL TO ORDER – Mayor Neil Johnson, Jr. called the meeting to order at 7:02 p.m.

- A. Flag Salute: Cub Scout Pack #548 led the audience in the Pledge of Allegiance.
- B. 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 Katrina Minton-Davis, Councilmember Jim Rackley, and Councilmember Tom Watson. Councilmember Randy McKibbin was absent.

Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Acting Lieutenant Tom Longtine, Administrative Services Director/City Clerk Harwood Edvalson, Deputy City Attorney Jeff Ganson, and Records & Information Specialist Susan Duis.

C. Announcements, Appointments and Presentations:

1. Announcements:

Mayor Johnson said that Human Resources Manager Jenna Richardson recently received a Certificate of Wellness Leadership from the Association of Washington Cities. He said she earned the certificate through training and experience, and her work with the City’s Wellness Committee has earned the City a 2% discount on insurance premiums. He thanked the directors and staff members who support the City’s Wellness program.

2. Appointments:

- a. **AB12-165** – A Motion of the City Council Of The City Of Bonney Lake, Pierce County, Washington, Confirming The Mayor’s Appointment of Dana Powers As Chief Of Police For The City Of Bonney Lake.

Councilmember Lewis moved to approve motion AB12-165. Deputy Mayor Swatman seconded the motion.

Mayor Johnson said it is great for the City to have a Chief who has lived and served in the area for many years, and who came up through the ranks of the Police Department.

Motion approved 6 – 0.

3. Presentations:

- a. **Oath of Office**: Dana Powers, Chief of Police.

Municipal Court Judge Ron Heslop administered the oath of office to incoming Police Chief Dana Powers. Chief Powers thanked the Council, Mayor, and City Administrator, as well as the Police, Court, and other City staff for their support. She also thanked her family and friends for their support over the years. She said she is honored to serve as the City's Chief.

At 7:09 p.m. the Meeting was recessed for 20 minutes for a reception for Chief Powers. The Meeting reconvened at 7:30 p.m.

D. Agenda Modifications:

Deputy Mayor Swatman made a motion to move Finance Committee Issues Item A. and Item B. to the Consent Agenda as items F. and G. Councilmember Rackley seconded the motion.

Deputy Mayor Swatman said both items were discussed by the Finance Committee earlier in the evening, because the Community Development Committee has not met. He said the Committee forwarded both items for action under the Consent Agenda.

Motion to amend the agenda approved 6 – 0.

Deputy Mayor Swatman moved to table Full Council Issues Item B., AB12-149 – Ordinance D12-149. Councilmember Lewis seconded the motion.

Deputy Mayor Swatman said staff requested the item be tabled due to possible inconsistencies between the proposed ordinance and other portions of the municipal code.

Motion to table Ordinance D12-149 approved 6 – 0.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings:

1. **AB12-134** – A Public Hearing For Proposed Ordinance D12-135, Setting The Amount Of The Annual Ad Valorem Tax Levy For Fiscal Year 2013.

Mayor Johnson opened the Public Hearing at 7:32 p.m. Seeing no one coming forward to speak, the Public Hearing was continued to the November 20, 2012 Workshop at 5:30 p.m.

2. **AB12-156** – A Public Hearing For Proposed Ordinance D12-157, Adopting The 2013-2014 Biennial Budget

Mayor Johnson opened the Public Hearing at 7:33 p.m. Seeing no one coming forward to speak the Public Hearing was continued to the November 20, 2012 Workshop at 5:30 p.m.

B. Citizen Comments:

Ed Morris, 17301 159th Ave SE, Renton, said he owns property that the Council is considering for a condemnation action for an easement in Eastown. He said his family was shocked to receive notice from the City of the proposed ordinance as they were never contacted by City staff previously about the issue. He said his family objects to proposed Ordinance D12-151, and asked the Council not to approve it. He said his family has owned the property for 50 years and plans to develop someday when the economy improves. He said if the condemnation moves forward, the family will lose the ability to do anything with the back portion of their property. He said the sewer line would require elevating the property above the current grades and would create a long raised berm that could impact drainage on the property. He said the ordinance will only benefit one property owner who would not have to construct a sewer line. He said he feels it is not a legitimate or appropriate use of the City's condemnation powers. Mr. Morris reiterated his family's request that the Ordinance not be approved.

Mayor Johnson said Councilmembers will have the opportunity to ask questions about the proposed ordinance later in the agenda when it is considered for action.

- 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. The Committee discussed personnel updates and the Council will hold an Executive Session at the end of the current meeting to discuss ongoing AFSCME labor negotiations. The committee discussed the upcoming public hearings for the ad valorem tax rate and biennial budget. The committee forwarded proposed Resolution 2252 and Resolution 2253 for action on the current agenda. In addition, the Committee reviewed its meeting notes, proposals for Public Works facilities, Eastown sewer options, and possible grant opportunities (CDBG) for the Food Bank.
- B. Community Development Committee: Councilmember Rackley said the Committee has not met since the Council's last meeting.
- C. Public Safety Committee: Councilmember Hamilton said the Committee met on November 5, 2012 and forwarded proposed Resolutions 2240 and 2251 to the current Consent Agenda. The Committee continued discussions of a proposed ordinance to adopt State laws by reference, which should come forward to the full Council soon.
- D. Other Reports:

Communities for Families: Councilmember Lewis said he, Councilmember Watson and Special Events Coordinator David Wells attended the Communities for Families meeting on November 1st. The group discussed the Exodus Housing programs, Drug Free Communities, community forums at the middle school, Project Homeless Connect, and the upcoming Sumner High School Community Feed. He said the Community Feed fed about 700 families last year. This year's event is on Saturday, December 8th, and includes transportation, activities, musical performances, and dinner for families in need.

Veterans Day: Councilmember Watson said he and Councilmember Rackley attended the flag raising ceremony held by the Greater Bonney Lake Veterans Memorial Committee on Sunday, November 11th at the memorial site on SR410 and Main Street East. He said about 40 people attended the flag raising and 20 met for breakfast afterwards. Mayor

Johnson said he attended the Veterans Day Assembly at Bonney Lake High School on Friday, November 9th. He said East Pierce Fire and Rescue Assistant Chief John McDonald performed on the bagpipes for the assembly. Mayor Johnson said he spoke to the students about the local Veterans Memorial committee and ways to get involved and volunteer. Councilmember Hamilton said he was out of town and couldn't attend events, but expressed thanks for the families and veterans who do so much for the country.

Beautify Bonney Lake: Councilmember Watson said he attended the Beautify Bonney Lake board meeting earlier in the month. He said the Board is working on ideas for their 10-year anniversary in 2013.

IV. CONSENT AGENDA:

- A. **Approval of Minutes:** October 16, 2012 Workshop, October 23, 2012 Meeting, and October 30, 2012 Special Meeting.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable checks/vouchers #64769-64793 (including wire transfers 10075683 & 20121025 & 2012101201) in the amount of \$164,242.44. Accounts Payable checks/vouchers #64794-64819 in the amount of \$3,905.16. Accounts Payable checks/vouchers #64820-64822 in the amount of \$5,902.38. Accounts Payable checks/vouchers #64823-64892 (including wire transfers 6012012 & 9042012) in the amount of \$1,231,854.26.
- C. **Approval of Payroll:** Payroll for October 16-31st, 2012 for checks #30759-30784 including Direct Deposits and Electronic Transfers in the amount of \$ 248,346.64. Replacement check #30748 with #30758.
- D. **AB12-152 – Resolution 2250** – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Interlocal Agreement Between The City Of Bonney Lake, Washington And The Okanogan County, Washington, For The Housing Of Inmates In The Okanogan County Jail.
- E. **AB12-153 – Resolution 2251** – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Interlocal Agreement Between The City Of Bonney Lake, Washington And The City Of Fife, Washington, For The Housing Of Inmates In The City Of Fife Jail.
- F. **AB12-160 – Resolution 2252** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Professional Service Agreement With Larson And Associated For Surveying And Construction Staking Services During Construction For The SR 410 – Main Street/Sky Island Blvd Intersection Improvement Project. *Moved from Finance Committee Issues, Item A.*
- G. **AB12-161 – Resolution 2253** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Amendment To The Professional Service Agreement With Shea, Carr, Jewell Engineering For Services During Construction For The SR 410 – Main Street/Sky Island Blvd Intersection Improvement Project. *Moved from Finance Committee Issues, Item B.*

Councilmember Rackley moved to approve the Consent Agenda as amended. Deputy Mayor Swatman seconded the motion.

Consent Agenda approved as amended 6 – 0.

V. FINANCE COMMITTEE ISSUES:

- A. ~~AB12-160 – Resolution 2252~~ – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Professional Service Agreement With Larson And Associated For Surveying And Construction Staking Services During Construction For The SR 410 – Main Street/Sky Island Blvd Intersection Improvement Project. *Moved to Consent Agenda Issues, Item F. during Agenda Modifications.*

- B. ~~AB12-161 – Resolution 2253~~ – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Amendment To The Professional Service Agreement With Shea, Carr, Jewell Engineering For Services During Construction For The SR 410 – Main Street/Sky Island Blvd Intersection Improvement Project. *Moved to Consent Agenda Issues, Item G. during Agenda Modifications.*

VI. COMMUNITY DEVELOPMENT ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES:

- A. **AB12-147 – Ordinance 1442 [D12-147]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapters 18.04 And 18.08 Of The Bonney Lake Municipal Code And Ordinance Nos. 740 And 746, Relating To Cannabis Collective Gardens And Dispensaries.

Councilmember Watson moved to approve Ordinance 1442. Councilmember Lewis seconded the motion.

Deputy City Attorney Jeff Ganson said the recently approved initiative legalizing marijuana does not change the basis for this proposed ordinance, as it does not change State law regarding collective gardens, which are still prohibited by Federal law. Administrative Services Director/City Clerk Edvalson noted that there was someone in the audience who wished to speak on the issue.

Steve Lemco, 8403 Locust Ave E, Bonney Lake, asked the Council how the process will work for licensing marijuana retail and growing businesses. He said he is curious from a business standpoint and wants to get into the process early if possible. He asked who would be allowed to grow and sell marijuana under the new law.

Mayor Johnson said the City does not have any details yet on how the new law will impact business licensing and permitting. Councilmember Watson noted that the State has one year to develop the regulations and processes related to the new law and that information is not available yet. Mayor Johnson encouraged Mr. Lemco to check back with the City and State for information as it becomes available.

Ordinance 1442 approved 6 – 0.

- B. ~~AB12-149 – Ordinance D12-149 – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Replacing Chapter 16.14 Of The Bonney Lake Municipal Code, Adopting New Landscaping Standards. Tabled during Agenda Modifications.~~
- C. **AB12-151 – Ordinance 1441 [D12-151]** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Acquisition Of Property By Purchase Or Condemnation (0519022007, 21704 SR410 E).

Community Development Director Vodopich said the proposed ordinance was drafted by the City Attorney's office and provides a sewer easement and a temporary construction easement. He said proper notice was posted and sent to the property owners.

Councilmember Watson moved to approve Ordinance 1441. Councilmember Lewis seconded the motion.

Councilmember Rackley said he spoke with Mr. Morris earlier in the evening during the break. He said Mr. Morris did not receive notification from the City and learned of it through a family member. Director Vodopich said per the Pierce County Assessor's office, the legal owner is the Shepard family who lives in Arizona. He said Mr. Morris contacted him after the notice was sent, and he provided Mr. Morris with a copy of the notice at that time.

Mr. Morris said several people share ownership of the parcel, including the Shepard and Morris families. He said they are not opposed to development, but need more time to do due diligence. He said he has been working with professionals on development options and figure out what is in the best interest of both the City and the property owners. He said his family is working as fast as they can to resolve the issue.

Councilmember Rackley suggested the proposed condemnation ordinance be delayed until the Council takes action on the Easttown sewerage project. He said he expects this to come forward in about a month, which gives Mr. Morris time to negotiate for his property and avoid the condemnation action. Deputy Mayor Swatman said the properties in the proposed ordinance are entirely separate from the Easttown sewer project.

Deputy City Attorney Ganson said that ideally, property acquisition happens through negotiation rather than condemnation. He said the proposed ordinance authorizes the City Attorney to file a condemnation action, but the action does not need to be filed immediately, especially if negotiations are ongoing. He said after the condemnation action is filed, there will still be time to continue negotiations. He said the proposed ordinance allows the City to pursue condemnation if negotiations break down, but it does not preclude further negotiations moving forward. Deputy Mayor Swatman said the proposed ordinance provides a legal process for the City to come to a conclusion on this issue and he supports it.

Public Works Director Grigsby said his department has been working on the Kahne sewer issue for at least two years. He said the Kahne family has been trying to negotiate with another member of the family, Chet Morris, but negotiations have broken down several times, and Mr. Kahne then came to the City to ask that the sewer connection be moved forward.

Kelly Kahne, Enumclaw, said he spoke to the Council at the May 9, 2012 Meeting to ask for help. He said he had not met Ed Morris previously. He said he contacted the property owners in Arizona, who told him he needed to work with Chet Morris to negotiate the easement. He said his sewer line is separate from the Easttown system. He said the sewer would benefit more than one property owner as it will serve at least 40 acres, including his and the Babcock's property. He said he worked with Chet Morris for years and got nowhere. He said the proposed easement is on the edge of the property, which would be a setback or roadway, and not a usable part of the Morris' property. He said he came to the City for help because he has worked on this issue for years with no resolution.

Dave Babcock, Eatonville, said he owns property next to Mr. Kahne. He said he contacted Chet Morris about one year ago and had a verbal agreement with him, but once the contract was written up, Chet Morris refused to negotiate or communicate further. He said he has not been able to get any follow up communication from Mr. Morris and that is why he has come to the City for help.

Councilmember Hamilton asked Mr. Babcock if he plans to develop his property commercially. Mr. Babcock said that is his intention, and noted that the existing restaurant site cannot have a change of use until the area is connected to sewer. Councilmember Hamilton said it is important to pass the proposed ordinance. He said it does not mean that condemnation will occur; it is just part of the process. He said the properties need to be opened up for development. He said he does not feel that the ordinance gives one property owner a benefit over the other.

Ordinance 1441 approved 6 – 0.

IX. EXECUTIVE SESSION:

Pursuant to RCW 42.30.140(4)(a), the Council adjourned to a Closed Session at 8:02 p.m. for 20 minutes to discuss labor negotiations. No action was anticipated. The Closed Session was extended for 10 minutes at 8:25 p.m., for 5 minutes at 8:36 p.m., for 5 minutes at 8:43 p.m., and for 5 minutes at 8:49 p.m. The Council returned to Chambers at 8:54 p.m. No action was taken.

X. ADJOURNMENT:

At 8:54 p.m., Councilmember Lewis moved to adjourn the Council Meeting. Councilmember Watson seconded the motion.

Motion to adjourn approved 6 – 0.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council at the November 13, 2012 Meeting:

- Shawn Hoey – *Letter in support of Ordinance D12-149 (Adopting New Landscaping Standards)* – Master Builders Association of Pierce County.

This Page Intentionally Left Blank