

CITY COUNCIL MEETING

**November 27, 2012
7:00 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

SIGN-UP TO SPEAK FOR SPECIFIC ACTION ITEMS ON THE AGENDA: *If you have signed up prior to the Council meeting to speak with respect to a particular ordinance or resolution appearing on the agenda, you will be recognized to address the Council for up to one minute before the Council takes action on that item. Those wishing to address such items on the “Consent Agenda” should do so during the “Citizen Comments” portion of the Agenda. If the Council chooses to discuss the item further after taking comments, they may restrict additional public comment before taking action. Please look for the sign-up sheets near the Council Chamber doorway. (See Item II.B. for Citizen Comments on other items of City business.)*

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

I. CALL TO ORDER – Mayor Neil Johnson, Jr.

- A. Flag Salute
- B. Roll Call: 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.
- C. Announcements, Appointments and Presentations:
 - 1. Announcements: None.
 - 2. Appointments: None.
 - 3. Presentations:
 - a. **Police Department Recognition:** Ryan Boyle, Purple Heart; Kyle Torgerson, Medal of Valor.
- D. Agenda Modifications

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

- Pg. 5 A. Public Hearings:
 - 1. **Public Hearing (Continued):** AB12-156 – A Public Hearing for Proposed Ordinance D12-157, Adopting the 2013-2014 Biennial Budget.
- B. Citizen Comments:
You may address the City Council on matters of City business for up to 5 minutes. Those commenting about ordinances or resolutions on the “Consent Agenda” should limit their comments to one minute per item. When recognized by the Mayor, please state your name and address for the official record. Designated representatives speaking on behalf of a group may take up to 10 minutes on matters of general City business.
- C. Correspondence

III. COUNCIL COMMITTEE REPORTS:

- A. Finance Committee
- B. Community Development Committee

- C. Public Safety Committee
- D. Other Reports

IV. **CONSENT AGENDA:**

The items listed below may be acted upon by a single motion and second of the City Council. By simple request to the Chair, any Councilmember may remove items from the Consent Agenda for separate consideration after the adoption of the remainder of the Consent Agenda items.

- Pg. 7 A. **Approval of Minutes:** November 6, 2012 Workshop and November 13, 2012 Meeting.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable checks/vouchers #64893-64958 (including wire transfers 20121113) in the amount of \$132,930.49. Accounts Payable checks/vouchers #64959-65008 (including wire transfers; 10289150, 11052012, 20121105, 20121115, 2012111601) in the amount of \$403,027.35.
Voided Checks: Check #63221 – replaced with #65008; Check #64707 – replaced with #64973; Check # 64905 – replaced with #64965 & #64966; Check #63929 – Voided; Check # 63963 – replaced with #65005; Check # 64947 – Voided.
- C. **Approval of Payroll:** Payroll for November 1-15th, 2012 for checks #30785-30800 including Direct Deposits and Electronic Transfers in the amount of \$418,900.62.
- Pg. 21 D. **AB12-162 – Resolution 2254** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Sewer Developer Extension Agreement With Bonney Lake Estates, LLC For The Bonney Lake Estates Plat.
- Pg. 39 E. **AB12-158** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Accept As Complete The West Tapps Hwy Overlay Project With Lakeridge Paving Inc., LLC.

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

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

VII. **PUBLIC SAFETY COMMITTEE ISSUES:**

- Pg. 45 A. **AB12-166 – Ordinance D12-166** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 9 Of The Bonney Lake Municipal Code Related To Public Peace, Morals And Welfare.

VIII. **FULL COUNCIL ISSUES:**

- Pg. 79 A. **AB12-135 – Ordinance 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.
- Pg. 89 B. **AB12-169 – Set Public Hearing on Potential HUD CDBG Grant.** A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Setting A Public Hearing For December 11, 2012 to Review Community Development And Housing Needs, Inform Citizens Of The Potential Availability Of Grant Funds For The State Community Development Block Grant (CDBG) Program, And Receive Public Input On Proposed Activities, Particularly Front Lower Income Persons.

- Pg. 91 C. **AB12-164 – Resolution 2255** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contract With RH-2 Engineering To Complete A System Upgrade Analysis Of The City’s SCADA System.

IX. EXECUTIVE SESSION:

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

X. ADJOURNMENT

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

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

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

Department/Staff Contact: Finance / Al Juarez	Meeting/Workshop Date: 27 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 be conducted on Tuesday November 13, 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: None

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation: The Biennial Budget amount of \$000,000 includes transfers and reserves as illustrated in “Attachment A” a copy of which is attached.			

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	<table style="width: 100%; border: none;"> <tr> <td style="padding: 0 5px;">Yes</td> <td style="padding: 0 5px;">No</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>					
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Forward to: 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): 11/13/12; 11/20/12; 11/27/12; 12/4/12
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 COUNCIL WORKSHOP

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

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

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CITY COUNCIL MEETING

November 13, 2012
7:00 P.M.

MINUTES

City of



“Where Dreams Can Soar”

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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 Easttown. 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, Easttown 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 Eastown 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 Eastown 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 Eastown 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.

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

Department/Staff Contact: CD / Cole Elliott	Meeting/Workshop Date: 27 November 2012	Agenda Bill Number: AB12-162
Agenda Item Type: Resolution	Ordinance/Resolution Number: 2254	Councilmember Sponsor: Randy McKibbin

Agenda Subject: Agreement Between Bonney Lake Estates LLC and City of Bonney Lake.

Full Title/Motion: A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Sewer Developer Extension Agreement Between Bonney Lake Estates Llc And The City Of Bonney Lake For Bonney Lake Estates.

Administrative Recommendation:

Background Summary: The Developer's of Bonney Lake Estates Subdivision has requested the City provide installation observation along with testing observation for sewer mains in the south half of the James E. Williamson Donation Land Claim in Sections 25 and 26 Township 20 North, Range 5 East W.M.. (Parcels
Attachments: Resolution 2254; Contract; Map

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
N/A			
Budget Explanation:			

COMMITTEE, BOARD & COMMISSION REVIEW											
Council Committee Review:	Community Development Date: 20 November 2012	Approvals: Chair/Councilmember Randy McKibbin Councilmember James Rackley Councilmember Katrina Minton-Davis	<table style="width: 100%; border: none;"> <tr> <td style="text-align: right;">Yes</td> <td style="text-align: left;">No</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	Yes	No	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Forward to:	Consent Agenda: <input checked="" 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: <i>John Vodopich</i>	Mayor: <i>Neil Johnson Jr.</i>	Date Reviewed by City Attorney: (if applicable):

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RESOLUTION NO. 2254

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BONNEY LAKE, PIERCE COUNTY, WASHINGTON,
AUTHORIZING A SEWER DEVELOPER EXTENSION
AGREEMENT WITH BONNEY LAKE ESTATES LLC FOR THE
BONNEY LAKE ESTATES PLAT.**

Whereas, Bonney Lake Estates, Phase I is a 114 lot plat located at Connells Prairie Road East and Barkubein Road East, in unincorporated Pierce County, Washington. This project is outside the city limits and within Bonney Lake’s sewer service area; and

Whereas, The City of Bonney Lake requires that a developer have an approved Developer Extension Agreement for sewer improvements to the City’s system. The City Council finds that it is in the public interest that this agreement be carried out at this time;

Now therefore, be it resolved;

that the City Council of the City of Bonney Lake, Washington, does hereby authorize the Mayor to sign the attached Sewer Developer Extension Agreement with Bonney Lake Estates LLC for the Bonney Lake Estates Plat.

PASSED by the City Council this 27th day of November, 2012

Neil Johnson Jr., Mayor

ATTEST:

Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney



Section 1.01 SEWER DEVELOPER AGREEMENT

Article II. COMMUNITY DEVELOPMENT
DEPARTMENT

THIS AGREEMENT, by and between the City of Bonney Lake, a municipal corporation, hereinafter referred to as "City", and Bonney Lake Estates, LLC, hereinafter referred to as "Developer".

WITNESSETH: That whereas the City of Bonney Lake, a municipal corporation, provides SEWER service within the corresponding SEWER service area boundary, and the above-named Developer is preparing to construct a SEWER system, or additions thereto, and said development requires the City's SEWER service;

WHEREFORE, THE PARTIES AGREE AS FOLLOWS:

- I. Developer agrees to design and/or construct the SEWER system, or additions thereto, to be connected to the City's SEWER lines, and to maintain such additions until such time as the improvements are accepted by the City, with the agreements conditioned as set forth below. The SEWER system, or additions thereto, shall be located within that area commonly referred to as Bonney Lake Estates Phase I which property is described in Exhibit "A" attached hereto and referred to hereinafter as "Premises".

- II. As a condition precedent to City obligations under this agreement, the Developer shall design and/or construct the proposed SEWER system, or additions thereto, within said premises in conformance with the City's "Conditions and Standards for SEWER System Construction", as adopted (and by reference made a part hereof), together with any City approved amendments thereto made, and further to conform with the City's comprehensive SEWER plan, which agreement shall include oversizing of SEWER mains as may be identified in the City's adopted SEWER comprehensive plan.

- III. The developer agrees that the construction of the SEWER system, or additions thereto, shall not commence until the following conditions have been fulfilled:
 - A. The developer shall furnish the City with six (6) sets of detailed plans for the SEWER system, or additions thereto, at Developer's own expense, prepared by a qualified engineer licensed in the State of Washington.

 - B. The above plans shall require the review and approval by the City and its Engineer, and the cost of such review shall be at the Developer's own expense.

 - C. A Performance Bond for 150% for the cost of the estimated construction cost (reviewed and approved by the city) of the regional gravity sewer pipe line within the Right-of-Way and replacement of pumps at the pump station will be required as a condition of this agreement.

D. Minimum requirements for all plans for SEWER system, or additions thereto, submitted to the City for review are:

1. Six (6) sets of plans and documents shall be submitted, wherein two (2) sets will be returned to the applicant.
2. A preliminary plat of the area in which said SEWER system, or additions thereto, are to be constructed, which plat has been approved by the City, or County as applicable.
3. A map showing the location of the plat in relation to the surrounding area.
4. A contour map of the plat with contour intervals of two feet or less.
5. A map showing the location and depth of all proposed utilities and any connections and/or interconnections to existing facilities or future extensions and connections.
6. A 1" = 50' plan of the SEWER system showing streets, lot lines, dimensions, and location of bench marks and monuments for the proposed plat, together with an indication of the development of the adjacent property.
7. A profile 1" = 50' horizontal and 1" = 5' vertical of the finished road grades with the SEWER system and other pertinent underground utilities located, with elevations noted thereon. The elevation datum shall be the same as used by the City. It shall be the responsibility of the Developer to confirm such datum with the City.
8. Full-sized detail sheets shall be included as part of the construction drawings, as required to clearly indicate the details for all of the SEWER system, or additions thereto, to be constructed, consistent with City standards.
9. Specifications sufficient to fully describe the work, consistent with City's "Conditions and Standards".
10. Approvals from all regulatory agencies.

E. Construction requirements in addition to the City standards and details for developer extensions, as adopted, are as follows:

1. Unless otherwise approved in writing, by the City, all streets and/or roadways shall be graded to within six inches of final grade before installation of SEWER improvements.
2. All lots shall be fully staked to assist all parties involved in the proper location of the SEWER system including services.

3. All contractors and subcontractors shall have a current Washington State Contractors License.
4. The Developer's SEWER system, or additions thereto, on Premises shall not be connected to the City SEWER system until authorized by the City, and such connection shall be performed under the supervision and direction of the City.

The Developer agrees to defend, indemnify and hold the City harmless from all claims for damages by third parties, including costs and reasonable attorney's fees in the defense of claims for damages, arising from performance of the Developer's express or implied obligations under this Agreement. The Developer waives any right of contribution against the City.

- F. In the event the Developer in its operation damages or disrupts existing improvements, the repairs shall be made at the Developer's expense. In the event they are so damaged or the service disrupted and the Developer fails or is unable to immediately restore the service, then the Owners of the improvements may cause the repairs to be made by others and all costs for the same shall be at the Developer's own expense.

Where the construction crosses or is adjacent to existing utilities, the Developer shall exercise extreme care to protect such utilities from damage.

If any damage is done to an existing utility, the Developer shall notify the utility company involved who will dispatch a crew to repair the damage at the Developer's expense. All costs for the same shall be at the Developer's own expense.

The Developer is cautioned that some existing drainage systems, whether open ditch, buried pipe, or drainage structures, may not be on record. It shall be the responsibility of the Developer to repair or replace all such systems found during construction, which are damaged by the Developer's construction in a manner, which is satisfactory to the City.

Where the Developer is allowed to use private property adjacent to the work, the property so used shall be returned to its original or superior condition. The Developer shall make all arrangements in advance with such property owners, to insure that no conflicts will ensue after the property is restored as described above. The Developer will be required to furnish the City with a written release from said private property owners, if the City deems it to be necessary to obtain such document.

- IV. The construction, of the Developer's SEWER system, or additions thereto, on the Premises shall be supervised by the City in such a manner and at such times as the City deems reasonably necessary to assure that construction of the system will conform with the above-mentioned plans and specifications. The Developer herewith agrees to allow such inspections and areas to cooperate providing reasonable advance notice on his construction schedule during, the various construction phases as requested by the City.

- V. The Developer further agrees to pay the City's current civil review and inspection fees to cover the City's review and construction inspection efforts.
- VI. The Developer's SEWER system, or additions thereto, on Premises shall not be accepted for service and use until the same have been fully inspected and approved, and the following requirements have been performed:
- A. Correct the vertical datum from NAV 29 to NAVD 88 prior to submission of As-Built drawings to the City of Bonney Lake.
 - B. Verify that the horizontal datum is connected to no less than two monuments aligned with State Plane South.
 - C. Submit to the City in AutoCAD format, latest revision (unless otherwise approved by the City), the computer file supplied on a compact disc (CD) accompanied by the original mylars, with all changes from the original design clearly marked to reflect the as-built conditions. The Developer's Engineer shall certify the accuracy of the record drawings and shall affix his seal and signature.
 - D. Pay all permit fees and inspection fees and any other applicable City charges required for Premises.
 - E. Furnish the City with a Bill of Sale conveying, the SEWER system to the City.
- VII. The Developer's SEWER system, or additions thereto, on Premises shall not be accepted for maintenance and ownership by the City until the following requirements have been performed:
- A. Prepare and furnish the required easements in compliance with the City's standard form, and furnish same to the City for approval by the City Attorney, prior to recording of same. The proponent shall pay all the necessary recording, fees.
 - B. Furnish the City with an affidavit warranting there are no liens against the improvements constructed on Premises by the Developer. This affidavit shall be in the form prescribed by the City.
 - C. Furnish a two year maintenance bond for 15% (or \$2,000 whichever is greater) of the amount of the Bill of Sale guaranteeing that the SEWER system will be free of defects in labor and materials.
- VIII. The Developer shall agree to a two year warranty period of the sewer system on the Premises. The warranty period shall begin at the time the City accepts all requirements stated in parts X and XI. During the warranty period, in the event any warranty repairs are required, the City agrees, whenever feasible, to provide the Developer with reasonable notice, before directly undertaking such repairs. The City reserves the right, however, to effect emergency repairs as deemed necessary by the City. The City shall be reimbursed by the Developer for all costs thereof.

- IX. The Developer may request approval to establish a Latecomer's Agreement. The Latecomer's Agreement shall be applied for prior to approval of the Developer's Extension Agreement, and shall be finalized, approved by the council and executed prior to or simultaneous with the city's acceptance of ownership of the developer extension.

- X. Upon completion of the sewer mains and appurtenances, the Developer shall transfer ownership of the sewer system to the City as well as a 15 foot sewer utility easement centered on the sewer trunk lines when outside public right-of-way. Prior to the time of ownership transfer, the sewer system shall be inspected by the City and shall be located within an easement such that the City will be able to inspect the system. The Developer shall be responsible for all costs associated with any improvements to the sewer system that are needed to meet the City's standards prior to ownership transfer.

- XI. Nothing in this Agreement shall be construed to excuse Developer from requirements and conditions found in any City ordinance, resolution, plan or policy, with respect to the provision of utility service, including without limitation requirements regarding annexation or execution of covenants to annex, and the City will not provide utility service to Developer prior to Developer's satisfaction of all such requirements and conditions.

SUBMITTED this 29th day of October 2012

DEVELOPER: By: [Signature] manager Date 10-29-12
 Signature

Kurt Wilson, Manager
 Printed Name

Bonney Lake Estates, LLC
 Company Title (as applicable)

PO Box 73790
 Address

Puyallup, WA 98373
 City State Zip

Phone No. 253-539-8116
 FAX No. 253-535-0977

CITY OF BONNEY LAKE
 DEVELOPER AGREEMENT

ACCEPTED this ____ day of _____ 20____

 Neil Johnson Jr., Mayor

CITY OF BONNEY LAKE

DEVELOPER AGREEMENT

EXHIBIT 'A'

PLAT NAME__Bonney Lake Estates

DEVELOPER: _Bonney Lake Estates, LLC

LEGAL DESCRIPTION: A Portion of:

Parcel A:

The South half of the James E. Williamson Donation Land Claim located in Sections 25 and 26, Township

20 North, Range 5 East, W.M., in Pierce County, Washington;

TOGETHER with that portion, if any, lying between the South line of said James E. Williamson Donation

Land Claim and North of the existing South fence line, as referred to in Boundary Line Adjustment, dated

July 2, 1969 under Recording No. 2310002;

EXCEPT North Tapps Highway;

ALSO EXCEPT Barkubine County Road (Radke Road);

ALSO EXCEPT the following described property:

Beginning at the Southwest corner of the James E. Williamson Donation Land Claim in Section 26,

Township 20 North, Range 5 East, W.M., in Pierce County Washington;

thence North along the West line of said claim, 550 feet;

thence Southeasterly, along a line which, if extended, would intersect the South line of said claim at a

point 300 feet East of the Southwest corner of said claim, to a point 270 feet North of the South line of

said claim;

thence East to a point 450 feet East of the West line of said claim;

thence South 270 feet;

thence West, along the South line of said claim, 450 feet to the point of beginning;

ALSO EXCEPT the following described property, pursuant to the Pierce County Superior Court Cause No.

89-2-07638-7:

A portion of the James E. Williamson and Michael Connel Donation Land Claim No. 43 located in Sections

25 and 26, Township 20 North, Range 5 East, W.M., in Pierce County, Washington;

Beginning at a point on the South line of Williamson Donation Land Claim, said point being South

89°12'24" East, a distance of 1,476.09 feet from the Southwest corner of said Williamson Donation Land

Claim;

thence North 46°47'09" East a distance of 19.66 feet;

thence North 86°41'20" East a distance of 461.33 feet;

6 of 14

thence South 88°42'41" East a distance of 292.19 feet;
thence South 01°17'19" West a distance of 60.00 feet, more or less, to a point on the
Northerly right of
way of the existing Puget Sound Power & Light Company Canal;
thence Southwesterly on said Northerly right of way through the following courses:
Along a 337.94 foot radius curve to the left, the radial line of which bears South 01°19'17"
West, through
a central angle of 38°04'47" an arc distance of 224.60 feet;
thence South 53°12'32" West a distance of 455.86 feet;
thence along a 237.94 foot radius curve to the right, through a central angle of 08°35'41" an
arc distance
of 35.69 feet;
thence South 61°48'13" West a distance of 333.38 feet, more or less, to a point 1,350.00 feet
East of,
when measured perpendicularly, and parallel with, the West line of Connel Donation Land
Claim;
thence South 00°45'32" West, on said line, a distance of 7.12 feet, more or less, to a point
552.28 feet
South of the South line of the Williamson Donation Land Claim;
thence North 89°12'24" West, on a line parallel with the South line of the Williamson Donation
Land
Claim, a distance of 445.99 feet;
thence North 46°47'09" East a distance of 794.93 feet, more or less, to the point of
beginning;
ALSO EXCEPT any portion thereof lying East of the following described line, as per description
found in
the final order and dismissal, Superior Court of Washington for Pierce County, Cause No. 99-
2-04947-7,
filed May 18, 2001:
Commencing at the Southwest corner of the Michael Connel Donation Land Claim No. 43;
thence South 86°16'56" East along the South line of said Donation Land Claim, 1109.65 feet
to the TRUE
POINT OF BEGINNING:
thence North 08°26'20" East 957.55 feet;
thence North 05°36'43" West 379.23 feet;
thence North 06°57'09" West 830.85 feet;
thence North 06°57'12" West 509.84 feet, more or less, to the South line of the James E.
Williamson
Donation Land Claim;
thence continuing on the last said line North 06°57'12" West 1332.20 feet;
thence North 38°56'21" East 519.94 feet;
thence North 32°57'51" East 147.82 feet, more or less, to the North line of the South half of
the last said
Donation Land Claim;
thence continuing on last said line North 32°57'51" East 893.64 feet, more or less, to the
North line of

the Northwest quarter of Section 25, Township 20 North, Range 5 East, W.M., in Pierce County,
Washington;
thence North 27°05'51" East 386.48 feet;
thence North 20°22'47" East 617.81 feet;
thence North 03°49'01" East 137.09 feet, more or less, to the North line of the James E. Williamson
Donation Land Claim, lying North 86°18'12" West 1971.07 feet from the Northeast corner of said
Donation Land Claim, being the terminus of this line description.
Parcel B:
That portion of the Michael Connel Donation Land Claim No. 43 lying North of the P.S.P.L. Canal and
Channel rights of way, together with a tract of land consisting of that portion of the James E. Williamson
Donation Land Claim lying between the South fence line of the V. Imhoff property and the North line of
the Michael Connel Donation Land Claim, all in Sections 25 and 26, Township 20 North, Range 5 East,
W.M., in Pierce County, Washington, described as follows:
Beginning at a point on the North line of the Michael Connel Donation Land Claim No. 43,
1,790.93 feet
West of the Northeast corner of the the Michael Connel Donation Land Claim, said point
consisting of an
iron pipe established by George E. Loidhamer, licensed professional land surveyor of the State
of
Washington;
thence South 161.13 feet to a point on the North right of way line of Puget Sound Power &
Light
Company's (P.S.P.L. Co.) Canal;
thence on a curve to the left through an angle of 38°20'33" for a distance of 417.37 feet;
thence continuing along the North right of way line of P.S.P.L. Co. Canal North 89°17'40"
West 856.03
feet;
thence continuing on the North right of way line of P.S.P.L. Co. Canal on a curve to the left
through an
angle of 38°00'00" for a distance of 224.13 feet;
thence continuing on the North right of way line of P.S.P.L. Co. Canal South 52°42'20" West,
431.37 feet;
thence continuing on the North right of way line of P.S.P.L. Co. Canal on a curve to the right
through an
angle of 14°49' for a distance of 61.53 feet;
thence continuing along the North right of way line of P.S.P.L. Co. Canal South 67°31'20"
West 348.33
feet;
thence North 22°28'40" West, 4.73 feet;
thence West 663.74 feet;

thence South 1°00'40" West 144.72 feet;
thence South 78°55' West 110.00 feet;
thence North 51°15' West 265.00 feet;
thence West 150.80 feet;
thence North 501.12 feet;
thence continuing North 62.25 feet;
thence South 89°00'40" East along a fence line projected and continuing along said fence line 434.43 feet;

thence continuing along said fence line South 81°08'29" East 152.47 feet;
thence continuing along said fence line North 89°08'07" East 102.61 feet;
thence continuing along said fence line North 73°27'44" East 102.58 feet;
thence continuing along said fence line South 89°00'28" East 2,495.60 feet;
thence South 22.10 feet to the TRUE POINT OF BEGINNING.

EXCEPTING, however, that portion of said land heretofore deeded by Alice M. Kaufmann and Margaret C.

Kaufmann to the White River Power Company by deed recorded February 2, 1903 under Recording No.

157621;

ALSO EXCEPT Radke County Road (Barkubine County Road);

ALSO EXCEPT the following described property:

Beginning at the Southwest corner of the James E. Williamson Donation Land Claim in Section 26,

Township 20 North, Range 5 East, W.M., in Pierce County, Washington;

thence North along the West line of said claim 270 feet;

thence East 450 feet;

thence South 270 feet;

thence West 450 feet to the point of beginning;

ALSO EXCEPT the following described property pursuant to Pierce County Superior Court Cause No. 89-2-

07638-7:

A portion of the James E. Williamson and Michael Connel Donation Land Claim No. 43 located in Sections

25 and 26, Township 20 North, Range 5 East, W.M., in Pierce County, Washington;

Beginning at a point on the South line of Williamson Donation Land Claim, said point being South

89°12'24" East, a distance of 1,476.09 feet from the Southwest corner of said Williamson Donation Land Claim;

thence North 46°47'09" East a distance of 19.66 feet;

thence North 86°41'20" East a distance of 461.33 feet;

thence South 88°42'41" East a distance of 292.19 feet;

thence South 01°17'19" West a distance of 60.00 feet, more or less, to a point on the Northerly right of

way of the existing Puget Sound Power & Light Company Canal;

thence Southwesterly on said Northerly right of way through the following courses:

Along a 337.94 foot radius curve to the left, the radial line of which bears South 01°19'17" West, through
a central angle of 38°04'47" an arc distance of 224.60 feet;
thence South 53°12'32" West a distance of 455.86 feet;
thence along a 237.94 foot radius curve to the right, through a central angle of 08°35'41" an arc distance
of 35.69 feet;
thence South 61°48'13" West a distance of 333.38 feet, more or less, to a point 1,350.00 feet East of,
when measured perpendicularly, and parallel with, the West line of Connel Donation Land Claim;
thence South 00°45'32" West, on said line, a distance of 7.12 feet, more or less, to a point 552.28 feet
South of the South line of the Williamson Donation Land Claim;
thence North 89°12'24" West, on a line parallel with the South line of the Williamson Donation Land
Claim, a distance of 445.99 feet;
thence North 46°47'09" East a distance of 794.93 feet, more or less, to the point of beginning;
ALSO EXCEPT from the above described parcels, that portion of the James E. Williamson Donation Land
Claim and the Michael Connel Donation Land Claim located in Sections 25 and 26, Township 20 North,
Range 5 East, W.M., in Pierce County, Washington, more particularly described as follows:
Commencing at the Northwest corner of said Michael Connel Donation Land Claim;
thence South 86°12'07" East along the North line of said Donation Land Claim, 233.79 feet to the
Easterly right of way of Barkubine Road, also being the TRUE POINT OF BEGINNING;
thence South 03°35'57" West along said Easterly right of way 60.38 feet;
thence South 85°33'44" East 1,165.75 feet to the Westerly property line as conveyed to Puget Sound
Power and Light in Superior Court Cause No. 89-2-07638-7;
thence North 49°47'26" East along said Westerly property line 105.65 feet to the said North line of the
Donation Land Claim;
thence continuing along last said line North 49°47'26" East 19.66 feet to the Northwest property corner
of said Puget Sound Power and Light Company property;
thence North 89°41'37" East along the North line of said property, 173.85 feet;
thence North 03°39'11" East 524.31 feet;
thence North 85°33'44" West 1,429.56 feet to said Easterly right of way;
thence South 03°39'32" West along said Easterly right of way, 566.37 feet to the TRUE POINT OF
BEGINNING;
ALSO EXCEPT that portion of land heretofore deeded to the White River Power Company by deed
recorded February 2, 1903, under Recording No. 157621.

ALSO EXCEPT any portion lying East of the following described line, as per description found in the final order and dismissal, Superior Court of Washington for Pierce County, Cause No. 99-2-06947-7, filed May 18, 2001:

Commencing at the Southwest corner of the Michael Connel Donation Land Claim No. 43; thence South 86°16'56" East along the South line of said Donation Land Claim, 1109.65 feet to the TRUE

POINT OF BEGINNING:

thence North 08°26'20" East 957.55 feet;

thence North 05°36'43" West 379.23 feet;

thence North 06°57'09" West 830.85 feet;

thence North 06°57'12" West 509.84 feet, more or less, to the South line of the James E. Williamson

Donation Land Claim;

thence continuing on the last said line North 06°57'12" West 1332.20 feet;

thence North 38°56'21" East 519.94 feet;

thence North 32°57'51" East 147.82 feet, more or less, to the North line of the South half of the last said

Donation Land Claim;

thence continuing on last said line North 32°57'51" East 893.64 feet, more or less, to the North line of

the Northwest quarter of Section 25, Township 20 North, Range 5 East, W.M., in Pierce County,

Washington;

thence North 27°05'51" East 386.48 feet;

thence North 20°22'47" East 617.81 feet;

thence North 03°49'01" East 137.09 feet, more or less, to the North line of the James E. Williamson

Donation Land Claim, lying North 86°18'12" West 1971.07 feet from the Northeast corner of said

Donation Land Claim, being the terminus of this line description.

Parcel C:

The North half of the James E. Williamson Donation Land Claim in Sections 23, 24, 25 and 26, Township

20 North, Range 5 East, W.M., in Pierce County, Washington;

TOGETHER WITH Government Lot 1 and the Northeast quarter of the Southeast quarter of Section 23,

Township 20 North, Range 5 East, W.M., in Pierce County, Washington;

EXCEPT that portion of said premises as conveyed to Pierce County for right of way for 64th Street East

in deed recorded under Recording No. 2436923;

EXCEPT Barkubine County Road and Radke Road;

ALSO EXCEPT North Tapps Highway as conveyed to Pierce County by deed recorded under Recording No.

264359;

ALSO EXCEPT from the Northeast quarter of the Southeast quarter of said Section 23, 230th Avenue East (North Tapps Highway);

ALSO EXCEPT from said North half of said Donation Land Claim, that portion of Section 26, Township 20 North, Range 5 East, W.M., in Pierce County, Washington, lying West of the Westerly line of 266th Avenue (also known as Barkubine County Road).

ALSO EXCEPT any portion thereof lying East of the following described line, as per description found in the final order and dismissal, Superior Court of Washington for Pierce County, Cause No. 99-2-06947-7, filed May 18, 2001:

Commencing at the Southwest corner of the Michael Connel Donation Land Claim No. 43; thence South 86°16'56" East along the South line of said Donation Land Claim, 1109.65 feet to the TRUE POINT OF BEGINNING:

thence North 08°26'20" East 957.55 feet;

thence North 05°36'43" West 379.23 feet;

thence North 06°57'09" West 830.85 feet;

thence North 06°57'12" West 509.84 feet, more or less, to the South line of the James E. Williamson Donation Land Claim;

thence continuing on the last said line North 06°57'12" West 1332.20 feet;

thence North 38°56'21" East 519.94 feet;

thence North 32°57'51" East 147.82 feet, more or less, to the North line of the South half of the last said Donation Land Claim;

thence continuing on last said line North 32°57'51" East 893.64 feet, more or less, to the North line of the Northwest quarter of Section 25, Township 20 North, Range 5 East, W.M., in Pierce County, Washington;

thence North 27°05'51" East 386.48 feet;

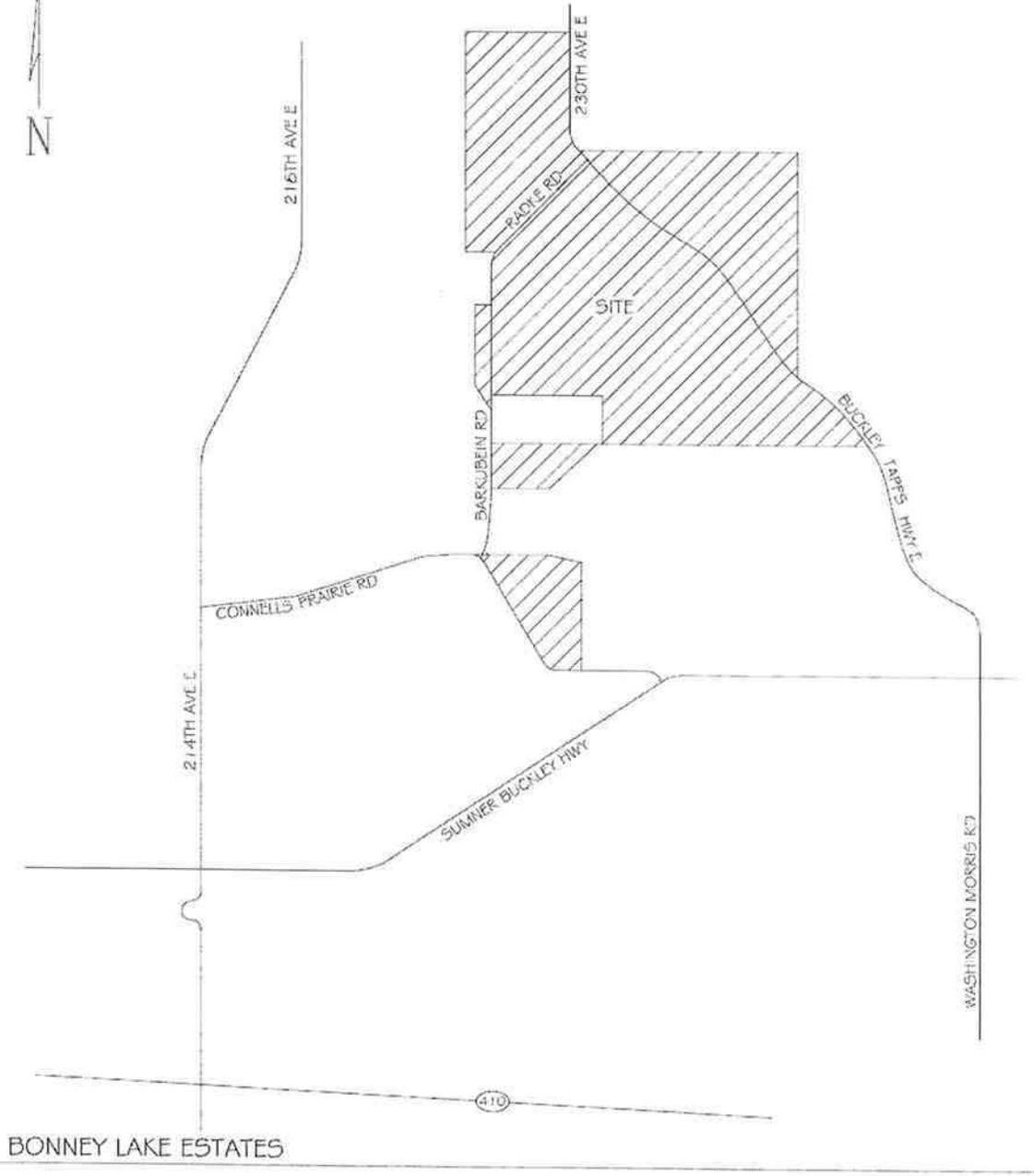
thence North 20°22'47" East 617.81 feet;

thence North 03°49'01" East 137.09 feet, more or less, to the North line of the James E. Williamson Donation Land Claim, lying North 86°18'12" West 1971.07 feet from the Northeast corner of said Donation Land Claim, being the terminus of this line description.

Parcel D:

A portion of the Southwest quarter of the Southwest quarter of Section 25, Township 20 North, Range 5 East, W.M., in Pierce County, Washington and a portion of the Southeast quarter of the Southeast quarter of Section 26, Township 20 North, Range 5 East, W.M., in Pierce County, Washington, lying West

of the following described line, bounded on the North by that particular parcel conveyed to Puget Sound Energy, Inc., by deed recorded under Recording No. 200203121029 being the South line of Puget's Tract "K" and bounded on the South and West by the right-of-way limits of Connell's Prairie County Road East per record of survey recorded April 3, 1996 under Recording No. 9604030183 said line description is as follows and as per description found in the final order and dismissal, Superior Court of Washington for Pierce County, Cause No. 99-2-06947-7: Commencing at the Southwest corner of Michael Connel D.L.C. Number 43; thence South 86°15'56" East along the South line of said D.L.C. 1,109.65 feet to the TRUE POINT OF BEGINNING; thence North 08°26'20" East 957.55 feet; thence North 05°36'43" West 375.12 feet to a point on the South line of said deed recorded under Recording No. 200203121029 and the terminus point of this line description.



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

Department/Staff Contact: Public Works / Marlyn Campbell	Meeting/Workshop Date: 27 November 2012	Agenda Bill Number: AB12-158
Agenda Item Type: Motion	Ordinance/Resolution Number:	Councilmember Sponsor: Randy McKibbin

Agenda Subject: Accept West Hwy Tapps Overlay with Lakeridge Paving Co., LLC as Complete

Full Title/Motion: A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Accept As Complete The West Tapps Hwy Overlay Project With Lakderidge Paving Inc., Llc.

Administrative Recommendation:

Background Summary: Resolution 2236 dated August 14, 2012 awarded the construction contract to Lakeridge Paving Co., LLC for the West Tapps Hwy Overlay project. This project was funded by 2012 Street Maintenance Overlay budget to pulverize and overlay a section of West Tapps Highway from Church Lake Road Drive to Church Lakd Road.
 See attached Project Completion Report for detail information on this project. As a matter of housekeeping, this project has been reconciled, accepted by the City Engineer and project close out documents are complete. DOR, Employment Security and L & I have been notified and we are awaiting confirmation from these three organizations that there are no unpaid taxes and wages.

Attachments: Project Completion Report, Notice of Completion of Public Works Contract and 3 photos of project before, during and after.

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
N/A			
Budget Explanation: Release of Retainage- \$4,463.81			

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	Community Development	<i>Approvals:</i>	Yes No
	Date: 20 November 2012	Chair/Councilmember Randy McKibbin	<input checked="" type="checkbox"/> <input type="checkbox"/>
		Councilmember James Rackley	<input checked="" type="checkbox"/> <input type="checkbox"/>
		Councilmember Katrina Minton-Davis	<input checked="" type="checkbox"/> <input type="checkbox"/>
	Forward to:	Consent Agenda: <input checked="" 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: Dan Grigsby	Mayor: Neil Johnson Jr.	Date Reviewed by City Attorney: (if applicable):

PUBLIC WORKS - PROJECT COMPLETION REPORT

Project Title: West Tapps Hwy Overlay

Project Financing Summary:

Project Revenue Sources:

Budget Authorized by City Council:			\$220,000
City Fund Source(s):	Street Maintenance Overlay Program	220,000	
Total Project Budget Utilized=			\$94,497

Project Expenditures:

Study =			N/A
Design =			\$5,221
<u>Total Construction</u>			\$89,276

Engineer's Estimate =	\$119,032	
	<u>Contract Award Amount</u>	<u>Actual</u>
Low Bid/Contract=	\$92,996	89,276
Contingency- 10%=	\$9,299	0
Field Engineering Services- 5% =	\$4,650	0
	\$106,945	89,276

Total Project Cost = **\$94,497**

Total Budget for construction=

Actual

Under Budget=

\$106,945
-\$17,669

Actual Revenue Sources utilized for project:

Budget Authorized by City Council:			\$220,000
Actual City Funds utilized:	Street Maintenance Overlay Program	94,497	

Planning

Actual Costs

Comprehensive Facilities Plan Approved by City Council:

Study Required:	<u>N/A</u>
FY Funding in Budget:	<u>N/A</u>
Study Contract NTP Date:	<u>N/A</u>
Study Contract Completion Date:	<u>N/A</u>

60 hours of in-house design work was performed.

Planning Actual Total =	<table border="1"><tr><td>\$0</td></tr></table>	\$0
\$0		

Design

Date RFP Issued	<u>N/A</u>
Design Contract Award Date:	<u>7/10/2012</u>
Design Contract Completion Date:	<u>9/25/2012</u>
Design Consultant(s):	<u>KPG</u>

*Public Works completed the in- house design effort combined with survey data provided by KPG Engineering. 60 hours of in-house design work was performed

Change Order Summary:

1

Design Actual Total =	<table border="1"><tr><td>\$5,221</td></tr></table>	\$5,221
\$5,221		

Construction

Date of Advertisement:	<u>7/27/2012</u>
Bid Opening Date:	<u>8/1/2012</u>
Engineer's Estimate:	<u>\$119,032</u>
Low Responsive/Responsible Bid:	<u>\$92,996</u>
Contract Award Date:	<u>8/14/2012</u>
Contract Completion Date:	<u>9/14/2012</u>
Closeout Date:	<u>Council- 11/27/12</u>

Change Order Summary:

1

Other Construction

Date

\$0

0

Construction Actual Total =	<table border="1"><tr><td>\$89,276</td></tr></table>	\$89,276
\$89,276		

Total Project Cost=	<table border="1"><tr><td>\$94,497</td></tr></table>	\$94,497
\$94,497		

PW Infrastructure Addition(s):

See attached Bill of Sale form



ORDINANCE NO. D12-166

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTER 9 OF THE BONNEY LAKE MUNICIPAL CODE RELATED TO PUBLIC PEACE, MORALS AND WELFARE

WHEREAS, the Bonney Lake City Council wishes to promote safety and equity in the enforcement of criminal laws within the City of Bonney Lake; and

WHEREAS, the Bonney Lake City Council wishes to adopt and incorporate certain criminal laws contained in the Revised Code of Washington.

NOW, THEREFORE, the City Council of the City of Bonney Lake do hereby ordain as follows:

Section 1. Chapter 9 of the Bonney Lake Municipal Code is hereby repealed in its entirety and a new chapter is hereby created to read as follows:

Chapter 9.01 — ADOPTION OF STATE CRIMINAL PROVISIONS

9.01.010 Statutory Provisions — Adopted by reference — Scope.

The following laws contained within the Revised Code of Washington (RCW) are hereby adopted by reference as currently enacted and as hereafter amended from time to time, and shall be given the same force and effect as if set forth herein in full; provided, that any provision in the RCW dealing solely and exclusively with the investigation, prosecution, or sentencing of a felony crime is not adopted herein.

Preliminary Article

RCW 9A.04.020	Purposes—Principles of construction
RCW 9A.04.030	State criminal jurisdiction
RCW 9A.04.050	People capable of committing crimes—Capability of children
RCW 9A.04.060	Common law to supplement statute
RCW 9A.04.070	Who amenable to criminal statutes
RCW 9A.04.080	Limitation of actions
RCW 9A.04.090	Application of general provisions of the code
RCW 9A.04.100	Proof beyond a reasonable doubt
RCW 9A.04.110	Definitions

Principles of Liability

- RCW 9A.08.010 General requirements of culpability
- RCW 9A.08.020 Liability for conduct of another—Complicity
- RCW 9A.08.030 Corporate and personal liability

Anticipatory Crimes

- RCW 9A.28.020 Criminal attempt
- RCW 9A.28.030 Criminal solicitation
- RCW 9A.28.040 Criminal conspiracy

Insanity

- RCW 9A.12.010 Insanity

Defenses

- RCW 9A.16.010 Definitions
- RCW 9A.16.020 Use of force—When lawful
- RCW 9A.16.060 Duress
- RCW 9A.16.070 Entrapment
- RCW 9A.16.080 Action for being detained on mercantile establishment premises for investigation—“Reasonable grounds” as defense
- RCW 9A.16.090 Intoxication
- RCW 9A.16.100 Use of force on children—Policy—Actions presumed unreasonable

Crimes Against Persons

- RCW 9.91.060 Leaving children unattended in parked automobile
- RCW 9A.36.041 Assault in the fourth degree
- RCW 9A.36.050 Reckless endangerment
- RCW 9A.36.070 Coercion
- RCW 9A.40.010 Definitions [Custodial Interference]
- RCW 9A.40.070 Custodial interference in the second degree

RCW 9A.40.080 Custodial interference—Assessment of costs—Defense—Consent defense, restricted

RCW 9A.42.005 Findings and intent—Christian Science treatment—Rules of evidence [Criminal Mistreatment]

RCW 9A.42.010 Definitions [Criminal Mistreatment]

RCW 9A.42.035 Criminal mistreatment in the third degree

RCW 9A.42.037 Criminal mistreatment in the fourth degree

RCW 9A.42.080 Abandonment of a dependent person in the third degree—Exception

RCW 9A.42.090 Abandonment of a dependent person—Defense

RCW 9A.42.110 Leaving a child in the care of a sex offender

RCW 9.02.050 Concealing birth

Harassment

RCW 9.61.230 Telephone harassment

RCW 9.61.240 Telephone harassment—Permitting telephone to be used

RCW 9.61.250 Telephone harassment—Offense, where deemed committed

RCW 9.61.260 Cyberstalking

RCW 9.91.010 Denial of civil rights—Terms defined

RCW 9A.46.010 Legislative finding

RCW 9A.46.020 Definition—Penalties

RCW 9A.46.030 Place where committed

RCW 9A.46.040 Court-ordered requirements upon person charged with crime—Violation

RCW 9A.46.050 Arraignment—No-contact order

RCW 9A.46.060 Crimes included in harassment

RCW 9A.46.070 Enforcement of orders restricting contact

RCW 9A.46.080 Order restricting contact—Violation

RCW 9A.46.090 Nonliability of peace officer

RCW 9A.46.100 “Convicted,” time when
RCW 9A.46.110 Stalking
RCW 28B.10.901 Hazing prohibited—Penalty

Crimes Against Property

RCW 9A.48.010 Definitions
RCW 9A.48.050 Reckless burning in the second degree
RCW 9A.48.060 Reckless burning—Defense
RCW 9A.48.090 Malicious mischief in the third degree
RCW 9A.48.100 Malicious mischief—“Physical damage” defined
RCW 9A.52.070 Criminal trespass in the first degree
RCW 9A.52.080 Criminal trespass in the second degree
RCW 9A.52.090 Criminal trespass—Defenses
RCW 9A.52.120 Computer trespass in the second degree
RCW 9A.52.130 Computer trespass—Commission of other crime

Theft

RCW 9.91.010 Denial of civil rights—Terms defined
RCW 9.91.140 Food stamps—Unlawful sale
RCW 9.91.142 Food Stamps—Trafficking
RCW 9A.52.010 Definitions (Burglary and Trespass)
RCW 9A.52.040 Interference of intent
RCW 9A.52.060 Making or having burglar tools
RCW 9A.52.100 Vehicle prowling in the second degree
RCW 9A.56.010 Definitions
RCW 9A.56.020 Theft—Definition, defense
RCW 9A.56.050 Theft in the third degree

RCW 9A.56.060	Unlawful issuance of check or drafts
RCW 9A.56.063	Making or possessing motor vehicle theft tools
RCW 9A.56.096	Theft of rental, leased, or lease/purchased property
RCW 9A.56.100	Theft and larceny equated
RCW 9A.56.140	Possessing stolen property—Definition—Presumption
RCW 9A.56.170	Possessing stolen property in the third degree
RCW 9A.56.180	Obscuring the identity of a machine
RCW 9A.56.220	Theft of subscription television services
RCW 9A.56.240	Forfeiture and disposal of device used to commit violation
RCW 9A.56.260	Connection of channel converter
RCW 9A.56.270	Shopping cart theft
RCW 9A.56.330	Possession of another's identification
RCW 9A.60.010	Definitions (Fraud)
RCW 9A.60.045	Criminal impersonation in the second degree
RCW 9A.60.050	False certification
RCW 9A.61.010	Definitions (Defrauding a Public Utility)
RCW 9A.61.020	Defrauding a public utility
RCW 9A.61.050	Defraud a public utility in the third degree
RCW 9A.61.060	Restitution and costs
RCW 9A.61.070	Damages not precluded
RCW 19.48.110	Obtaining hotel, restaurant, lodging house, ski area, etc., accommodations by fraud—Penalty
RCW 19.194.030	Prohibited acts—Gross misdemeanor (Trade-in or Exchange of Computer Hardware)
RCW 46.61.740	Theft of motor vehicle fuel
RCW 46.80.110	License penalties, civil fines, criminal penalties

Domestic Violence

RCW 9A.36.150	Interference with the reporting of domestic violence
RCW 10.99.010	Purpose—Intent
RCW 10.99.020	Definitions (Domestic Violence—Official Response)
RCW 10.99.030	Law enforcement officers—Training, powers, duties—Domestic violence reports
RCW 10.99.040	Duties of court—No-contact order
RCW 10.99.045	Appearances by defendant—No-contact order
RCW 10.99.050	Victim contact—Restrictions, prohibition—Violation, penalties—Written order—Procedures—Notice of change
RCW 10.99.055	Enforcement of orders
RCW 10.99.060	Prosecutor’s notice to victim—Description of available procedures
RCW 10.99.070	Liability of peace officers
RCW 10.99.080	Penalty assessment
RCW 26.09.300	Restraining orders—Notice—Refusal to comply—Arrest—Penalty—Defense—Peace officers, immunity
RCW 26.10.220	Restraining orders—Notice—Refusal to comply—Arrest—Penalty—Defense—Peace officers, immunity
RCW 26.44.010	Declaration of purpose
RCW 26.44.015	Limitations of chapter
RCW 26.44.020	Definitions (Abuse of Children)
RCW 26.44.030	Reports—Duty and authority to make—Duty of receiving agency—Duty to notify—Case planning and consultation—Penalty for unauthorized exchange of information—Filing dependency petitions—Interviews of children—Records—Risk assessment process
RCW 26.44.040	Reports—Oral, written—contents
RCW 26.44.060	Immunity from civil or criminal liability—Confidential communications not violated—Actions against state not affected—False report, penalty

RCW 26.44.063	Temporary restraining order or preliminary injunction—Enforcement— Notice of modification or termination of restraining order
RCW 26.44.067	Temporary restraining order or preliminary injunction—Contents— Notice—Noncompliance—Defense—Penalty
RCW 26.44.080	Violation—Penalty
RCW 26.50.010	Definitions (Domestic Violence Prevention)
RCW 26.50.020	Commencement of action—Jurisdiction—Venue
RCW 26.50.025	Orders under this chapter and Chapter 26.09, 26.10, or 26.26— Enforcement—Consolidation
RCW 26.50.110	Violation of order—Penalties
RCW 26.50.115	Enforcement of ex parte order—Knowledge of order prerequisite to penalties—Reasonable efforts to serve copy of order
RCW 26.50.120	Violation of order—Prosecuting attorney or attorney for municipality may be requested to assist—Costs and attorney’s fee
RCW 26.50.140	Peace officers—Immunity
RCW 26.50.150	Domestic violence perpetrator programs

Sexual Misconduct

RCW 9.68.050	“Erotic material”—Definitions
RCW 9.68.060	“Erotic material”—Determination by court—Labeling—Penalties
RCW 9.68.070	Prosecution for violation of RCW 9.68.060—Defense
RCW 9.68.080	Unlawful acts
RCW 9.68.090	Exceptions to RCW 9.68.050 through RCW 9.68.120
RCW 9.68.130	Sexually explicit materials—Defined—Unlawful display
RCW 9.68A.001	Legislative finding (Sexual Exploitation of Children)
RCW 9.68A.011	Definitions (Sexual Exploitation of Children)
RCW 9.68A.080	Reporting of depictions of minor engaged in sexually explicit conduct— Civil immunity
RCW 9.68A.090	Communication with minor for immoral purposes—Penalties

RCW 9.68A.110	Certain defenses barred, permitted
RCW 9.68A.120	Seizure and forfeiture of property
RCW 9.68A.150	Allowing minor on premises of live erotic performance—Definitions—Penalty
RCW 9.69.100	Duty of witness of offense against child or any violent offense—Penalty
RCW 9.94A.030	Definitions
RCW 9.94A.835	Special allegations—Sexual motivation
RCW 9.94A.030	Definitions
RCW 9A.44.010	Definitions
RCW 9A.44.020	Testimony—Evidence—Written motion—Admissibility
RCW 9A.44.030	Defenses to prosecution under this chapter
RCW 9A.44.096	Sexual misconduct with a minor in the second degree
RCW 9A.44.120	Admissibility of child’s statement—Conditions
RCW 9A.44.150	Testimony of child by closed-circuit television
RCW 9A.88.010	Indecent exposure
RCW 9A.88.030	Prostitution
RCW 9A.88.050	Prostitution—Sex of parties immaterial—No defense
RCW 9A.88.090	Permitting prostitution
RCW 9A.88.110	Patronizing a prostitute
RCW 9A.88.120	Additional fee assessments
RCW 9A.88.130	Additional requirements
RCW 9A.88.140	Vehicle impoundment

Firearms and Dangerous Weapons

RCW 9.41.010	Terms defined
RCW 9.41.050	Carrying firearms
RCW 9.41.060	Exceptions to restrictions on carrying firearms

RCW 9.41.098	Forfeiture of firearms—Disposition—Confiscation
RCW 9.41.185	Coyote getters
RCW 9.41.230	Aiming or discharging firearms, dangerous weapons
RCW 9.41.240	Possession of pistol by person from eighteen to twenty-one
RCW 9.41.250	Dangerous weapons—Penalty
RCW 9.41.260	Dangerous exhibitions
RCW 9.41.270	Weapons apparently capable of producing bodily harm—Unlawful carrying or handling—Penalty—Exceptions
RCW 9.41.280	Possessing dangerous weapons on school facilities—Penalty—Exceptions
RCW 9.41.300	Weapons prohibited in certain places—Local laws and ordinances—Exceptions—Penalty
RCW 9.41.800	Surrender of weapons or licenses—Prohibition on future possession or licensing
RCW 9.41.810	Penalty
RCW 9.91.160	Personal protection spray devices
RCW 77.15.460	Loaded firearm in vehicle—Unlawful use or possession—Penalty

Fire and Explosives

RCW 9.40.040	Operating engine or boiler without spark arrester
RCW 9.40.100	Tampering with fire alarm or fire fighting equipment—False alarm—Penalties
RCW 52.12.101	Burning permits
RCW 70.74.160	Unlawful access to explosives
RCW 70.74.295	Abandonment of explosives
RCW 70.74.310	Gas bombs, explosives, stink bombs, etc.

Crimes Against Government

RCW 9.69.100	Duty of witness of offense against child or any violent offense—Penalty
RCW 9A.44.130	Registration of sex offenders and kidnapping offenders—Procedures—Definition—Penalties

RCW 9A.60.045	Criminal impersonation in the second degree
RCW 9A.76.010	Definitions (Obstructing Governmental Operations)
RCW 9A.76.020	Obstruct a law enforcement officer
RCW 9A.76.030	Refusing to summon aid for a peace officer
RCW 9A.76.040	Resisting arrest
RCW 9A.76.050	Rendering criminal assistance—Definition of term
RCW 9A.76.060	Relative defined
RCW 9A.76.080	Rendering criminal assistance in the second degree
RCW 9A.76.090	Rendering criminal assistance in the third degree
RCW 9A.76.100	Compounding
RCW 9A.76.130	Escape in the third degree
RCW 9A.76.160	Introducing contraband in the third degree
RCW 9A.76.170	Bail jumping
RCW 9A.76.175	Making a false or misleading statement to a public servant
RCW 13.32A.080	Unlawful harboring of a minor—Penalty—Defense—Prosecution of adult for involving child in commission of offense
RCW 18.165.050	Private investigator agency license—Requirements, restrictions—Assignment or transfer
RCW 18.170.160	Licenses required—Use of public law enforcement insignia prohibited—Penalties—Enforcement

Drug and Alcohol Offenses

RCW 9.91.020	Operating railroad, steamboat, vehicle etc., while intoxicated
RCW 9.47A.010	Definition (Inhaling Toxic Fumes)
RCW 9.47A.030	Possession of certain substances prohibited, when
RCW 9.47A.040	Sale of certain substances prohibited, when
RCW 9.47A.050	Penalty

RCW 38.52.430	Emergency response caused by person's intoxication—Recovery of costs from convicted person
RCW 66.44.100	Opening or consuming liquor in public place—Penalty
RCW 66.44.210	Obtaining liquor for ineligible person
RCW 66.44.250	Drinking in public conveyance—Penalty against individual—Restricted application (Bus)
RCW 66.44.310	Minors frequenting off-limits area—Misrepresentation of age—Penalty—Classification of licensees
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RCW 9.38.010	False representation concerning credit
RCW 9.38.015	False statement by deposit account applicant
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RCW 9.38.060	Digital signature violations

9.01.020 Classification of offenses.

Unless otherwise specifically provided for, any person who is convicted of violating or failing to comply with any of the criminal provisions of this title shall be subject to the following penalties:

- A. Gross Misdemeanor, as defined in Chapter 1.16 BLMC.
- B. Misdemeanor, as defined in Chapter 1.16 BLMC.
- C. Any criminal violation not specifically designated as a gross misdemeanor shall be a misdemeanor.

9.01.030 Statutory provisions—Amendments of changes included.

The amendment, addition or repeal by the Washington Legislature of any section of any of the adopted statutes shall be deemed to amend this chapter and the statutes contained in this chapter which are adopted by reference in conformity with the amendment, addition or repeal, and it

shall not be necessary for the legislative authority of this city to take any action with respect to such addition, amendment or repeal as provided by RCW 35A.12.140.

Chapter 9.02 — OBSTRUCTION OF PUBLIC OFFICER—ADDITIONAL PROVISION

9.02.010 Resisting public officers.

Every person who, in any case or under any circumstances not otherwise specially provided for in this code, shall willfully resist a public officer in discharging or attempting to discharge any duty of his office shall be guilty of a misdemeanor.

Chapter 9.03 — COURTROOM AND JUDICIAL BUILDING SECURITY

9.03.010 Courtroom security.

A. It shall be unlawful for any person to enter the places described in subsection B of this section when he or she knowingly has under his or her control any weapon, ammunition, firearm part, fake firearm, protective spray, alcohol, controlled substance, explosive device, or drug paraphernalia with residue.

B. The following places are subject to the restrictions of subsection A of this section:

1. The restricted access areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person (a) arrested for, charged with, or convicted of an offense, (b) held for extradition or as a material witness, or (c) otherwise confined pursuant to an order of a court, except an order under Chapter 13.32A or 13.34 RCW. Restricted access areas do not include common areas of egress or ingress open to the general public.

2. Those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. The restricted areas do not include common areas of ingress and egress to the building that is used in connection with court proceedings, when it is possible to protect court areas without restricting ingress and egress to the building. The restricted areas shall be the minimum necessary to fulfill the objective of this section.

C. Areas where weapons are prohibited shall be clearly marked and notices shall be posted at each entrance to the building of the prohibition against weapons in the restricted areas.

D. Subsection A of this section does not apply to:

1. A person engaged in military activities sponsored by the federal or state government, while engaged in official duties; or
2. Law enforcement personnel.

E. “Weapons” as used in this section means any firearm, explosive as defined in RCW 70.74.010, or instrument or weapon listed in RCW 9.41.250.

F. Any person violating subsection A of this section is guilty of a gross misdemeanor.

Chapter 9.04 — ASSAULT—ADDITIONAL PROVISION

9.04.010 Provoking assault.

Every person who shall, by word, sign or gesture, willfully provoke or attempt to provoke another person to commit an assault or breach of the peace shall be guilty of a misdemeanor.

Chapter 9.05 — PUBLIC NUDITY

9.05.010 Intent.

The intent of this chapter is to protect and preserve the health, safety, and welfare of the people of the city of Bonney Lake by prohibiting any person from recklessly, knowingly, or intentionally appearing nude in a public place, or recklessly, knowingly, or intentionally causing or permitting another person to appear nude in a public place within the city, subject to the exceptions provided in BLMC 9.05.040.

9.05.020 Definitions.

The following definitions apply to this chapter:

A. “Public place provided or set apart for nudity” means an enclosed public restroom, an enclosed functional shower or locker room facility, an enclosed sauna, a motel room or hotel room designed and intended for sleeping accommodations, or the location of a bona fide private club whose membership as a whole engages in social nudism or naturalism (a nudist resort or camp), an adult entertainment establishment as defined under Chapter 18.32BLMC, and any similar public places in which nudity is necessarily and customarily expected outside of the home and the sphere of privacy constitutionally protected therein.

B. “Public place” means any location open to the common and general use, participation, or enjoyment of the public where the public is present or likely to be present, or any location where the public is invited and is free to go upon special or implied invitation, or any location where a person may reasonably be expected to be observed by the public; this definition includes, but is not limited to, places open to the public for business or commercial purposes.

9.05.030 Public nudity and exposure of certain body parts prohibited.

A. It shall be unlawful for any person 10 years of age or older to recklessly, knowingly, or intentionally appear in a public place other than a public place provided or set apart for nudity, or to recklessly, knowingly, or intentionally cause or permit another person 10 years of age or older

to appear in a public place other than a public place provided or set apart for nudity, in a state of nudity, which includes a state of dress or undress such that any of the following body parts or portions thereof are exposed to view or are covered with anything other than a full and opaque covering which completely covers all of the described area:

1. The male or female genitals, pubic area, buttocks or anal cleavage.
2. The nipple or areola of the female breast; and in addition at least one-half of that outside surface of the breast located below the top of the areola, which area shall be reasonably compact and contiguous to the areola.

B. Attire which is insufficient to comply with these requirements includes but it not limited to those items commonly known as G-strings, T-backs, dental floss, and thongs.

C. Body paint, body dye, tattoos, latex, tape, or any similar substance applied to the skin surface, any substance that can be washed off the skin, or any substance designed to simulate or which by its nature simulates the appearance of the anatomical area beneath it, is not full and opaque covering as required by this section.

9.05.040 Exceptions.

This chapter shall not be construed to prohibit nudity associated with:

- A. The act of breastfeeding or expressing breast milk;
- B. Plays, operas, musicals, or other dramatic works which are not obscene;
- C. Classes, seminars, and lectures held for serious scientific or educational purposes;
- D. Non-obscene adult entertainment exhibited in adult entertainment facilities as regulated under Chapter 18.32 BLMC;
- E. Lawful, First Amendment protected protests;
- F. Children under 10 years of age.

9.05.050 Penalty.

Any person who violates the terms of this chapter shall be guilty of a misdemeanor.

Chapter 9.06 — GAMBLING

9.06.010 Definitions – Adoption by reference.

The following sections are adopted by reference: RCW 9.46.0201 through 9.46.0289.

9. 06.020 Professional gambling prohibited.

A. A person is guilty of professional gambling in the third degree if he or she engages in, or knowingly causes, aids, abets, or conspires with another to engage in professional gambling as defined in this chapter, and:

1. His or her conduct does not constitute first or second degree professional gambling;
2. He or she operates any of the unlicensed gambling activities authorized by this chapter in a manner other than as prescribed by this chapter; or
3. He or she is directly employed in but not managing or directing any gambling operation.

B. This section shall not apply to those activities enumerated in BLMC 9.06.030 through 9.06.040 or to any acts in furtherance of such activities when conducted in compliance with the provisions of Chapter 9.46 RCW and the rules adopted pursuant to that chapter.

C. Professional gambling in the third degree is a gross misdemeanor subject to the penalty established in RCW 9A.20.021.

9. 06.030 Exemptions – Adoption by reference.

The following sections are adopted by reference: RCW 9.46.0305 through 9.46.0321; 9.46.0331 through 9.46.0361; 9.46.291; and 9.46.293.

9. 06.040 Punch boards and pulltabs authorized.

The city council hereby authorizes any person, association or organization operating an established business primarily engaged in the selling of food or drink for consumption on the premises to utilize punch boards and pulltabs as a commercial stimulant to such business when licensed and utilized or operated pursuant to the provisions of Chapter 9.46 RCW and regulations adopted pursuant thereto.

9. 06.050 Exemptions.

The penalties provided for professional gambling in this chapter shall not apply to the activities authorized by this chapter when conducted in compliance with the provisions of this chapter and in accordance with Chapter 9.46 RCW and regulations adopted pursuant thereto.

9. 06.060 Certain social card games prohibited.

Social card games as otherwise authorized by RCW 9.46.0325 are hereby prohibited within the city of Bonney Lake pursuant to RCW 9.46.295. Conduct of such a game shall constitute professional gambling in violation of BLMC 9.06.020. This section shall not be deemed to prohibit any other social card games or other activities otherwise permitted by Chapter 9.46 RCW and regulations adopted pursuant thereto.

Chapter 9.07 — PUBLIC DISTURBANCE NOISES

9.07.001 Relation to state laws and regulations.

This chapter is a complement to, and not in conflict with, Chapter 70.107 RCW, the Noise Control Act of 1974, and Chapters 173-58, 173-60 and 173-62 WAC, which regulate excessive noise using a performance-based code that sets exact decibel levels of tolerable noise. This chapter regulates excessive noise as a nuisance as authorized by WAC 173-60-060.

9.07.005 Definitions.

Definitions for this chapter are as follows:

“Background sound level” means the level of all sounds in a given environment, independent of the specific source being measured.

“dBA” means the sound pressure level in decibels measured using the “A” weighting network on a sound level meter as specified in the American National Standards Institute Specification for sound level meters.

“Decibel” means a unit of sound, based on a logarithmic scale, of the ratio of magnitude of a particular sound pressure to a standard reference pressure of 20 micropascals.

“EDNA” means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established.

“Noise” means the intensity, duration and character of sounds, from any and all sources.

“Person” means any individual, corporation, partnership, association, governmental body, state agency or other entity whatsoever.

“Property boundary” means the surveyed line at ground surface, which separates the real property owned, rented, or leased by one or more persons from that owned, rented, or leased by one or more other persons, and its vertical extension.

“Receiving property” means real property within which the maximum permissible noise levels specified herein shall not be exceeded from sources outside such property.

“Sound level meter” means a device which measures sound pressure levels and conforms to Type 1 or Type 2 as specified in the American National Standards Institute Specification.

9.07.010 Public disturbance noises.

A. It is unlawful for any person knowingly to cause or make, or for any person in possession of property knowingly to allow or permit to originate from the property, a public disturbance noise which unreasonably disturbs another. The following sounds are determined to be public disturbance noises:

1. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, motorcycle, heavy construction equipment, watercraft, or off-highway vehicle, except as a warning of danger or as specifically permitted or required by law;
2. The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, heavy construction equipment, off-highway vehicle, watercraft, or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace, comfort and repose of others, including owners or possessors of real property;
3. Yelling, shouting, hooting, whistling or singing, including also on or near the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time and place so as to unreasonably disturb or interfere with the peace, comfort and repose of others, including owners or possessors of real property;
4. Sound from any motor vehicle or watercraft audio sound system, such as tape players, radios and compact disc players, operated at volumes so as to be audible greater than 50 feet from the vehicle or watercraft itself or which unreasonably interferes with the peace, comfort and repose of others, including owners or possessors of real property;
5. Sound from portable audio equipment, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than 50 feet from the source, or which unreasonably interferes with the peace, comfort and repose of others, including owners or possessors of real property.

B. Violation of any provision of this section constitutes a Class 2 civil infraction.

9.07.012 Disturbing the peace.

A. It is unlawful for any person knowingly to cause or make, or for any person in possession of property knowingly to allow or permit to originate from the property, noise that disturbs the public peace. The following sounds are determined to disturb the public peace:

1. The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment, condominium, or property which unreasonably interferes with the peace, comfort and repose of others, including owners or possessors of real property, such as sounds from musical instruments, audio sound systems, band sessions or social gatherings;
2. Sounds including but not limited to frequent, repetitive, or continuous sounds from any domestic bird, animal, fowl or other creature which howls, yelps, whines, barks or makes other noises so as to unreasonably disturb or interfere with the peace, comfort and repose of others, including owners and possessors of real property.

B. Violation of any provision of this section constitutes a misdemeanor.

9.07.015 Exemptions.

A. The following sounds are exempt from the provisions of this chapter:

1. Sounds emanating from regularly scheduled events at parks, such as public address systems for baseball games or park concerts;
2. Sounds originating from aircraft in flight and sounds that originate at airports and are directly related to flight operations;
3. Sounds created by safety and protective devices, such as relief valves, where noise suppression would defeat the safety release intent of the device;
4. Sounds created by fire alarms;
5. Sounds created by emergency equipment and emergency work necessary in the interest of law enforcement, or of the health, safety or welfare of the community;
6. Sounds created by auxiliary equipment on motor vehicles used for highway maintenance;
7. Sounds created by warning devices not operated continuously for more than 30 minutes per incident;
8. Sounds created by the operation of equipment or facilities of surface carriers engaged in commerce by operating on the railroad;
9. Sounds created by refuse removal equipment as approved by the city;
10. Sounds originating from officially sanctioned parades and other public or private events, and sounds originating from officially sanctioned school events;
11. Sounds (not including horns or sirens) created by motor vehicles while being driven upon the public highways. Such motor vehicles are, nevertheless, subject to the provisions of Chapter 173-62 WAC;
12. Sounds created by unamplified human voices from 7:00 a.m. to 10:00 p.m., except as otherwise provided in BLMC 9.07.010(A)(3);
13. Sounds created by normal residential maintenance activities from 7:00 a.m. to 9:00 p.m.;
14. Sounds created by construction activities approved and permitted by the city of Bonney Lake or for which no permit is required, between the hours of 7:00 a.m. and 7:00 p.m.; however, the city building official or the director of public works may approve expanded or reduced hours of operation. Criteria for approval of such expanded or reduced hours of operation shall include project remoteness, undue hardship or other reasonable standards. Approval may only be for specific dates and times and under terms that the approving official deems appropriate under the circumstances. Written notification of such expanded or reduced hours shall be provided to adjoining property owners by the applicant;

15. Sounds created by fireworks used or discharged on the dates and times allowed by BLMC 5.14.110;

16. Sounds created by special events authorized by the city;

17. Noise from electrical substations and existing stationary equipment used in the conveyance of water, waste water, and natural gas by a utility;

18. Noise from existing industrial installations which exceed the standards contained in these regulations and which, over the previous three years, have consistently operated in excess of 15 hours per day as a consequence of process necessity and/or demonstrated routine normal operation. Changes in working hours, which would affect exemptions under this regulation, require approval from the Washington State Department of Ecology.

B. The following sounds are exempt from the provisions of this chapter between the hours of 7:00 a.m. and 10:00 p.m.:

1. Sounds created by the discharge of firearms on authorized shooting ranges;
2. Sounds created by blasting;
3. Sounds created by aircraft engine testing and maintenance not related to flight operations; provided, that aircraft testing and maintenance shall be conducted at remote sites whenever possible;
4. Sounds created by the installation or repair of essential utility services.

C. The following shall be exempt from the provisions of this chapter except insofar as such provisions relate to the reception of noise within Class A EDNAs between the hours of 10:00 p.m. and 7:00 a.m.:

1. Sounds originating from temporary construction sites as a result of construction activity;
2. Sounds originating from forest harvesting and silvicultural activity.

9.07.020 Complaints.

Upon receipt of a complaint or complaints from members of the public regarding noise prohibited by this chapter the agency charged by the city with enforcing this chapter shall take all necessary and appropriate actions to enforce the provisions of this chapter; provided, if the agency of the city charged with enforcing this chapter determines that any noise in violation of this chapter poses an immediate threat to the health, safety and welfare, or adversely affects the value of the property or the quality of the environment of the citizens of the city of Bonney Lake or unreasonably disturbs others, such enforcement agency may immediately take all necessary and appropriate action to enforce the provisions of this chapter without regard to the number of citizen complaints received.

9.07.030 Identification of environments.

A. The environmental designation for noise abatement (EDNA) of any property shall be based on the following typical uses, taking into consideration the present, future, and historical usage, as well as the usage of adjacent and other lands in the vicinity.

1. Class A EDNA – Lands where human beings reside and sleep. Typically, Class A EDNA will be the following types of property used for human habitation:

- a. Residential;
- b. Multiple-family living accommodations;
- c. Recreational and entertainment (e.g., camps, parks, camping facilities, and resorts);
- d. Community service (e.g., orphanages, homes for the aged, hospitals, health and correctional facilities).

2. Class B EDNA – Lands involving uses requiring protection against noise interference with speech. Typically, Class B EDNA will be the following types of property:

- a. Commercial living accommodations;
- b. Commercial dining establishments;
- c. Motor vehicle services;
- d. Retail services;
- e. Banks and office buildings;
- f. Miscellaneous commercial services, property not used for human habitation;
- g. Recreation and entertainment, property not used for human habitation (e.g., theaters, stadiums, fairgrounds, and amusement parks);
- h. Community services, property not used for human habitation (e.g., educational, religious, governmental, cultural and recreational facilities).

3. Class C EDNA – Lands involving economic activities of such a nature that higher noise levels than experienced in other areas are normally to be anticipated. Persons working in these areas are normally covered by noise control regulations of the Department of Labor and Industries. Uses typical of Class A EDNA are generally not permitted within such areas. Typically, Class C EDNA will be the following types of property:

- a. Storage, warehouse, and distribution facilities;
- b. Industrial property used for the production and fabrication of durable and nondurable manmade goods;

c. Agricultural and silvicultural property used for the production of crops, wood products, or livestock.

B. The following land use zoning classifications as described in BLMC Title 18 are hereby assigned the EDNA classifications below:

1. Class A EDNA are districts primarily utilized for residential purposes in the city and include R-1 district, R-2 medium-density residential district, R-3 high-density residential district, and RC-5 residential/conservation district.

2. Class B EDNA are districts primarily utilized for commercial purposes in the city and include C-1 neighborhood commercial district, C-2 commercial district, C-3 warehousing and light manufacturing district, C-2/C-3 combined retail commercial, warehousing and light manufacturing, downtown core district (DC), and downtown mixed use (DM).

3. Class C EDNA are districts primarily utilized or potentially utilized for industrial purposes in the city and include M-1 manufacturing district.

9.07.035 Maximum permissible noise levels.

A. No person shall cause or permit noise to intrude into the property of another person which noise exceeds the maximum permissible noise levels set forth in this section, with the point of measurement being at the property boundary of the receiving property or anywhere within. The noise limitations established are as set forth in the following table after any applicable adjustments provided for herein are applied:

Noise Source	EDNA of Receiving Property		
	Class A	Class B	Class C
Class A	55 dB(A)	57 dB(A)	60 dB(A)
Class B	57 dB(A)	60 dB(A)	65 dB(A)
Class C	60 dB(A)	65 dB(A)	70 dB(A)

B. Between the hours of 10:00 p.m. and 7:00 a.m. the noise limitations of the foregoing table shall be reduced by 10 dBA for receiving property within Class A EDNAs.

C. At any hour of the day or night the applicable noise limitations in subsections A and B of this section may be exceeded for any receiving property by no more than:

1. Five dBA for a total of 15 minutes in any one-hour period; or

2. Ten dBA for a total of five minutes in any one-hour period; or
3. Fifteen dBA for a total of 1.5 minutes in any one-hour period.

9.07.036 Noise control plan.

A. Any person who is convicted of three violations under this chapter within a 12-month period shall be required to submit a noise control plan to be approved by the city.

B. The noise control plan shall include, but not necessarily be limited to:

1. The nature and location of the noise source to be controlled;
2. The nature and intensity of noise that will be controlled under the plan;
3. Sound level limits which may not be exceeded at the nearest affected residential property;
4. A description of noise control measures to be taken to ensure compliance with this code;
5. Information on the ability of the applicant to apply best practical noise control measures; and
6. The name, address and contact information of the party responsible for the noise control plan.

9.07.040 Severability.

If any of the provisions of this chapter are hereafter found to be invalid or unconstitutional, the remainder of the chapter shall not be affected thereby.

Chapter 9.08 — DISORDERLY CONDUCT

9.08.010 Disorderly conduct.

A. A person is guilty of disorderly conduct if he:

1. Intentionally disrupts any lawful assembly or meeting of persons without lawful authority; or
2. Assembles with three or more persons and attempts, instigates, aids or carries out any conduct with those persons that tends toward a breach of the peace or injury to persons, or substantial harm to property; provided, that prior to making arrests an order to disperse be given and a reasonable time allowed for such dispersion; provided, further, that “conduct” shall not be construed to mean the exercise of one’s constitutional rights to legally protest; or

3. Fails or refuses to disperse when ordered to do so by a peace officer or other public servant engaged in enforcing or executing the law; or
4. Intentionally creates a risk of assault through the use of abusive language; or
5. Intentionally uses profane, offensive or indecent language or engages in any quarrel in any public conveyance so as to unreasonably disturb others, or interferes with or annoys any passenger therein so as to unreasonably disturb them or others; or, having refused to pay the proper fare, shall fail to leave any such conveyance upon demand; or, with intent to avoid payment of fare, shall ride upon any car or engine not commonly used for carriage of passengers; or
6. Intentionally obstructs vehicular or pedestrian traffic without lawful authority.

B. Disorderly conduct is a misdemeanor.

Chapter 9.09 — INTERFERENCE WITH UTILITIES

9.09.010 Interference with utility meters.

A. Every person shall be deemed guilty of a misdemeanor who, with intent to injure or defraud, shall:

1. Break or deface the seal of any gas, electric, steam or water meter; or
2. Obstruct, alter, injure or prevent the action of any meter or other instrument used to measure or register the quantity of gas, electricity, steam or water supplied to a consumer thereof; or
3. Make any connections by means of a wire, pipe, conduit or otherwise with any wire, main or pipe used for the delivery of gas, electricity, steam or water to a consumer thereof in such manner as to take gas, electricity, steam or water from such wire, main or pipe without its passage through the meter or other instrument provided for registering the amount or quantity consumed; or use any gas, electricity, steam or water so obtained; or
4. Make any connection or reconnection with such wire, main or pipe, or turn on or off, or in any manner interfere with any valve, stopcock or other appliances connected therewith; or
5. Prevent by the erection of any device or construction, or by any other means, free access to any meter or other instrument for registering or measuring the amount of gas, electricity, steam or water consumed, or interfere with, obstruct or prevent by any means, the reading or inspection, or removal of such meter or instrument, by any person, company, or corporation owning the same.

B. For the purposes described in this section, the existence of any device or construction or other means to free access to water, gas, steam or electricity on any property shall be prima facie

evidence of attempt to injure or defraud by the resident at the location where such device, construction or means exists.

Chapter 9.10 — CRIMES INVOLVING MOTOR VEHICLES

9.10.010 Unauthorized use of a motor vehicle.

A. A person is guilty of unauthorized use of a motor vehicle when:

1. Having custody of a motor vehicle pursuant to an agreement between himself/herself or another and the owner thereof whereby he/she or another is to perform for compensation a specific service for the owner involving the maintenance, repair or use or storage of such vehicle, he/she intentionally uses or operates the same, without the consent of the owner, for his/her own purposes in a manner constituting a gross deviation from the agreed purpose.
2. Having custody of a motor vehicle pursuant to an agreement between himself/herself or another and the owner thereof whereby the motor vehicle was to be used for an agreed purpose, he/she intentionally uses or operates the same, without the consent of the owner, for his/her own purposes in a manner constituting a gross deviation from the agreed purpose.

B. Unauthorized use of a motor vehicle is a misdemeanor.

9.10.020 Altered motor vehicle serial numbers.

Whoever knowingly buys, sells, receives, disposes of, conceals, or has knowingly in his possession any vehicle, watercraft, camper, or component part thereof from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, or destroyed for the purpose of concealment or misrepresenting the identity of the said vehicle, watercraft, camper, or component part thereof shall be guilty of a gross misdemeanor.

Chapter 9.11 — PEDDLERS

9.11.010 Peddler defined.

"Peddler" for the purpose of this chapter shall be construed to include all persons, both principals and agents, who go from place to place, or house to house, carrying for sale, exposing for sale, or offering for sale, goods, wares, merchandise or services of any type. "Peddle" means to engage in such actions.

9.11.020 License required – Exceptions.

A. It is unlawful for any peddler to peddle any goods, wares, merchandise or services without first obtaining a peddler's license as provided for in this chapter.

B. Exceptions. No person shall be required to take out a license or pay a fee:

1. For the peddling of local newspapers;
2. For the peddling of fruits, vegetables, berries, butter, eggs, fish, milk, poultry, meats, or any farm produce or edibles raised, caught, produced or manufactured by such person in any place in this state;
3. When that person, after having been specifically requested by another to do so, calls upon that other person for the purpose of displaying goods, literature or giving information about any article, thing, product or service; or
4. When that person is acting in his or her capacity as a member of a charitable, religious or nonprofit organization or corporation which has received tax-exempt status under 26 USC Section 501(c)(3) or other similar civic, charitable or nonprofit organizations.

9.11.030 Application – Fee.

A. Every peddler, other than those exempt under this chapter, whether principal or agent, shall before commencing business in the city make application in writing on a form to be provided by the Bonney Lake permit center. The application shall include an authorization allowing release of all criminal history record information to the Bonney Lake police department.

B. At the time of filing the application, a fee in the amount of \$50.00 shall be paid to the city to cover the costs of investigation and processing the application. The permit is valid for a period of 180 days from the date of issuance.

C. The permit center shall refer the application to the chief of police, who shall make a criminal history background investigation of the applicant. Upon completion, the chief of police shall forward the results of the investigation to the permit center.

D. If, as a result of the investigation, the applicant is not found to have committed any of the acts requiring denial as listed below, the permit center shall, upon payment of the prescribed fee, issue the license to the applicant. The city shall deny the applicant the license if the applicant has:

1. Committed any act consisting of fraud or misrepresentation;
2. Committed any act which, if committed by a licensee, would be grounds for suspension or revocation of a license;
3. Within the previous 10 years, been convicted of a misdemeanor or felony directly relating to his or her fitness to engage in the occupation of peddler, and including, but not limited to, those misdemeanors and felonies involving moral turpitude, fraud or misrepresentation;

4. Been charged with a misdemeanor or felony of the type defined in subsection (D)(3) of this section, and disposition of that charge is still pending;

5. Been refused a license under the provisions of this chapter; provided, however, that any applicant denied a license under the provisions of this chapter may reapply if and when the reasons for denial no longer exist; and

6. Made any false or misleading statements in the application.

E. All peddlers shall present for inspection upon demand by any city official or potential customer their peddler's license and valid picture identification when selling.

F. The city is authorized to promulgate rules regarding the manner and method of payment, including a prohibition or regulation of payment by check.

G. The peddler's license shall be endorsed with a statement of the type of product or service sold by the licensee. The license is valid only for the product or service specified.

9.11.040 Restrictions on place and time of peddling.

A. No peddler shall engage or attempt to engage in the business of peddling at any home, residence, apartment complex or business that prominently displays a "No Peddlers" or "No Solicitors" sign or "No Trespassing" sign or any other similar sign that communicates the occupants' desire to not be contacted by peddlers.

B. No peddler shall engage in the business of peddling between the hours of 9:00 p.m. and 9:00 a.m.

C. No peddler shall make any untrue, deceptive, or misleading statements about the product or services offered for sale.

D. No peddler shall make any untrue, deceptive, or misleading statement regarding the purposes of his/her contact with a potential customer.

9.11.050 Penalty.

Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor.

Chapter 9.12 — CARRYING WEAPONS

9.12.010 Public meeting defined.

"Public meeting" is defined for purposes of this chapter as a place, public or quasi-public, or place of public accommodation as defined in the 1965 Civil Rights Act of the United States Congress, occupied by two or more persons within the confines of the city.

9.12.020 Weapons prohibited at public meetings.

Every person who carries upon his person or in his hand or hands, concealed or otherwise, any weapon consisting of any instrument or weapon of the kind usually known as slingshot, sand club, or metal knuckles, or spring blade knife, or any knife the blade of which is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, or falls, or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement, any stun gun or “tazer,” or any instrument by the use of which injury could be inflicted upon the person or property of another, at any public meeting within the city, shall be guilty of a gross misdemeanor. In addition to any penalty imposed, the dangerous weapon shall be subject to forfeiture by the court.

9.12.030 Surrender of weapons at public meeting.

BLMC 9.12.020 shall not apply to any person who, upon entering the place or facility where the public meeting is held or to be held, directly and promptly proceeds to the administrator of the facility or the administrator’s designee and obtains written permission to possess the weapon while on the premises or checks his or her weapon. The person may reclaim the weapon upon leaving but must immediately and directly depart from the place or facility.

9.12.040 Persons excepted from provisions.

This chapter does not apply to:

- A. A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;
- B. Law enforcement personnel; or
- C. Security personnel while engaged in official duties.

Chapter 9.13 — SALE AND FURNISHING OF LIQUOR

9.13.010 Sale of liquor to intoxicated person.

No person shall sell any liquor to any person apparently under the influence of liquor. Anyone who violates this section shall be guilty of a misdemeanor.

9.13.020 Furnishing liquor to minors—Possession by minors.

A. It is unlawful for any person to sell, give, or otherwise supply liquor to any person under the age of 21 years or permit any person under that age to consume liquor on his or her premises or on any premises under his or her control. For the purposes of this subsection, “premises” includes real property, houses, buildings, and other structures, and motor vehicles and watercraft. A violation of this subsection is a gross misdemeanor.

B. It is unlawful for any person under the age of 21 years to possess, consume, or otherwise acquire any liquor. A violation of this subsection is a gross misdemeanor.

C. It is unlawful for a person under the age of 21 years to be in a public place, or to be in a motor vehicle in a public place, while exhibiting the effects of having consumed liquor. For purposes of this subsection, “exhibiting the effects of having consumed liquor” means that a person has the odor of liquor on his or her breath and either:

1. Is in possession of or close proximity to a container that has or recently had liquor in it; or
2. By speech, manner, appearance, behavior, lack of coordination, or otherwise, exhibits that he or she is under the influence of liquor. This subsection does not apply if the person is in the presence of a parent or guardian or has consumed or is consuming liquor under circumstances described in subsection D of this section.

A violation of this subsection shall be punished as provided in RCW 66.44.180.

D. Subsections A and B of this section do not apply to:

1. Liquor given or permitted to be given to a person under the age of 21 years by a parent or guardian and consumed in the presence of the parent or guardian;
2. Liquor given for medicinal purposes to a person under the age of 21 years by a parent, guardian, physician, or dentist; and
3. Liquor given to a person under the age of 21 years when such liquor is being used in connection with religious services and the amount consumed is the minimal amount necessary for the religious service.

Chapter 9.14 — DEVELOPMENT CODE

9.14.010 Police shall enforce the development code.

Bonney Lake police shall enforce the development code, BLMC Titles 14 through 19. See BLMC14.130.140.

Chapter 9.15 — Enforcement Fund

9.15.010 Drug enforcement fund.

There is created within the general fund budget of the city a separate line-item to be known as “Drug Enforcement Fund.” Moneys deposited in this line-item shall be used for funding police and administration of justice projects and activities geared towards investigation, including but not limited to activities related to criminal activity, detection and arrest of criminal offenders, obtaining evidence for prosecution of criminal cases, filing of cases, return of fugitive felons from other jurisdictions, testimony in court cases, recovery of lost and stolen property, missing

persons, general police activities responding to and addressing the effects of crime within the community, and any other purposes geared towards drug related criminal enforcement.

9.15.020 Drug enforcement fund—Funding and required contribution.

(a) In any case where an accused has been convicted, receives a conditional dismissal or a deferred sentence of any drug-related crime, there shall be, in addition to any fine levied, a penalty in the amount of \$100.00, per charge, which penalty shall be nonsuspendable and/or not waivable and which shall be deposited into the drug enforcement fund line-item. The fact that this penalty is imposed on each charge shall not in any way reduce the obligation of the accused to pay any other cost, fine or penalty prescribed by the court.

(b) For purposes of subsection (a) of this section, a “conviction” shall mean a deferred prosecution, deferred sentence, or guilty finding.

(c) Any moneys collected by the Bonney Lake Municipal Court pursuant to the terms of this section shall be deposited into the fund described under BLMC 9.15.010.

9.15.030 Unexpected fund.

Any unexpended funds remaining in the Drug Enforcement Fund pursuant to BLMC 9.36.011, Emergency Response Fund pursuant to RCW 38.525.430, and Domestic Violence Assessment pursuant to RCW 10.99.080 at the end of any budget year shall not be transferred to the general fund of the city or otherwise lapse; rather, the unexpended funds shall be carried forward from year to year until expended for the purposes set forth in this chapter.

Section 2. Severability. If any one or more sections, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.

Section 3. This ordinance shall take effect and be enforced thirty (30) days after passage, approval, and publication as required by law.

Passed by the City Council this 27th day of November, 2012.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

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

Department/Staff Contact: Fin / Al Juarez	Meeting/Workshop Date: 27 November 2012	Agenda Bill Number: AB12-135
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D12-135	Councilmember Sponsor:

Agenda Subject: 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 public hearings held on November 13, 2012 and 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:	Consent Agenda: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Commission/Board Review:			

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 and November 20, 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, MMC, 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: _____

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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/DeptTre/Form640100.pdf>

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

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

Department/Staff Contact: Executive / Don Morrison	Meeting/Workshop Date: November 27, 2012	Agenda Bill Number: AB12-169
Agenda Item Type: Motion	Ordinance/Resolution Number:	Councilmember Sponsor:

Agenda Subject: Set Public Hearing on Potential HUD CDBG Grant

Full Title/Motion: A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Setting A Public Hearing For December 11, 2012 To Review Community Development And Housing Needs, Inform Citizens Of The Potential Availability Of Grant Funds For The State Community Development Block Grant (CDBG) Program, And Receive Public Input On Proposed Activities, Particularly From Lower Income Persons.

Administrative Recommendation: Set Public Hearing

Background Summary: The Administration is exploring the possibility of applying for a state CDBG grant to develop a new food bank building, given the condition and issues surrounding the existing food bank structure. CDBG regulations require a public hearing on the CDBG program options and proposed activities prior to submitting an application (which is due the end of January).

Attachments:

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):

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RESOLUTION NO. 2255

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING A CONTRACT WITH RH-2 ENGINEERING TO COMPLETE A SYSTEM UPGRADE ANALYSIS OF THE CITY'S SCADA SYSTEM.

WHEREAS, The City has identified the current operations of the City's System Control and Data Acquisition (SCADA) system for both the water and sewer infrastructure is handled with outdated controls and unreliable communications; and

WHEREAS, The City Council adopted the SCADA Upgrade Project in both the Water and Sewer CIP funding as part of the 2012 budget; and

NOW, THEREFORE, BE IT RESOLVED that the City of Bonney Lake Council does hereby authorize the Mayor to sign the attached contract with RH-2 Engineering in the amount of \$39,756.00.

PASSED and adopted by the City Council this 27th day of November 2012.

Neil Johnson , Mayor

ATTEST:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

James Dionne, City Attorney

PROFESSIONAL SERVICES AGREEMENT
City of Bonney Lake – 2012 SCADA System Upgrade

THIS PROFESSIONAL SERVICES AGREEMENT (“Agreement”) is made and entered into this _____ day of _____, 2012, by and between the City of Bonney Lake (“City”) and RH2 Engineering, 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** 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 Engineering Fee Estimate, **Exhibit B**, and the rates and charges set out in **Exhibit C**, 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 C**; *provided*, that payment for work within the Scope of Work (**Exhibit A**) shall not exceed the fee estimate of \$39,756 set out in **Exhibit B** 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 its subconsultants 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, except as provided in Section 12 of this agreement. 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 consultant 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 consultant shall include a provision substantially the same as this section in any and all contracts with subconsultants performing work required of the contractor under this contract. The consultant 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 consultant 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.

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 and B 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 authorized 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.

13. **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 Consultant's profession.

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.

14. **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.

15. **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.

16. **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.

17. **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.

18. **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

RH2 ENGINEERING, INC.

By: _____
Mr. Neil Johnson Jr., Mayor

By: Geoff S Dillard
Mr. Geoff Dillard, Director

Date: _____

Date: 10-31-12

Attachments:

- Exhibit A: Scope of Work
- Exhibit B: Engineering Fee Estimate
- Exhibit C: Schedule of Rate and Charges

Exhibit A: Scope of Work
City of Bonney Lake
2012 SCADA System Upgrade
Professional Engineering Services
November 2012

THIS DOCUMENT IS CONFIDENTIAL AND EXEMPT FROM PUBLIC DISCLOSURE UNDER THE PUBLIC DISCLOSURE ACT, RCW 42.56, ET SEQ, SECTIONS .210 and .420. This document has been prepared, assembled or maintained to prevent, mitigate or respond to criminal terrorist acts and to protect against threats to public safety.

BACKGROUND

The City of Bonney Lake's (City) SCADA (Supervisory Control and Data Acquisition) system consists of the instrumentation, controllers, computers, software and communication components required to monitor and control the City's water and wastewater infrastructure. SCADA systems are updated over time as capital and operations & maintenance (O&M) funding becomes available. Due to the size and scope of the City's SCADA system, a considerable portion of it consists of obsolete legacy components. Over the last decade, the majority of the SCADA investment has been directed toward water facility control and instrumentation upgrades.

Due to the constant changing state of SCADA technologies, a regular analysis is required to identify if these changes would be beneficial for the City to implement. The total cost of ownership (TCO) of a SCADA system is based on how long the SCADA system components will last in the field. These components have different life spans depending on the type of technology and how long they can be supported. SCADA computer systems may only have a life span of five years while automatic facility control equipment may last up to 20 years or more.

The last major study and upgrade to the City's SCADA system that did not involve a facility upgrade was performed in 2002. At that time, the wastewater lift station SCADA communications system was converted from phone lines to a radio system, and a new master control panel was added to the water SCADA system. Modern SCADA systems are modular by design and can usually be upgraded in small steps if properly designed and implemented. RH2 Engineering, Inc., (RH2) will perform a study to identify the remaining legacy SCADA components and ascertain an approach for upgrading these systems in current and future City budgets.

The City has requested that RH2 complete the following:

1. **Water/Wastewater Communications Network Study** – Review communications options to replace the existing water-system-bridged phone network and to upgrade or replace the existing wastewater radio network. These options shall include a private radio system, a cellular 4G data system and dedicated land lines.
2. **Master Control Panel Upgrade Analysis** – The master control panel at the City shops building is used as a central communications hub between the remote water/wastewater facilities and the SCADA computer systems. As part of the communications upgrades to the water/wastewater systems, identify hardware/software upgrades to the master control panel at the City shops.

3. **Autocon Wastewater Automatic Control Panels Replacement Strategy** – The Autocon automatic control equipment used at most of the wastewater lift stations is obsolete and requires replacement. A lift station replacement strategy typically consists of designing a standard lift station controller and then building/installing a small number of these systems every year. The Autocon equipment that is replaced can then be used as spare parts for existing equipment. This extends the life of the existing Autocon equipment and is usually the most cost-effective method of controller replacement. RH2 will work with the City to design a standard lift station control panel.
4. **Autocon Water Automatic Control Panels** – Two of the existing water facilities are also using obsolete Autocon control equipment. RH2 will work with the City to design new control equipment for these two facilities.

Task 1 – Project Administration

Objective: Administer project records and coordinate with the project team.

Approach:

1.1 Project Management

Manage the project team to track work elements accomplished, work items planned for the next phase, man-hours, scope changes, time, and budget needed to complete the work. Prepare weekly progress reports to summarize work accomplished for the week, anticipate work for the following weeks, and identify potential problems or changes. Submit a monthly invoice summarizing costs and remaining budget.

RH2 Deliverables:

- a) Weekly action item list and progress report.
- b) Meeting agendas and minutes issued electronically.

Assumptions:

The budget for Task 1 is based on seven (7) hours of work for RH2's Project Manager. If additional hours are needed to accomplish Task 1 due to events beyond RH2's control, RH2 will notify the City in advance of such additional hours needed, and additional hours shall be mutually negotiated.

Task 2 – Water/Wastewater Communications Network

Objective: Review communications technology options for upgrading existing private radio and bridged phone line SCADA networks. The bridged phone network is a legacy communications network that is used by the majority of the City's water facilities. The private radio network is used by the City's wastewater facilities and has been unreliable due to a number of implementation issues.

Identify estimated capital and O&M costs along with technical pros and cons for each of the SCADA component options for review.

Approach:

2.1 Water and Wastewater System Communications Study

- Identify landline and wireless communication options based on existing technologies.

- Identify costs for new and upgraded Federal Communications Commission (FCC) private wireless license surveys.
- Coordinate with an outside radio contractor to complete an updated radio network survey based on mesh network radio technology.
- Identify estimated capital and O&M communication costs for each communications option. This includes telecom equipment, facility radio and radio repeater equipment along with yearly support costs.
- Coordinate with the City's radio specialist for FCC wireless surveys and license applications and changes.

2.2 Identify Hardware/Software Changes to Existing Facilities for New Communications

- Identify hardware/software costs for existing SCADA system equipment to implement each of the communication options identified in subtask 2.1. This includes the following items:
 - a. Master Control Panel Upgrades.
 - b. Additional non-radio or telecom equipment at existing Waste and Wastewater Facilities.
- Identify estimated capital and O&M costs for each control option identified above.

2.3 Communications Review Workshop with City Staff

- Review information gathered from subtasks 2.1 and 2.2 with City staff. Information from this workshop will be used to identify future SCADA upgrade budget and scheduling.

City Requirements:

- a) The City will hire a radio contractor to provide a radio survey of existing water and wastewater facilities. This contractor will work under RH2's direction.
- b) Create a GIS-based list of water and wastewater facilities for the radio and telecom study in subtask 2.1.
- c) Allow RH2 staff access to City facilities.
- d) Provide as-built documents for existing facilities by request from RH2 staff.

RH2 Deliverables:

- a) Help City staff negotiate contract with a radio contractor to provide a radio survey.
- b) Preliminary and final communications study. This study will consist of the following information:
 - Radio survey report developed by a radio contractor.
 - Diagrams and descriptions for the various telecom and private radio communication options.
 - Capital and O&M costs for the communication options.

- Communication report conclusions.

Assumptions:

The budget for Task 2 is based on seventy-six (76) hours of work for RH2's Project Manager. If additional hours are needed to accomplish Task 2 due to events beyond RH2's control, RH2 will notify the City in advance of such additional hours needed, and additional hours shall be mutually negotiated.

Task 3 – Ponderosa, Tacoma Point, and Duplex Lift Stations Control Panel Design

Objective: Design new water system control panels for the Ponderosa and Tacoma Point Lift Stations. A new Duplex Lift Station control panel will also be designed for use at most City lift stations.

Prior to developing the design documents, RH2 will conduct one (1) workshop with City staff to review the operation, functions, existing inputs/outputs, additional inputs/outputs, etc., for the lift stations. Based on the workshops and the City's internal review, RH2 will develop a list of additional functions, inputs/outputs or other modifications to the approach to the project that the City and RH2 can identify and that the City approves.

The Ponderosa and Tacoma Point designs will include the preparation of plans and specifications, for system control panels specific to these lift stations, which the City can use for either selecting contractors from a small works roster or for advertising the project for a closed bidder review and bid opening. The documents will include technical specifications, plan drawings, schematic drawings, and installation details.

The Duplex Lift Station design will include the preparation of plans and specifications for a generic control panel that can be installed at any duplex location. Additional site installation plans may be required for specific locations and are not part of this Scope of Work. The City can use these plans for either selecting contractors from a small works roster or for advertising the project for a closed bidder review and bid opening. The documents will include technical specifications, plan drawings, and schematic drawings.

RH2 will develop a preliminary probable engineer's construction cost estimate for the control panel designs.

Approach:

3.1 Site Visits with City Staff

Perform a site visit to the Ponderosa and Tacoma Point facilities, and additional site visits to a few duplex list stations that would represent a good cross section of existing City list stations. The lift stations to be visited will be identified by City staff. Information to be gathered during this site visit includes site photos and existing as-builts.

3.2 SCADA System Master Plan Workshop

Coordinate and manage one (1) workshop with RH2's design team and City staff. The items to be discussed at these workshops include:

1. Identifying functional requirements for Ponderosa control panel.
2. Identifying functional requirements for Tacoma Point control panel.
3. Identifying functional requirements for generic Duplex Lift Station control panel.

Minutes and functional requirement conclusions from each workshop will be documented by RH2 and provided to the project team within three (3) days of the workshop.

3.3 Ponderosa Control Panel Design

Design the Ponderosa control panel to be located at the Ponderosa lift station. The design will be based on functional requirements discussed and agreed upon during the project workshops.

3.4 Tacoma Point Control Panel Design

Design the Tacoma Point control panel to be located at the Tacoma Point Lift Station. The design will be based on functional requirements discussed and agreed upon during the project workshops.

3.5 Standard Duplex Lift Station Control Panel Design

Design a standardized Duplex Lift Station control panel to be used at any of the City's existing Autocon duplex lift stations. The design will be based on functional requirements discussed and agreed upon during the project workshops. Installation design material will not be included due to the number of possible locations this control panel can be installed.

3.6 90-Percent Review and Edits

Design progress submittals shall be made at the 90-percent design stages and will include specifications and drawings. The 90-percent documents will be submitted to the City and, after a review period, RH2 will attend a review meeting with the City. Upon incorporation of the 90-percent comments, RH2 will submit a set of documents to the City for final comments.

RH2 Deliverables:

- a) Final conclusions from design workshop.
- b) Engineer's construction cost estimate.
- c) Up to six (6) bound hard copy sets of the final documents (drawings and specifications only).
- d) One electronic copy of the final drawings in AutoCAD on CD-ROM.
- e) One electronic copy of the final drawings in PDF format on CD-ROM.
- f) One electronic copy of the final specifications in PDF format on CD-ROM.

Assumptions:

The budget for Task 3 is based on one hundred fifty-six (156) hours of work for RH2's Project Manager. If additional hours are needed to accomplish Task 3 due to events beyond RH2's control, RH2 will notify the City in advance of such additional hours needed, and additional hours shall be mutually negotiated.

**EXHIBIT C
RH2 Engineering, Inc.
SCHEDULE OF RATES AND CHARGES**

2012 HOURLY RATES

CLASSIFICATION		RATE	CLASSIFICATION		RATE
Professional	IX	\$193.00	Technician	IV	\$123.00
Professional	VIII	\$193.00	Technician	III	\$115.00
Professional	VII	\$185.00	Technician	II	\$85.00
			Technician	I	\$80.00
Professional	VI	\$171.00			
Professional	V	\$163.00	Administrative	V	\$114.00
Professional	IV	\$153.00	Administrative	IV	\$95.00
			Administrative	III	\$81.00
Professional	III	\$142.00	Administrative	II	\$66.00
Professional	II	\$133.00	Administrative	I	\$55.00
Professional	I	\$121.00			

IN-HOUSE SERVICES

In-house copies (each)	8.5" X 11"	\$0.09	CAD Plots	Large	\$25.00
In-house copies (each)	8.5" X 14"	\$0.14	CAD Plots	Full Size	\$10.00
In-house copies (each)	11" X 17"	\$0.20	CAD Plots	Half Size	\$2.50
In-house copies (color) (each)	8.5" X 11"	\$0.90	CAD System	Per Hour	\$27.50
In-house copies (color) (each)	8.5" X 14"	\$1.20	GIS System	Per Hour	\$27.50
In-house copies (color) (each)	11 X 17"	\$2.00	Technology Charge		2.5% of Direct Labor
			Mileage		Current IRS Rate

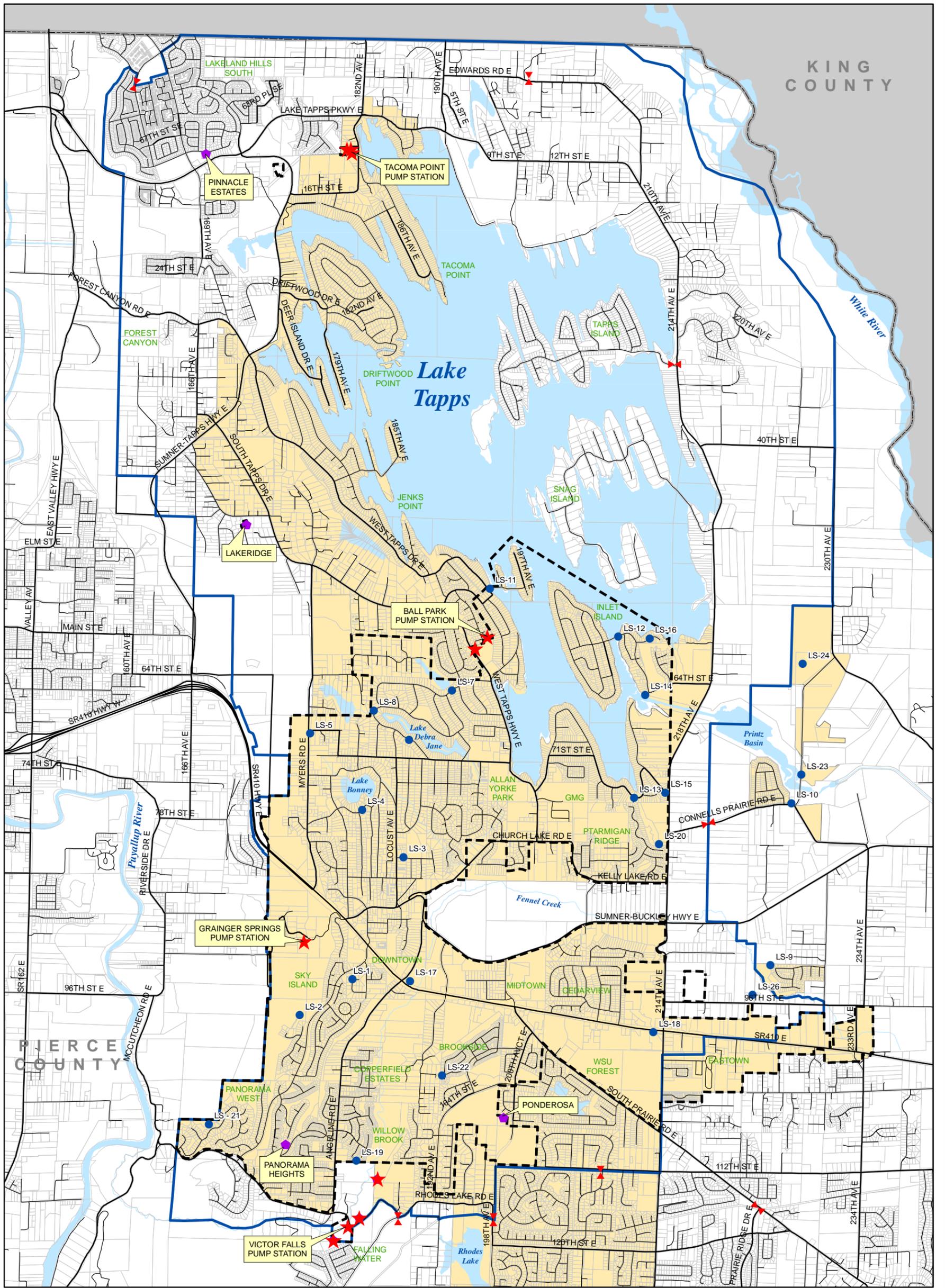
OUTSIDE SERVICES

Outside direct costs for permit fees, reports, maps, data, reprographics, couriers, postage, and non-mileage related travel expenses that are necessary for the execution of the project and are not specifically identified elsewhere in the contract will be invoiced at cost.

All Subconsultant services are billed at cost plus 15%.

CHANGES IN RATES

Rates listed here are adjusted annually. The current schedule of rates and charges is used for billing purposes. Payment for work accomplished shall be based on the hourly rates and expenses in effect at the time of billing as stated in this Exhibit.



KING COUNTY

PIERCE COUNTY

- ★ Water Pump Sites
- ◄ Water Interties
- Sewer Lift Stations
- Tax Parcels
- Sewer Service Area
- ▭ Water Service Area
- ⋯ City Limits
- Pierce County Boundary

Sewer Lift Station and Water Pump Sites



November 14, 2012