

CITY COUNCIL MEETING

**February 26, 2013
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. **Oaths of Office:** Assistant Chief of Police Kurt Alfano and Assistant Chief of Police James Keller.
- D. Agenda Modifications

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

- A. Public Hearings: None.
- 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.

- A. **Approval of Minutes:** February 5, 2013 Workshop, and February 12, 2013 Meeting.
- p. 5 B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable checks/vouchers #65050-65076 including wire transfers #11302012 in the amount of \$238,117.58. (These vouchers were missed from the Council approval process in January 2013). Accounts Payable wire transfer #2013021501 in the amount of \$37,032.21. Accounts Payable checks/vouchers #65540-65555 in the amount of \$56,443.05 out of the 2012 budget. Accounts Payable check/voucher #65556 in the amount of \$3,201.01 for an AR deposit refund out of the 2012 budget. Accounts Payable checks/vouchers #65557-65647 (including wire transfers #10796339, and 20130204) in the amount of \$659,218.96 out of the 2013 budget. Accounts Payable checks/vouchers #65648-65652 in the amount of \$11,290.38 for AR deposit refunds out of the 2013 budget. Accounts Payable checks/vouchers #65653-65667 in the amount of \$1,106.21 for Utility refunds out of the 2013 budget. For a grand total of \$1,006,409.40.
- C. **Approval of Payroll:** Payroll for February 1st - 15th 2013 for checks #30959-30978 including Direct Deposits and Electronic Transfers in the amount of \$ 414,556.68.
- p. 17 D. **AB13-35 – Ordinance D13-35 –** An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 5.14 Of The Bonney Lake Municipal Code And The Corresponding Portions Of Ordinance No. 1235 (2007) Related To Permit Applications To Sell Fireworks.
- p. 25 E. **AB13-23 – Resolution 2249 –** A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Unbudgeted Purchase In For An Emergency Telephone At The Swim Area In Allan Yorke Park As Part Of The City's Lake Tapps Swim Safe Program.
- p. 31 F. **AB13-28 – Resolution 2279 –** A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor Sign A Hold Harmless Agreement With The Swiss Sportsmen's Club Of Tacoma For The Use Of Their Firearms Training Facility.
- p. 37 G. **AB13-29 – Resolution 2280 –** A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Agreement With Bonney Lake Community Resources For Operation Of The Bonney Lake Community Garden.
- p. 45 H. **AB13-30 – Resolution 2281 –** A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Agreement With Bonney Lake Community Resources For Operation Of The Concession Stand At Allan Yorke Park.
- p. 59 I. **AB13-33 – Resolution 2282 –** A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Designating The Bonney Lake-Summer Courier Herald As The City's Official Newspaper For 2013-2014.

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

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES:

- p. 67 A. **AB13-36 – Resolution 2284** – A Resolution Of The City Of Bonney Lake, Washington, Declaring The City's Option To Reimburse Certain Capital Expenditures From The Proceeds Of Tax-Exempt Bonds Or Other Obligations.

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 COUNCIL WORKSHOP

February 5, 2013
5:30 P.M.

MINUTES

City of



"Where Dreams Can Soar"

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

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

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

I. CALL TO ORDER – Deputy Mayor Dan Swatman called the workshop to order at 5:33 p.m.

II. ROLL CALL:

Administrative Services Director/City Clerk Harwood Edvalson called the roll. Elected officials attending were Mayor Neil Johnson, Jr., Deputy Mayor Dan Swatman, Councilmember Randy McKibbin, Councilmember Mark Hamilton, Councilmember Katrina Minton-Davis, Councilmember Jim Rackley, Councilmember Donn Lewis, and Councilmember Tom Watson. Mayor Johnson arrived at 5:44 p.m.

Staff members in attendance were City Administrator Don Morrison, Public Works Director Dan Grigsby, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Police Chief Dana Powers, City Attorney Kathleen Haggard, Administrative Services Director/City Clerk Harwood Edvalson, and Administrative Specialist II Renee Cameron.

III. AGENDA ITEMS:

A. Council Open Discussions:

Association of United States Army Membership. Councilmember Watson said he is currently a member on the Board of the Bonney Lake Chapter of the Association of United States Army (AUSA). AUSA provides services to the military and their families to make sure they receive a welcome homecoming and to assist military families while a family member is serving overseas. Councilmember Watson said that the membership fee is \$150 a year for two members to be on the Board. He said that he and Mayor Johnson are currently on the Board and the Association meets once a month. He asked if the City is willing to continue their membership donation. Mayor Swatman said Council will forward it on to Administration for their review and consideration.

B. Presentation: Refinancing Municipal Debt – Jim Nelson, D.A. Davidson & Co.

Finance Advisor Jim Nelson, Senior Vice President of D.A. Davidson and Co., provided a presentation regarding the opportunity to refinance the City's current municipal bonds debt. Mr. Nelson discussed the advance refinancing of the City's 2008 Limited Tax-Liability General Obligations Bonds, and the current refinancing of the 2008 Motorola 800 MHz loan, which he said is payable at any time. He said that the most net savings would occur in the first two years by combining the two loans together. Councilmember McKibbin asked City Administrator Morrison about the partnership with Sumner for the 800 MHz loan and whether that would affect the interest if a partnership was in effect. Mr. Nelson discussed the estimated sources and uses of funds for refunding bonds, how that is calculated, and how the sources of funds and uses of funds match up.

Mr. Nelson said the next issue for the Council to consider is whether to take advantage of a money bond. He said the benefit of a money bond is that the money can only be spent for a capital improvement project.

Mr. Nelson provided a background of D.A. Davidson and Co.'s and their local presence in the State of Washington and the northwest, and said they ranked 4th in the County in 2012 for the number of municipal transactions completed. He then discussed a potential timeline for a financing schedule for a presentation to Standard & Poor's and for marketing the bonds to potential investors.

City Administrator Morrison suggested the Council make a decision at the March 12, 2013 meeting on whether to approve these refinancing options, and whether to consider a money bond and the amount.

Councilmember Rackley asked Mr. Nelson what the difference may be in interest rates in April and Mr. Nelson said that if interest rates were to spike up that Council could consider how they would proceed, however, Mr. Nelson said the fact that investors are approaching tax time and are looking for good investments that he believes it would be a good time to refinance the bonds.

Mayor Johnson said he would like to have Council consider the refinancing options and come back to a future meeting to discuss their intent. Councilmember Hamilton said he would like to know what projects the additional monies would be used for before Council considers borrowing it. Council agreed to bring this matter back for further discussion at the next Council workshop.

C. Discussion: AB13-16 – Ordinance D13-16 – Amend the BLMC to allow home occupations to attach a sign to their fence and to allow temporary businesses to have signage.

Planning Commission Chair Grant Sulham presented the amendment to the Bonney Lake Municipal Code to allow home occupations to attach a sign to their fence and to allow temporary businesses to have signage. Community Development Director Vodopich said this amendment only applies to home occupations.

This proposed ordinance amendment was forwarded to the February 12, 2013 Council Meeting for action.

D. Review of Council Minute: January 15, 2013 Workshop and January 22, 2013 Meeting.

The January 15, 2013 Workshop and January 22, 2013 Meeting minutes were forwarded to the February 12, 2013 Council Meeting for action, with three minor corrections noted by Councilmember Lewis.

E. Discussion: AB13-20 – Council appointments to MPD Pro and Con Committees.

Deputy Mayor Swatman discussed the process to select applicants for the Metropolitan Park District's Pro and Con Committees. Administrative Services Director Edvalson had previously forwarded to the Mayor, City Administrator, and all of the Councilmember all applications which have been received to date. Per State law three applicants must be selected for each Committee. Councilmembers discussed their reasoning and individual thoughts on the selection process. Councilmember Minton-Davis then made a motion to appoint Scott Anderson, Laurie Carter, and Fred Jacobsen to the MPD Pro Committee, and James "Kelly" McClimans, Sr., John Millan, and Shawnta Mulligan to the MPD Con Committee. The other Councilmembers agreed with Councilmember Minton-Davis' selections. The formal motion to appoint the selected Metropolitan Park District Pro and Con Committee members was forwarded to the February 12th Council Meeting for action.

F. Discussion: AB13-15 – Resolution 2270 – Orchard Grove II Final Plat.

Community Development Director Vodopich said that Benjamin Ryan Communities is seeking final plat approval for the "Orchard Grove II" 18-lot single-family residential subdivision which received preliminary plat approval from the City November 27, 2006. The application was heard and considered by the Hearing Examiner and all conditions of approval have been met. Director Vodopich said the Applicant has obtained the necessary/required bonds and/or assignments of funds for maintenance of the infrastructure, streetlights and landscaping. The Bonney Lake Municipal Code 17.16.040 requires the City Council to make written findings that the criteria for final plat approval have been met. He said that Councilmember Watson addressed a concern about the storm water issues on the plat, and staff had reviewed his concerns and felt all issues have been addressed. Mayor Johnson said he was pleased to see this plat completed. Proposed Resolution 2270 was forwarded to the February 12, 2013 Council Meeting for action.

G. Discussion: Council retreat topics, location, facilitators, etc.

City Administrator Morrison reviewed the calendar with the Councilmembers and suggested that they move the Council Retreat to Saturday, March 30, 2013 on Harstine Island. He said Councilmember McKibbin has reserved a room and made a deposit. Mayor Johnson asked Administrative Services Director Edvalson about whether they could provide interested citizens and residents the ability to watch the retreat via Skype or a webcam. Administrative Services Director Edvalson said he would speak with the City's Information Services Manager and see what could be available. Councilmember Minton-Davis said she thinks recording it and having it available for the public would be sufficient. City Administrator Morrison said he is still working to find a facilitator for the retreat so that he may participate. He said retreats normally are designed to focus on and discuss the Council's 10 long range vision/strategic plans.

The Council, Mayor Johnson and City Administrator Morrison discussed who would be in attendance, who would be taking minutes/notes, and Mayor Johnson asked Council to let him know as soon as possible whether they plan to stay overnight so arrangements could be made.

IV. Executive Session: Pursuant to RCW 42.30.110(b), the Council adjourned to an Executive Session with the City Attorney at 6:41 p.m. for 11 minutes to discuss pending litigation. The Council returned to chambers at 6:52 p.m.

V. ADJOURNMENT:

At 6:53 p.m., Councilmember Rackley moved to adjourn the Council Workshop. Councilmember Lewis seconded the motion.

Motion to adjourn approved 7-0.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council for the February 5th Workshop:

- Jim Nelson – *City of Bonney Lake Refunding & New Money Discussion Power Point Presentation* – D.A. Davidson & Co.

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CITY COUNCIL MEETING

February 12, 2013
7:00 P.M.

MINUTES

City of



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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 7:01 p.m.

- A. Flag Salute: Mayor Johnson 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 Randy McKibbin, Councilmember Katrina Minton-Davis, Councilmember Jim Rackley, and Councilmember Tom Watson.

Staff members in attendance were City Administrator Don Morrison, Community Development Director John Vodopich, Chief Financial Officer Al Juarez, Police Chief Dana Powers, Administrative Services Director/City Clerk Harwood Edvalson, City Engineer John Woodcock, City Attorney Kathleen Haggard, Senior Planner Jason Sullivan, and Records & Information Specialist Susan Duis.

- C. Announcements, Appointments and Presentations:
 - 1. Announcements: None.
 - 2. Appointments:
 - a. **AB13-20** – A Motion Of The Bonney Lake City Council Appointing Scott Anderson, Laurie Carter And Fred Jacobsen To The Pro Committee And James “Kelly” McClimans, John Millan And Shawnta Mulligan To The Con Committee Associated With The April 23, 2013 Special Election Regarding Establishment Of A Metropolitan Park District.

Councilmember Rackley moved to approve motion AB13-20 appointing Pro and Con Committee members. Councilmember Lewis seconded the motion.

Mayor Johnson noted that the proposed appointees were considered and nominated by the Council during the February 5, 2013 Council Workshop.

Motion AB13-20 approved 7 – 0.

- 3. Presentations: None.
- D. Agenda Modifications:

Mayor Johnson asked the Council to consider amending the agenda to add an item to the agenda for action under Full Council Issues.

Councilmember Watson moved to amend the agenda to add the following item for action under Full Council Issues, Item B: AB13-34 – Resolution 2283 – Urging The Washington State Legislature To Fund The Completion Of SR 167 From East Pierce County To The Port Of Tacoma. Councilmember Lewis seconded the motion.

Motion to amend the agenda to add AB13-34 approved 7 – 0.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None.

B. Citizen Comments:

Scott Anderson, 9901 197th Ave E, Bonney Lake, referred to a recent article in the Courier Herald newspaper regarding extension of 198th Ave E to serve the Tehaleh development. He said the project will also extend 200th Ave E between Mountain View Middle School and Bonney Lake High School. He said he is concerned because he lives in the area and there is already a major traffic bottleneck in this area in the morning and afternoons due to school traffic. He asked if 200th Ave E would be expanded to help mitigate the additional traffic coming from Tehaleh. He said he expects this will cause problems for residents in the future when traffic increases.

City Engineer John Woodcock explained the mitigation agreement between Pierce County and the developers of Tehaleh (formerly Cascadia). He said initially 198th Ave E will be extended, and at Phase 2 of the Tehaleh project the road will be widened to four lanes as part of the mitigation requirements for the project.

Councilmember Rackley noted that the mitigation agreement is between Pierce County and Tehaleh and the City was not involved in the negotiations. He said the 198th Ave E project will not alleviate the traffic problems. He said the City has a proposed project to extend 192nd St E, though a funding source must be found for that project to move forward. He said the City and Councilmembers are very aware of the potential traffic issues as development begins in Tehaleh.

C. Correspondence: None.

III. COUNCIL COMMITTEE REPORTS

A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening and discussed personnel updates, the tri-agency recreational agreement; awarding the official newspaper contract; and review of committee minutes. He said the Committee will continue discussing language for a resolution about open hiring and recruitment processes. Mayor Johnson said the City's process is open, but this would provide a written policy to that effect.

B. Community Development Committee: Councilmember McKibbin said the Committee met on February 5, 2013 and forwarded two items to the current Consent Agenda.

- C. Public Safety Committee: Councilmember Hamilton said the committee met on February 4, 2013 and discussed solid waste services (garbage and recycling). He said about 300-400 residents in Bonney Lake do not have garbage service currently, and it is a public safety concern. He said some residents report they dispose of their garbage themselves using the County landfills, but the City cannot be sure that all garbage is being properly disposed of. He said the City's contract has a clause that requires all residents to sign up for garbage services. However, he said there is no good way to force compliance, since the garbage utility is contracted out and not tied to other utilities. He said the Committee will continue discussions and reviewing options in the future.

Councilmember Rackley asked if DM Disposal offers an exception for vacant homes. Councilmember Hamilton said DM Disposal has the authority to determine which properties are charged, and noted they offer short-term service disconnection for 'snow birds' who are out of town for several months at a time. He added that garbage collection is an important issue for the City that needs to be addressed.

- D. Other Reports:

Community Updates: Councilmember Lewis said that he attended the White River Families First Coalition meeting on January 28th, and the next meeting is on February 25th at Glacier Middle School in Buckley. He said the same groups that regularly attend the Sumner CFF meetings also attended this meeting, including area churches, the library, school district, and health department. The group heard a briefing on housing resources such as Olive Crest and Vadis, which provide short-term fostering for homeless children.

Councilmember Watson reported that he, Councilmember Lewis and Special Events Coordinator David Wells attended the Communities for Families meeting in Sumner on February 7, 2013. He said over 50 people attended. The group discussed the 20th Annual Summit scheduled on March 21st at Bonney Lake High School. They are seeking nominations for the 'Unsung Hero' award now through February 27th. The group heard from the Drug Free Communities group, Project Homeless Connect, and about the 'Expect Respect' course offered at the Sumner Library. He reminded the Council of the upcoming Bonney Lake High School youth forum.

Park Board: Councilmember Watson said he attended the Park Board meeting on February 11, 2013. The Board discussed the upcoming Allan Yorke Park/Dike 13 project, which would add volleyball courts, additional space, sidewalks, and better fencing to the area. The Safe Routes to School Fennel Creek trail project will begin soon and the Park Board suggested a groundbreaking event be held. Mayor Johnson said he plans to schedule an event as soon as the construction timeline is determined. Councilmember Watson said the Board also discussed the upcoming special election on whether to form a Metropolitan Parks District and reviewed a fact sheet. The Board also discussed proposals for the boat launch, which were forwarded to the Public Safety Committee.

Pierce County Regional Council: Mayor Johnson said he and Councilmembers Hamilton, Lewis, and Watson, and Senior Planner Jason Sullivan attended the PCRC dinner meeting on February 7, 2013. He said the event was well-attended and guest speaker Col. Chuck Hodges from Joint Base Lewis-McChord gave a very interesting speech. He commended Councilmember Hamilton and Lewis for their good work with the PCRC and networking with other cities.

County Executive: Mayor Johnson said he and City Administrator Morrison presented information on behalf of Bonney Lake to Pierce County Executive Pat McCarthy's team on February 6, 2013. They highlighted issues including social services partnerships, the 800 MHz communications system, equity in PCRC funding distribution, and the Lake Tapps safety group.

Lake Tapps Safety: Mayor Johnson said a group including area school districts, cities, the police and fire departments, Pierce County Parks, and Cascade Water Alliance (CWA) are part of a group discussing ways to improve safety on Lake Tapps. The group's tagline is "Swim Safe", and they are working on a comprehensive plan of education and events. CWA is hosting an open house at North Tapps Middle School on May 22nd. He said all those involved are engaged and serious about the project to make it safer at the lake.

Youth Forums: Mayor Johnson said he and members of the management team will attend the Bonney Lake High School Youth Forum again this year. He thanked staff members for stepping up to participate.

Stormwater Calendar: City Engineer Woodcock said in the past the City received grant funds through the Department of Ecology that went toward creating a stormwater awareness calendar. Though the funds have run out, the program is so popular that the department was asked to find a way to keep it going. This year the City will pay for the costs, about \$3,000, to create a calendar again for 2014. All school-age children in the City are encouraged to submit artwork for the contest; the application form is posted on the City website.

Mayor Johnson said this program has been important to educate kids and is very popular. He said the City will reach out to local businesses for prizes and supporting funds. Councilmember Lewis said this program is very popular with kids from elementary to high school ages, as well as with teachers who can incorporate it into their classes. He said many people asked him how they could be involved in the program, and he was concerned when he heard the grant funding was gone. He thanked the Mayor and staff for supporting the program that encourages young artists and is great for the community.

IV. CONSENT AGENDA:

- A. **Approval of Minutes:** January 15, 2013 Workshop and January 22, 2013 Meeting.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable checks/vouchers #65364 thru 65399 (and wire transfer #'s 10597317, 20130115, 2013011701) in the amount of \$964,830.19 out of the 2012 budget; Accounts Payable check/voucher #65400 thru 65400 in the amount of \$1,189.28 for a water leak adjustment refund out of the 2012 budget; Accounts Payable checks/vouchers #65401 thru 65427 in the amount of \$1,133,971.04 out of the 2013 budget; Accounts Payable checks/vouchers #65428 thru 65445 in the amount of \$1,957.20 for utility refunds out of the 2013 budget; Accounts Payable checks/vouchers #65446 thru 65454 in the amount of \$87,566.01 out of a combination of budget years 2012 and 2013; Accounts Payable checks/vouchers #65455 thru 65471 in the amount of \$4,129.22 out of a combination of budget years 2012 and 2013; Accounts Payable checks/vouchers #65472 thru 65484 for utility refunds in the amount of \$1,887.30 out of the 2013 budget; Accounts Payable checks/vouchers #65485 thru 65497 in the amount of \$66,412.81 out of the 2012 budget; Accounts Payable checks/vouchers #65498 thru 65522 in the amount of \$52,285.83 out of the 2013 budget;

Accounts Payable checks/vouchers #65523 in the amount of \$230.08 for Accounts Receivable deposit refund out of the 2013 budget; Accounts Payable checks/vouchers #65524 in the amount of \$73.16 for a utility refund check replacement out of the 2012 budget; Accounts Payable checks/vouchers #65525 thru 65539 in the amount of \$1,069.11 for utility refunds out of the 2013 budget for a grand total of \$2,315,601.23.

VOIDED CHECKS: Check #63774 – replaced with #65400; Check #65138 – replaced with #65524; Check #65175 – credited as we used our own training facility; Check #64768 – replaced with #65497.

- C. **Approval of Payroll:** Payroll for December 16th - 31st 2012 for checks #30847-#30869 including Direct Deposits and Electronic Transfers in the amount of \$ 679,677.36. Payroll – Uniform Allowance per CBA paid January 15th 2013 for checks #30870 - #30907 including Direct Deposits and Electronic Transfers in the amount of \$ 30,528.44. Payroll for January 1st - 15th 2013 for checks #30908 – #30930 including Direct Deposits and Electronic Transfers in the amount of \$ 431,934.33. Payroll for January 16-31st 2013 for checks #30932 - #30958 including Direct Deposits and Electronic Transfers in the amount of \$ 629,653.15.
- D. **AB13-16 – Ordinance D13-16** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 14.100 And 15.08 Of The Bonney Lake Municipal Code Relating To Home Occupation Signage And Temporary Signage In Conjunction With Temporary Permits.
- E. **AB13-15 – Resolution 2270** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Approving The Orchard Grove II Final Plat.
- F. **AB13-21 – Resolution 2274** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Awarding The Allan Yorke And West Tapps Highway Improvements Project To Hoffman Construction Inc.
- G. **AB13-22 – Resolution 2275** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Awarding The Services During Construction Contract For The Allan Yorke And West Tapps Highway Improvements Project To KPG Engineering.
- H. **AB13-25 - Resolution 2278** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Settlement Agreement Between The City Of Bonney Lake And Cingular Wireless In The Amount Of \$9,661.21.
- I. **AB13-27** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Setting A Special Council Meeting (Retreat) For March 30, 2013 At The Hartstene Pointe Clubhouse.

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

Consent Agenda approved 7 – 0.

V. FINANCE COMMITTEE ISSUES:

- A. **AB13-24 – Resolution 2276** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Interlocal Agreement With The City Of Sumner And The Sumner School District For Recreation Services.

Councilmember Lewis moved to approve Resolution 2276. Councilmember Watson seconded the motion.

Mayor Johnson said he meets with representatives from the school district and recreation program quarterly. He said this is a similar agreement as in past years and commented that this program does a lot with a small budget.

Resolution 2276 approved 7 – 0.

VI. COMMUNITY DEVELOPMENT ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES:

- A. **AB13-03 – Resolution 2265** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing Establishment Of The Easttown Utility Latecomer Agreement.

Councilmember Rackley moved to approve Resolution 2265. Councilmember Lewis seconded the motion.

Roger Watt, 12029 225th Ave Ct E, Bonney Lake, read a portion of a statement on behalf of the Easttown Sewer Development Association, LLC. He said this is a potentially historic moment, and the scaled-down agreement makes the most sense. He said the Easttown area was annexed into the City with the purpose to develop it as a commercial area. He said this ULA satisfies the City's requirement that developers pay for the cost of development. He thanked the Council for revisiting the ULA and encouraged the Council to approve the resolution. He provided a large written statement to the City Clerk for the record as his time to speak had expired.

Mayor Johnson said staff members have followed through on a proposal presented by Councilmember McKibbin and Deputy Mayor Swatman to move the project forward. The staff searched for additional partners for a ULA, and has found one in the Easttown owner's LLC.

Deputy Mayor Swatman thanked staff and Mayor Johnson for all the work they have done, and to the Easttown property owners for their patience. He said Easttown has potential for commercial development, which would benefit the owners who sell their land and the City, which would see long-term tax revenues. He said the proposed ULA is a good partnership, and the City cannot complete the project alone. He said he hopes the ULA would be approved so the project can move forward. He said the ULA is not the last step, and there is a lot more to be done. Councilmember Hamilton reiterated that the ULA is just one piece of the process for Easttown.

Councilmember Minton-Davis said from the Council's past actions and discussions, she understands that a ULA is optional to develop sewer. She said she appreciates the work that has been done and that the Easttown property owners have stepped up. However, she

said the ULA adds a road block to development, and simply trades money back and forth between the City and the ULA group. She said she is not in favor of the proposed ULA.

Mayor Johnson said as Eastown develops, the Council will still have the ability to set up developer agreements, similar to what was done with the Franciscan's development. He said these are important tools to address the Council's concerns in the future.

**Resolution 2265 approved 5 – 2.
Councilmembers McKibbin
and Minton-Davis voted no.**

- B. **AB13-34 – Resolution 2283 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Urging The Washington State Legislature To Fund The Completion Of SR 167 From East Pierce County To The Port Of Tacoma.**
Added to agenda during Agenda Modifications.

Councilmember Rackley moved to approve Resolution 2283. Councilmember Lewis seconded the motion.

Councilmember Rackley moved to amend the resolution to remove the word “tolls”. Councilmember Watson seconded the motion.

Councilmember Rackley said he does not want to encourage the state in any way to add new tolls to the highway, which is why he proposed striking the word from the proposed resolution. Deputy Mayor Swatman said that toll funding is simply listed as one of the options for statewide funds for the project. He said he understands Councilmember Rackley's sentiment, but doesn't think the project funding should be limited to not include toll funds gathered from around the state.

Mayor Johnson said the language in this resolution is 'boilerplate' and is being adopted by other member cities in the Pierce County Regional Council. He said he believes the representative who drafted the resolution is also against tolling, and the intention is not to support tolling on the SR 167 project.

**Motion to amend Resolution 2283 failed 2 – 5.
Deputy Mayor Swatman and Councilmembers
Hamilton, Lewis, Minton-Davis,
and Watson voted no.**

Councilmember Hamilton said it is very important that the highway be completed. He said the project will be a huge economic stimulus for Bonney Lake as well as other cities in the area and the Port of Tacoma. He encouraged the Council to unanimously support the proposed resolution so all the cities in the PCRC can speak with one voice. He said there is political momentum to move the project forward. Councilmember Rackley said the project could create thousands of jobs and he has no objection to the proposed project, but simply did not want to encourage the use of new tolls. Councilmember Hamilton said if the project does move forward, the City will have future opportunities to voice its opinion on potential tolling.

Resolution 2283 approved 7 – 0.

IX. EXECUTIVE SESSION:

Pursuant to RCW 42.30.140(4)(b), the Council entered a closed session with the Human Resources Manager at 7:50 p.m. to discuss labor negotiations for 20 minutes. At 8:12 p.m. the closed session was extended for 10 minutes. At 8:25 p.m. the session was extended for 5 minutes. The Council returned to chambers at 8:30 p.m. No action was taken.

X. ADJOURNMENT:

At 8:31 p.m., Councilmember Hamilton moved to adjourn the Council Meeting. Councilmember Watson seconded the motion.

Motion to adjourn approved 7 – 0.

Harwood Edvalson, MMC
City Clerk

Neil Johnson, Jr.
Mayor

Items presented to Council at the February 12, 2013 Meeting:

- Roger Watt – *Statement at 2/12/2013 Council Meeting re E'town ULA – Eastown Sewer Development Association, LLC.*
- Don Morrison – *AB13-34 – Resolution 2283 – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Urging The Washington State Legislature To Fund The Completion Of SR 167 From East Pierce County To The Port Of Tacoma – City of Bonney Lake.*

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

Department/Staff Contact: Community Development / John P. Vodoipch, AICP	Meeting/Workshop Date: 26 February 2013	Agenda Bill Number: AB13-35
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D13-35	Councilmember Sponsor:

Agenda Subject: Ordinance Related to Permit Applications to Sell Fireworks

Full Title/Motion: An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Chapter 5.14 Of The Bonney Lake Municipal Code And The Corresponding Portions Of Ordinance No. 1235 (2007) Related To Permit Applications To Sell Fireworks.

Administrative Recommendation: Approve

Background Summary: The City Attorney has drafted an Ordinance to clarify the permit application process and procedures for the sale of fireworks within the City limits.

Attachments: Ordinance D13-35

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
n/a			
Budget Explanation:			

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	<i>Approvals:</i>	Yes	No
Date:	Chair/Councilmember	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember	<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): February 19, 2013	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

APPROVALS		
Director: <i>John P. Vodopich, AICP</i>	Mayor:	Date Reviewed by City Attorney: 2/1/2013 (if applicable):

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ORDINANCE NO. D13-35

**AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY,
WASHINGTON, AMENDING CHAPTER 5.14 OF THE BONNEY LAKE
MUNICIPAL CODE AND THE CORRESPONDING PORTIONS OF ORDINANCE NO.
1235 (2007) RELATED TO PERMIT APPLICATIONS TO SELL FIREWORKS**

WHEREAS, the Bonney Lake City Council wishes to clarify the permit application process for the sale of fireworks within the City limits.

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

Section 1. Bonney Lake Municipal Code § 5.14.010 and the corresponding portions of Ordinance No. 1235 (2007) are hereby amended to read as follows:

5.14.010 Adoption of sections of Revised Code of Washington by reference.

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.

RCW

- 70.77.126 Definitions – “Fireworks.”
- 70.77.131 Definitions – “Display fireworks.”
- 70.77.136 Definitions – “Consumer fireworks.”
- 70.77.138 Definitions – “Articles pyrotechnic.”
- 70.77.141 Definitions – “Agricultural and wildlife fireworks.”
- 70.77.146 Definitions – “Special effects.”
- 70.77.160 Definitions – “Public display of fireworks.”
- 70.77.165 Definitions – “Fire nuisance.”
- 70.77.170 Definitions – “License.”
- 70.77.175 Definitions – “Licensee.”
- 70.77.180 Definitions – “Permit.”
- 70.77.182 Definitions – “Permittee.”
- 70.77.190 Definitions – “Person.”
- 70.77.200 Definitions – “Importer.”
- 70.77.205 Definitions – “Manufacturer.”
- 70.77.210 Definitions – “Wholesaler.”
- 70.77.215 Definitions – “Retailer.”
- 70.77.230 Definitions – “Pyrotechnic operator.”
- 70.77.236 Definitions – “New fireworks item.”
- 70.77.241 Definitions – “Permanent storage” – “Temporary storage.”

- 70.77.255 Acts prohibited without appropriate licenses and permits – Minimum age for license or permit – Activities permitted without license or permit.
- 70.77.260 Application for permit.
- 70.77.265 Investigation, report on permit application.
- 70.77.270 Governing body to grant permits – ~~State-wide~~ Statewide standards – Liability insurance.
- 70.77.280 Public display permit – Investigation – Governing body to grant – Conditions.
- 70.77.285 Public display permit – Bond or insurance for liability.
- 70.77.290 Public display permit – Granted for exclusive purpose.
- 70.77.295 Public display permit – Amount of bond or insurance.
- 70.77.345 Duration of licenses and retail fireworks sales permits.
- 70.77.381 Wholesalers and retailers – Liability insurance requirements.
- 70.77.386 Retailers – Purchase from licensed wholesalers.
- 70.77.401 Sale of certain fireworks prohibited.
- 70.77.405 Authorized sales of toy caps, tricks, and novelties.
- 70.77.410 Public displays not to be hazardous.
- 70.77.415 Supervision of public displays.
- 70.77.420 Permanent Storage storage permit required – Application – Investigation – Grant or denial – Conditions.
- 70.77.425 Approved permanent storage facilities required.
- 70.77.435 Seizure of fireworks.
- 70.77.440 Seizure of fireworks – Proceedings for forfeiture – Disposal of confiscated fireworks.
- 70.77.480 Prohibited transfers of fireworks.
- 70.77.485 Unlawful possession of fireworks – Penalties.
- 70.77.488 Unlawful discharge or use of fireworks – Penalty.
- 70.77.495 Forestry permit to set off fireworks in forest, brush, fallow, etc.
- 70.77.510 Unlawful sales or transfers of ~~special~~ display fireworks – Penalty.
- 70.77.515 Unlawful sales or transfers of consumer fireworks – Penalty.
- 70.77.517 Unlawful transportation of fireworks – Penalty.
- 70.77.520 Unlawful to permit fire nuisance where fireworks kept – Penalty.
- 70.77.525 Manufacture or sale of fireworks for out-of-state shipment.
- 70.77.535 Articles pyrotechnic, ~~Special~~ special effects for entertainment media.
- 70.77.540 Penalty.
- 70.77.545 Violation a separate, continuing offense.
- 70.77.547 Civil enforcement not precluded.
- 70.77.580 Retailers to post list of consumer fireworks.

(Ord. 1235 § 2, 2007).

Section 2. Bonney Lake Municipal Code § 5.14.050 and the corresponding portions of Ordinance No. 1235 (2007) are hereby amended to read as follows:

5.14.050 State license and city permit required.

A. Pursuant to Chapter 70.77 RCW and this chapter, a permit issued by the Community Development Director of planning and community development or his or her designee shall be required for any activity enumerated in RCW 70.77.255(1).

B. No permit for the activities set forth in RCW 70.77.255(1) shall be issued until:

1. A license issued by the Chief of the Washington State Patrol pursuant to RCW 70.77.305-.375 is filed with the local fire official or his or her designee; and
2. A certificate of insurance as required by BLMC 5.14.070 and Chapter 70.77 RCW is filed. (Ord. 1235 § 2, 2007).

Section 3. Bonney Lake Municipal Code § 5.14.060 and the corresponding portions of Ordinance No. 1235 (2007) are hereby amended to read as follows:

5.14.060 Copy of license and permit to be filed.

Any person who obtains a license and permit as required by this chapter shall file with the police and local fire official a copy of each license and permit for such activity required by Chapter 70.77 RCW. (Ord. 1235 § 2, 2007).

Section 4. Bonney Lake Municipal Code § 5.14.090 and the corresponding portions of Ordinance No. 1235 (2007) are hereby amended to read as follows:

5.14.090 Permit required for sales – Application.

A. An application for a permit to sell fireworks shall be made in writing to the Community Development Director of planning and community development (normally processed at the permit center, on forms provided for that purpose) ~~no later than March 15th~~ from January 2 through January 31 of the year for which the permit is sought. Permit fees, inspection, and site plan review charges shall be charged as required by resolution of the city council. The applicant shall include with the application the following:

1. A completed Bonney Lake business license application and fee (nonprofit entities are exempt from this requirement), and
2. A copy of the signed and approved State License Application for Retail Firework Temporary Structure Permit, and

3. A copy of the signed and approved Washington State Patrol Fire Protection Bureau, Office of the State Fire Marshal-issued Fireworks Temporary Structure License Permit (with printed permit number), and
4. A copy of the lease agreement or permission from the property owner for the site location, and
5. A site plan diagram of the proposed sale location, and
6. A certificate of insurance as required by BLMC 5.14.070, and
7. A performance bond or cleaning damage deposit of \$50.00.

The Community Development Director of planning and community development or his or her designee shall deny or grant any such application in writing ~~no more than 30 days after receipt of an application~~ by March 10 of the year for which the permit is sought. The Community Development Director of planning and community development or his or her designee may place reasonable conditions on any permit issued. The person applying for a permit may ask in writing that the Community Development Director of planning and community development reconsider the denial of the permit or the conditions of the permit. Reconsideration shall be based solely upon written information provided by the applicant and information obtained or held by the Community Development Director of planning and community development, and no hearing shall be required. The determination of the Community Development Director of planning and community development on the request for reconsideration shall be final.

B. Corporations, firms, groups, clubs, and organizations applying for a permit to sell fireworks shall designate an individual sponsor to complete the application and ensure that all applicable regulations and permit conditions are followed. No person, corporation, firm, group, club, or organization, as an applicant or sponsor, shall receive more than one permit from the city for the sale of fireworks during any one calendar year. The permit application shall contain the address of the applicant and sponsor and be signed by the sponsor. The maximum number of permits that may be issued pursuant to this chapter shall not exceed one permit for each 2,500 residents of the city, according to the last official census or the last estimate of the state's census board. A permit granted pursuant to this chapter shall entitle the permittee to maintain only one retail fireworks stand.

C. If there are more applications for permits than the maximum number of permits that may be issued pursuant to this chapter, the Community Development Director or his or her designee shall issue permits in the order received with priority given to nonprofit organizations, service clubs, school groups, religious, or charitable organizations located in the city. For the purpose of this chapter, "nonprofit organizations, service clubs, school groups, religious, or charitable organizations" shall be defined as an organization designated as a nonprofit entity by the United States Internal Revenue Service, a primary organization with an identified and accepted public

purpose, and/or an organization created under the auspices of a primary organization with an identified and accepted public purpose. For the purposes of this chapter, separate chapters of an organization shall be considered the same person, firm, or corporation.

E. Transfer to any other person, corporation, firm, group, club, or organization by the permit holder of the permit issued by the city shall be deemed void and a violation of this chapter.

~~B.F.~~ The applicant shall post with the city a performance bond or cash deposit in an amount of \$50.00, conditioned upon the prompt removal of the temporary structure and the cleaning up of all debris from the site of the temporary structure. The removal of the temporary structure and the required cleanup shall be performed no later than five days after termination of the temporary structure's permitted operation. In the event that the required cleanup is not performed to the satisfaction of the inspecting official of the city, the entire amount of the bond shall be forfeited to the city. Extraordinary expenses in excess of the bond amount in addition to all other remedies, if suffered by the city in cleanup or site remediation, shall be billed to the permit holder. Failure of the permit holder to pay such a billing, in full and within 30 days, may result in refusal of the city to grant a future firework temporary structures permit to the same person, ~~charity, or business~~ corporation, firm, group, club, or organization. (Ord. 1235 § 2, 2007).

Section 5. Bonney Lake Municipal Code § 5.14.100 and the corresponding portions of Ordinance No. 1235 (2007) are hereby amended to read as follows:

5.14.100 Retail fireworks temporary structures.

The following requirements shall apply to the operation of retail fireworks temporary structures:

A. Prior to opening for business, a temporary retail sales fireworks structure must be inspected and approved by the fire marshal.

B. Inspections of temporary structures shall not be conducted until the local fire official is notified by the temporary structure operator that the temporary structure is configured in the manner intended for opening for business.

C. Temporary structures shall comply with all requirements of WAC 212-17-21505, 212-17-21509, 212-17-21511, 212-17-21513, 212-17-21515 and 212-17-21517. Where there are practical difficulties in achieving compliance, and alternatives are sought that do not compromise public safety, the permit holder shall fully inform the police and fire chiefs in writing of the noncompliance issue and seek a written approval of the alternative proposed.

~~D. No person, firm, corporation, or charitable organization shall receive more than one permit from the city for the sale of fireworks during any one calendar year. The maximum number of permits that may be issued pursuant to this chapter shall not exceed one license for each 2,500 residents of the city, according to the last official census or the last estimate of the state's census board.~~

~~E. Transfer to any other person, firm, corporation, or charitable organization by the permit holder of the permit issued by the city shall be deemed void and a violation of this chapter.~~

F D. Retail temporary fireworks structures shall be allowed only in the C-2, ~~C-3 and C-2/C-3 combined commercial zones~~ Downtown Core, Downtown Mixed, Midtown Core, and Easttown Zoning Districts. (Ord. 1235 § 2, 2007).

Section 6. This ordinance shall take effect and be enforced one (1) year after passage, approval, and publication as required by law.

Passed by the City Council this ____ day of _____, 2013.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

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

Department/Staff Contact: ASD/Chuck McEwen	Meeting/Workshop Date: 26 February 2013	Agenda Bill Number: AB13-23
Agenda Item Type: Resolution	Ordinance/Resolution Number: 2249	Councilmember Sponsor:

Agenda Subject: Authorization of unbudgeted expenditures for an emergency phone at Allan Yorke Park swim area.

Full Title/Motion: A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing An Unbudgeted Purchase In The Amount Of \$3,379.00+Freight+Tax For An Emergency Phone Installation At The Swim Area In Allan Yorke Park.

Administrative Recommendation: Approve.

Background Summary: As part of Mayor Johnson’s Swim Safe Program, staff has researched the installation of an emergency phone near the swim area of Allan York Park. Both Talk-A-Phone and Code Blue emergency phones were researched. Talk-A-Phone is a national company that manufactures emergency phones. The quoted system is for the Tower and phone. This system will consist of a single emergency button which will call 911-emergency and display the swim area location of Allan Yorke Park. The information was discussed by the Finance Committee in November of last year as AB12-146. The City Council moved the proposed expenditure forward for action at the February 26, 2013 Council meeting. Staff has confirmed that the quoted price last fall is still the current pricing.

Attachments: Graybar quote and Talk-A-Phone list price and product data sheet.

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
n/a		\$3,379.00+freight+tax	
Budget Explanation: Use of Parks CIP funds for this unbudgeted item. Staff will need to check with Garybar to verify current pricing. Any changes will be noted on an updated agenda bill and resolution.			

COMMITTEE, BOARD & COMMISSION REVIEW											
Council Committee Review:	Finance Committee Date: 27 November 2012	Approvals: Chair/Councilmember Dan Swatman Councilmember Mark Hamilton Councilmember Randy McKibbin	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <th style="padding: 2px;">Yes</th> <th style="padding: 2px;">No</th> </tr> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>	Yes	No						
Yes	No										
Forward to: Council Workshop		Consent Agenda: <input type="checkbox"/> Yes <input type="checkbox"/> No									
Commission/Board Review:											
Hearing Examiner Review:											

COUNCIL ACTION	
Workshop Date(s): 2/19/13	Public Hearing Date(s):
Meeting Date(s): 2/26/13	Tabled to Date:

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

RESOLUTION NO. 2249

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING AN UNBUDGETED PURCHASE IN FOR AN EMERGENCY TELEPHONE AT THE SWIM AREA IN ALLAN YORKE PARK AS PART OF THE CITY'S LAKE TAPPS SWIM SAFE PROGRAM.

WHEREAS, As part of the Lake Tapps *Swim Safe* program, the Council has authorized the purchase and installation of a Talk-A-phone emergency phone at the Allen Yorke Park swim area; and

WHEREAS, the cost of the project will be approximately \$3,380 plus shipping and sales tax; and

WHEREAS, the funds were not specifically included in the Park CIP of the adopted 2013-2014 biennial budget; and

WHEREAS, the anticipated Parks CIP fund balance will be more than sufficient to fund the project; and

WHEREAS, the City Council finds that it is in the public interest that this project 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 a purchase order with Graybar to purchase and install said Talk-A-Phone emergency phone, and that the cost of said project is to be included in the 2013-2014 mid-biennial budget amendment adopted at the end of the year.

PASSED by the City Council this 26th day of February, 2013.

Neil Johnson Jr., Mayor

ATTEST:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney



Price Quote

Talk-A-Phone Co.
 7530 N. Natchez Ave.
 Niles, IL 60714
 Phone: 773.539.1100
 Fax: 773.539.1241
 email: info@talkaphone.com
 website: http://www.talkaphone.com

Date: 24 October 2012 Issued By: Don Strauch Quote No.: Q27303

Customer: _____

Project Description: City of Bonney Lake Project ID: _____

Graybar Electric
 Michael Wyble
 1414 Center St.
 Tacoma, WA 98409

Comments
 Kathy,
 As requested, kindly provide Chuck with revised final pricing for this project.
 Thanks again.
 Don

Phone/Fax _____
 Email Michael.Wyble@graybar.com

F.O.B. Factory Niles, IL

Line	Quantity	Model Name	Description
1	1	ETP-MT/R	Radius Tower mount with blue light/strobe (10" x 12" x 9 1/2")
2	1	ETP-400V	ADA compliant, hands-free indoor/outdoor emergency phone, flush mounted with Voice Location Identifier.

\$ 2856⁰⁰ EA
 \$ 523⁰⁰ EA



Quote Terms: Good for 30 Days

Total 3379⁰⁰

Talk-A-Phone Co. has compiled this quotation based on our best interpretation of the information furnished to us, either written or verbal. It change without notice. Talk-A-Phone Co. assumes no liability for the use or correctness of this quotation. Estimated lead time for delivery can only be given in writing and is only valid at time of estimation.

Description

Talk-A-Phone's ETP-MT/R Emergency Phone Tower is an ideal security solution for remote and high-risk areas. Standing over nine feet tall, this vandal-resistant tower serves as a great deterrent to crime. An always-lit LED Blue Light mounted atop the tower provides high visibility and gives passers-by a sense of security. Emergency call can be placed with a simple push of a button. At the same time, the LED Blue Light begins to flash, attracting attention to the location. The Emergency Phone faceplate is illuminated at all times for clear visibility during the night.

Talk-A-Phone's ETP-MT/R Emergency Phone Towers offer greater deployment flexibility with wireless, solar, surveillance and day/night charge options. They are often used at university and college campuses, parking facilities, shopping malls, medical centers, industrial campuses, transit facilities and remote areas.

Features

- ETP-MT/R tower offers contemporary architectural styling and even greater visibility than standard tower due to it's larger size and radius corners
- Attention-getting LED Blue Light is included and mounted atop the unit. The LED Blue Light is continuously lit and flashes for duration of a call when "EMERGENCY" button is pressed to draw attention to the unit
- LED Blue Light is housed in a protective polycarbonate housing (except OP4, OP5)
- Emergency Phone faceplate is illuminated at all times by an LED Panel Light
- Vandal-resistant structure and coating designed to resist extreme weather conditions
- A variety of signage, graphics and color choices are available
- ADA-compliant

Specifications

Dimensions (W x D x H):	12.0 x 10.0 x 108.0 in. (305 x 254 x 2743 mm) with 2 in. radius corners
Weight:	340 lbs. (154 kg)
Construction:	0.25 in. steel
Coating:	High-gloss, multi-layer, corrosion-inhibitive system with resistance to UV-fade and graffiti protection
Colors:	Safety Blue is standard. Available in custom colors.
Signage:	3.25 in. high reflective white "EMERGENCY" lettering with wide-angle visibility is standard. Available in custom colors, lettering and graphics.
Lighting:	LED Blue Light: 209 lumens peak, 78 flashes per minute, 70% of initial lumens after 50,000 hours of operation LED Panel Light: Ultra bright LEDs, 50,000 hour lifetime
Power:	LED Blue Light: 7.8 watts, 120VAC 7.8 watts, 12-24VDC/24VAC LED Panel Light: 1.2 watts, 12-120VAC/DC
Mounting:	Mounts into concrete foundation using included hardware (shipped in advance). Mounting options available for pre-poured parking decks.
Compliance:	CSA Certified to UL Standard 60950
Warranty:	5-year warranty on tower (2-year warranty on electronics)



ETP-MT/R – Radius Emergency Phone Tower

Options

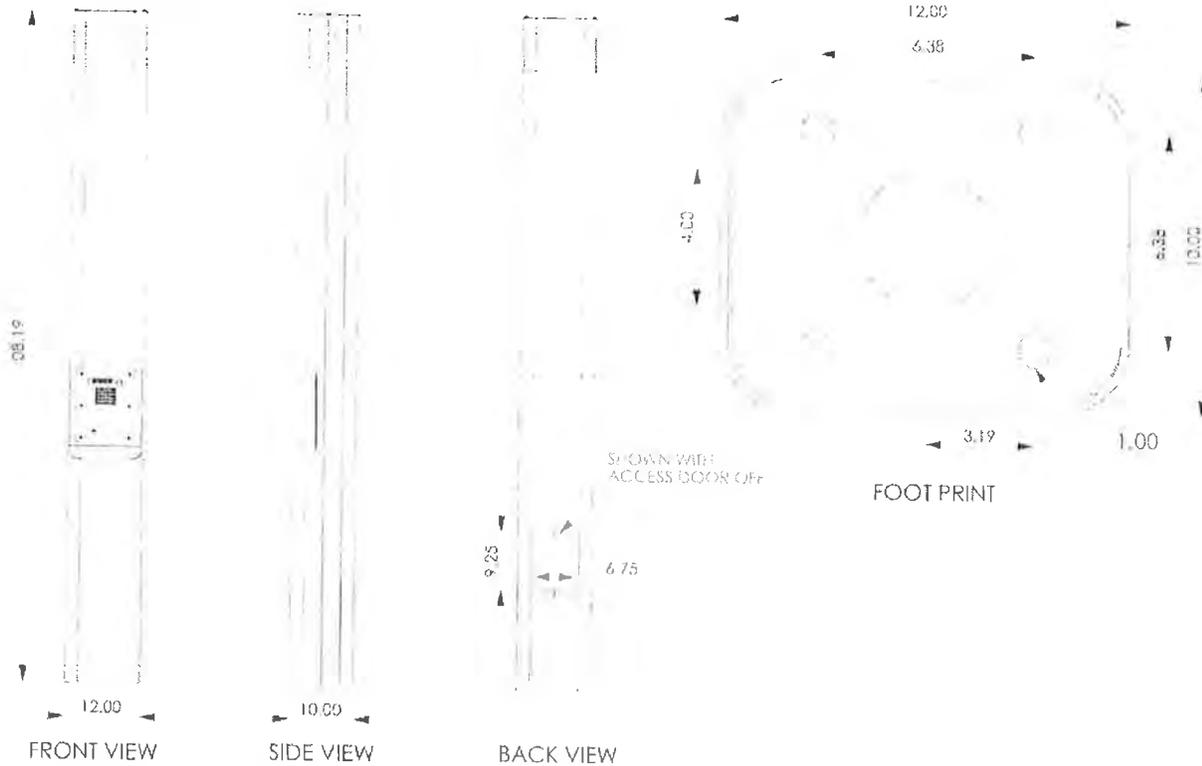
ETP-MT/R Configuration	Emergency Phone Options	Tower Options
Analog Connectivity	ETP-400 Series Phone	ETP-MT/R-OP2 includes a housing for mounting your own fixed CCTV camera inside the tower at average face height.
		ETP-MT/R-OP3 includes a Honeywell fixed day/night CCTV camera inside the tower at average face height.
IP Connectivity	VOIP-500 Series Phone	ETP-MT/R-OP4 includes an arm for mounting your own CCTV dome camera above the tower.
		ETP-MT/R-OP5 includes an arm for mounting an AD Speed-Dome Ultra camera above the tower.
		ETP-MT/R-OP-PCS includes accommodations for an ETP-CI cellular interface kit and a PCS-1 Power Charging System when only switching power is available. For use with ETP-400 series emergency phones only. ETP-CI and PCS-1 are purchased separately.
		ETP-MT/R-OP-SOLAR includes solar panels and batteries for stand-alone applications when local power is not available.

ETP-MT/R tower includes a LED Blue Light, a LED Panel Light and an Anchor Bolt Kit. Emergency Phone is purchased separately.

Accessories

Parking Deck Mounting Kit: Order model **ETP-PDMK-4** to mount on pre-poured parking deck.

Dimensional Diagram



All dimensions are in inches and are provided for reference only

Rev. 10/26/11

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

Department/Staff Contact: Police / Chief Dana Powers	Meeting/Workshop Date: 26 February 2013	Agenda Bill Number: AB13-38
Agenda Item Type: Resolution	Ordinance/Resolution Number: 2279	Councilmember Sponsor: Donn Lewis

Agenda Subject: Approval of Hold Harmless Agreement for Swiss Sportsman's of Tacoma for Police Use of the Gun Range.

Full Title/Motion: A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Execute A Hold Harmless Agreement For The Swiss Sportsmen's Club Of Tacoma For The Use Of The Club's Gun Range .

Administrative Recommendation: Approve.

Background Summary: The Police have used the gun range for practice for a number of years. This contract is a renewal hold harmless agreement for the continued use of the gun range.

Attachments: Hold Harmless Agreement

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
5,000.00	5,000.00	5,000.00	0
Budget Explanation: No Budget Impact to this agreement.			

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	Public Safety Date: 4 February 2013	Approvals: Chair/Councilmember Hamilton Councilmember Lewis Councilmember Watson	Yes No <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Forward to: 2/26/2013 Meeting		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): 26 February 2013	Tabled to Date:

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

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RESOLUTION NO. 2279

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR SIGN A HOLD HARMLESS AGREEMENT WITH THE SWISS SPORTSMEN'S CLUB OF TACOMA FOR THE USE OF THEIR FIREARMS TRAINING FACILITY.

WHEREAS, Bonney Lake Police Department requires a firearms training facility to ensure officers are adequately qualified to carry a firearm while working in their capacity as a Commissioned Officer for the City of Bonney Lake; and

WHEREAS, the Swiss Sportsmen's Club of Tacoma has offered such a facility within the City of Bonney Lake pending the signing of the annual hold harmless agreement; and

WHEREAS, the City has budgeted for the Bonney Lake Police Department facility rental agreement to cover the facility rental costs of utilizing the Swiss Sportsmen's Club of Tacoma's facility.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON DOES RESOLVE AS FOLLOWS:

Section 1. The Mayor is hereby authorized to sign the hold harmless agreement with the Swiss Sportsmen's Club of Tacoma.

PASSED BY THE CITY COUNCIL this 26th day of February, 2013.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

SWISS SPORTSMEN'S CLUB OF TACOMA RENTAL HOLD-HARMLESS AGREEMENT

This agreement is made this 15TH day of JANUARY, 2013 and entered between the Swiss Sportsmen's Club of Tacoma, a non-profit organization, here after referred to as "SSCT", and the City of Bonney Lake, here after referred to as "COBL".

1. **DAYS OF USE:** Whereas the COBL desires to use the SSCT Facilities for firearm shooting, practice and training, **two (2)** days per month. These days of use shall be mutually scheduled and reserved in advanced by the Training Officer for the COBL, and the SSCT Park Manager. The COBL will schedule days of use no less than 14 days in advance.
2. **COMMISSION OFFICERS ONLY:** No other person, other than Commissioned Law Enforcement Officers **employed by the COBL**, may use the facility without written approval from the SSCT.
3. **SAFETY RULES:** All Commissioned Officers using the facility shall conduct themselves in accords with the standard firearm safety practices and observe all established shooting rules of the SSCT as set forth in the attached Outdoor Range and Safety Rules.
4. **USING THE FACILITIES:** The COBL shall furnish to the SSCT, prior to using the facilities, a city approved safety plan. When the COBL is using the facilities, there shall be at least one COBL designated Range Supervisor to ensure all safety rules and regulations are followed. Upon finishing after each use of the facility, the facility grounds shall be inspected by COBL and returned to its original condition with specific concern given to recovering any live ammunition.
5. **HOLD HARMLESS AND INSURANCE:** The COBL shall be fully responsible for all acts, commissions, or omissions, of Officers or Agents using the facility for firearm shooting, training, and practice. The COBL hereby agrees to save and hold SSCT, its officials, members, board members, employees, and agents, harmless from all damages directly or indirectly incurred as a result of any acts, omissions, errors, or negligence of its Officers or Agents using the SSCT Facility. The COBL agrees to indemnify and hold the SSCT harmless from any such acts and/or omissions. The COBL shall provide a certificate of insurance naming the SSCT as an additional insured prior to use of the facilities.
6. **EFFECTIVE DATE:** This agreement shall be effective upon execution and shall be renewed on an annual basis. Either party privy to this agreement may terminate this agreement by delivering a written notice of termination at least thirty (30) days in advance of the termination date.

7. **CHANGE IN WRITING ONLY:** This agreement represents the entire agreement between the parties. No change or modification attempt to waive any of the provisions of this agreement shall be binding by either party unless the authorized representative of each party agrees to the change in writing. This agreement shall not be modified, supplemented, or otherwise affected by the course and dealings between the parties.
8. **ANNUAL FEE:** The annual fee in the amount of Five Thousand (\$5,000.00) Dollars shall be charged to the COBL and shall be paid within thirty (30) days of signing this agreement and must be paid before the facility may be used by the COBL.
9. **NOTICES:** All notices shall be sent to the named party as listed below.

Swiss Sportsmen's Club of Tacoma
9205 198th Avenue East
Bonney Lake, WA 98391

Dated this 23 day of JANUARY, 2013

By (print name) EARL GRATZER, President SSCT

By (signature) Earl Gratzler

CITY OF BONNEY LAKE

By (print name) Neil Johnson, Jr. - Mayor

By (signature) _____

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

Department/Staff Contact: Executive / Gary Leaf	Meeting/Workshop Date: 26 February 2013	Agenda Bill Number: AB13-29
Agenda Item Type: Resolution	Ordinance/Resolution Number: 2280	Councilmember Sponsor: N/A

Agenda Subject: Community Garden

Full Title/Motion: A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Agreement With Bonney Lake Community Resources For Operation Of The Bonney Lake Community Garden .

Administrative Recommendation: Approve

Background Summary: Bonney Lake Community Resources (AKA Bonney Lake Food Bank) has managed since 2010 Bonney Lake's annual community garden on behalf of the City of Bonney Lake on city-owned downtown property. Staff recommends renewing this agreement for 2013. The City's expenditures this year will be approximately \$2,000 for irrigation. As in previous years, there will be no fee associated with community members who want a plot. Voluntary donations will be accepted.
Attachments: Yes

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
2,000.00	-0-	2,000.00	-0-
Budget Explanation: Irrigation costs are included in the 2013 Facilities budget			

COMMITTEE, BOARD & COMMISSION REVIEW											
Council Committee Review:	Other Date: 15 January 2013	<i>Approvals:</i> Chair/Councilmember Dan Swatman Councilmember Mark Hamilton Councilmember Randy McKibbin	<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 type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>					
Yes	No										
<input type="checkbox"/>	<input type="checkbox"/>										
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<input 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): 1/15/13	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

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

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RESOLUTION NO. 2280

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH BONNEY LAKE COMMUNITY RESOURCES FOR OPERATION OF THE BONNEY LAKE COMMUNITY GARDEN.

WHEREAS, the City of Bonney Lake wishes to make a community garden available to the public on city-owned property; and

WHEREAS, Bonney Lake Community Resources successfully operated the community garden on behalf of the City of Bonney Lake since 2010; and

WHEREAS, Bonney Lake Community Resources is willing to operate such community garden in 2013 on the same terms and conditions as 2010-2012;

NOW THEREFORE, the City Council of the City of Bonney Lake, Washington, does hereby resolve that the Mayor is authorized to sign the Agreement between the City of Bonney Lake and Bonney Lake Community Resources, attached hereto and incorporated herein by this reference.

PASSED BY THE CITY COUNCIL this 26th day of February, 2013.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

**LEASE AGREEMENT
FOR A COMMUNITY GARDEN
ON DOWNTOWN PROPERTY**

This Agreement, by the City of Bonney Lake, Pierce County, Washington, hereinafter called the City, and **Bonney Lake Community Resources**, hereinafter called BLCR, is made on the following terms and conditions:

BLCR has the necessary experience and personnel, and is willing to enter into this Agreement to operate said community garden; and

The City desires to partner with BLCR to successfully provide a community garden for community benefit and mutual benefits for BLCR patrons and the Bonney Lake Senior Center;

Witnesseth, that in consideration of the mutual covenants and agreements herein contained, the parties hereto do mutually agree as follows:

I. Grant, Term, and Operation of Concession

1.1 The City, acting pursuant to its vested authority, grants to BLCR, for the term and upon the conditions and provisions hereafter specified the right and privilege to operate and maintain a community garden on City property located at 18417-18429 89th Street East. This grant is expressly conditioned on operation of a community garden that is consistent with and in furtherance of the public's use.

1.2 The term of this agreement shall be from **January 1, 2013** , to **December 31, 2013**.

1.3 BLCR will maintain its 501(c)3 status for the duration of this agreement.

1.4 BLCR shall coordinate all volunteer efforts. The Mayor and/or his designee shall provide ongoing, general guidance and input to the City's need for a successful community garden, but such guidance shall not be construed to create an employment relationship between the parties. BLCR will administer the project as an independent contractor, and its employees, agents, and

volunteers will not be under the control or supervision of Bonney Lake, or its employees, agents or volunteers.

1.5 A lease payment of \$1.00 shall be remitted to the City of Bonney Lake upon signing of this Agreement.

1.6 The community garden will be located on three City owned lots located at 18417-18429 89th Street East, Bonney Lake.

1.7 The City shall provide irrigation for the community garden with garden hoses hooked up from the adjacent City-owned parcel to the east. BLCR shall remove solid waste from the site.

1.8 BLCR may collect voluntary, charitable donations while running the community garden. There shall be no mandatory fee. BLCR shall leave at least 50% of the available space to the general public. Plot size will be listed on an application form. The City will provide to BLCR request forms in a timely manner. The City shall oversee and approve the selection list for plots available for public use.

1.9 BLCR agrees to purchase and maintain a Liability insurance policy from an insurance company licensed in Washington and rated with AM Best no lower than a B+ in the amount of \$1,000,000.00, and to hold the City harmless, defend, and indemnify it from any accidents, injuries or claims of any kind resulting from BLCR's operations. BLCR agrees to name the City as an additional insured on the insurance policy required above in this paragraph. BLCR shall provide a certificate of insurance to the City.

1.8 BLCR shall not erect any sign on the City property or in the vicinity thereof without obtaining the advance approval of the City.

1.9 BLCR shall strictly obey all laws of the State of Washington and all Ordinances of the City of Bonney Lake, and will not allow the violation of any of these laws, or ordinances by any other party on or adjacent to the premises in which this concession is operated.

II. Non-Discrimination Policy

2.1 Concessionaire agrees that in all hiring or employment made possible or resulting from this Agreement:

(1) There shall be no discrimination against any employee or volunteer because of sex, age, race color, creed, national origin, marital status, veteran status, or the presence of any sensory, mental, or physical handicap, unless based upon a bona fide occupational qualification, and this requirement shall apply to but not be limited to the following: employment (including , advertising, lay-off or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(2) No person shall be denied, or subjected to discrimination in receipt of, the benefit of any services or activities made possible by or resulting from this Agreement on the grounds of sex, race, color, creed, national origin, age (except minimum age and retirement provisions), veteran status, marital status, or the presence of any sensory, mental or physical handicap.

(3) Any violation of this provision shall be considered a violation of a material provision of this Agreement and shall be grounds for cancellation, termination or suspension in whole or in part, of the Agreement by the parties and may result in ineligibility for further agreements.

III Termination by City

3.1 If, in the judgment of the Mayor, the manner of operation of the community garden does not meet the requirements of this Agreement, or if BLCR is in default of any other term of this Agreement, City shall give BLCR a written notice specifying the particulars of the unsatisfactory performance.

3.2 If BLCR fails or refuses to remedy such unsatisfactory performance or default within five (5) calendar days after receipt of such notice, the City may terminate this Agreement immediately. The decision of the Mayor on any such matter shall be final.

3.3 Notwithstanding the above, nonpayment of the lease amount or of any installment thereof five (5) calendar days after said fee is due shall be full justification for the City to take immediate possession of the concession and premises, and for immediate cancellation of this Agreement.

IV. Termination by BLCR

4.1 BLCR may terminate this Agreement by giving thirty (30) days written notice to City of such intention to terminate.

V. No Assignment

5.1 Neither this Agreement nor any rights or privileges hereunder shall be assigned or sublet without the consent of the City. Consent to assignment shall not be unreasonably withheld by the City.

VI. Interpretive Provisions

6.1 The terms and conditions of this Agreement shall be binding on the parties hereto, their heirs, successors, administrators, and assigns, and shall be construed in accordance with the laws of the State of Washington.

6.2 TIME IS OF THE ESSENCE of this Agreement, and of each and every term, condition and provision herein.

6.3 The waiver by the City of any breach of any term contained in this Agreement shall not be deemed to be a waiver of such term for any subsequent breach of the same or any other term.

6.4 Each term of this Agreement is material and breach by BLCR of any one of the terms herein shall be a material breach of the entire Agreement and shall be grounds for the termination of the entire Agreement by the City.

6.5 If any term or provision of this Agreement or the application of any term or provision to any person or circumstance is invalid or unenforceable, the remainder of this Agreement, or the application of the term or provision or persons or circumstances other than those as to which it is held invalid, or unenforceable, will not be affected and will continue in full force.

6.6 This Agreement contains the entire agreement between BLCR and the City of Bonney Lake and there are no promises, conditions, terms, obligations, statements, or guarantees other than those contained herein. No modifications or amendments shall be valid unless in writing and fully executed by all parties.

6.7 This Agreement shall be governed by the laws of the State of Washington. Venue for any lawsuit arising out of this Agreement shall be in Pierce County, Washington. The prevailing party in any such action shall be entitled to an award of reasonable attorney's fees and costs.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first hereinabove written.

ATTEST:

CITY OF BONNEY LAKE

Harwood T. Edvalson
City Clerk

Neil Johnson Jr.
Mayor

APPROVED AS TO FORM:

BLCR

Kathleen Haggard,
City Attorney

CEO

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

Department/Staff Contact: Executive / Gary Leaf	Meeting/Workshop Date: 26 February 2013	Agenda Bill Number: AB13-30
Agenda Item Type: Resolution	Ordinance/Resolution Number: 2281	Councilmember Sponsor: N/A

Agenda Subject: Concession Stand

Full Title/Motion: A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Agreement With Bonney Lake Community Resources For Operation Of The Concession Stand At Allan Yorke Park .

Administrative Recommendation: Approve

Background Summary: For the past five years Bonney Lake Community Resources (AKA Bonney Lake Food Bank) has managed the City of Bonney Lake's concession stand at Allan Yorke Park. BLCR also operates a subsidized lunch program out of the concession stand for low-income children throughout the Bonney Lake area. There has been no charge to BLCR to use the concession stand in the past. Due to the public service nature of BLCR's program, staff recommends renewing this agreement and its terms for May 2013 through April 2014.
Attachments: Yes

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
-0-	-0-	-0-	-0-
Budget Explanation: City will continue to cover utilities and maintenance costs			

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	Other	<i>Approvals:</i>	Yes No
	Date: 15 January 2013	Chair/Councilmember Dan Swatman	<input type="checkbox"/> <input type="checkbox"/>
		Councilmember Mark Hamilton	<input type="checkbox"/> <input type="checkbox"/>
		Councilmember Randy McKibbin	<input 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): 1/15/13	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

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

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RESOLUTION NO. 2281

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH BONNEY LAKE COMMUNITY RESOURCES FOR OPERATION OF THE CONCESSION STAND AT ALLAN YORKE PARK.

WHEREAS, Bonney Lake Community Resources has satisfactorily operated the concession stand at Allan Yorke Park since 2007; and

WHEREAS, Bonney Lake Community Resources is a 501(c)3 nonprofit organization; and

WHEREAS, Bonney Lake Community Resources plans to continue to provide a public service by operating a subsidized lunch program for low-income children out of the concession stand;

NOW THEREFORE, the City Council of the City of Bonney Lake, Washington, does hereby resolve that the Mayor is authorized to sign the Agreement between the City of Bonney Lake and Bonney Lake Community Resources, attached hereto and incorporated herein by this reference.

PASSED BY THE CITY COUNCIL this 26th day of February, 2013.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

**CONCESSION AGREEMENT
FOR A FOOD CONCESSION STAND
AT ALLAN YORKE PARK**

This Agreement, by the City of Bonney Lake, Pierce County, Washington, hereinafter called the City, and **Bonney Lake Community Resources**, Sole Proprietor, hereinafter called Concessionaire, is made on the following terms and conditions:

Concessionaire has applied for permission to operate a concession stand at Allan Yorke Park located within the City of Bonney Lake, Washington; and

Concessionaire has the necessary experience and personnel, and is willing to enter into this Agreement to operate said concession; and

The City desires to permit operation of concessions at said park which are consistent with and in furtherance of the public's use and enjoyment of the park;

Witnesseth, that in consideration of the mutual covenants and agreements herein contained, the parties hereto do mutually agree as follows:

I. Grant, Term, and Operation of Concession

1.1 The City, acting pursuant to its vested authority, grants to Concessionaire, for the term and upon the conditions and provisions hereafter specified the right and privilege to operate and maintain a concession stand at Allan Yorke Park.

This grant is expressly conditioned on operation of a concession that is consistent with and in furtherance of the public's use and enjoyment of the park.

1.2 The term of the concession shall be from **May 1, 2013**, to **April 30, 2014**. Concessionaire shall notify the City, in writing, at least 90 days prior to expiration of the term of this agreement, its desire to continue or cancel this contract for the next year. Renewal will be at the City's discretion. In the event of termination of this Agreement, for any reason, prior to the termination date specified in this section, no refund shall be made of any payment(s) already made pursuant to section 3.1 of this Agreement.

1.3 Concessionaire agrees to operate the concession stand for this term, and to supply the food and personnel necessary to operate the concession stand to properly serve the public. The minimum services to be provided are more specifically described in the following articles. Concessionaire shall operate or conduct no other business activity within said City park unless specifically authorized to do so by the Bonney Lake City Council.

1.4 The concession will be operated out of the North end of the maintenance building in Allan Yorke Park.

1.5 Nothing herein contained shall be construed as making Concessionaire the agent of the City for any purpose or as authorizing or empowering Concessionaire to obligate or bind the City in any manner.

1.6 The Concessionaire shall work with the Facilities and Special Projects Manager to develop options for nonprofit service clubs to participate in concession stand operation during special events.

II. Required Level of Concession Services.

2.1 At a minimum the following concession services shall be available at Allan Yorke Park:

(1) Hours of Operation shall generally be **10:00 AM** till **8:00 PM** on days when the park facilities are in use or other special times as deemed necessary by the City, from May 1, 2013 through September 30, 2014 and at other times of the year for special events. Additional hours may be made available upon City of Bonney Lake approval. Weekdays before school is out may have later openings.

(2) Food items available may include but are not limited to the following suggestions:

- (a) Cold Drinks
- (b) Coffee
- (c) Candy Bars
- (d) Ice Cream Bars and Popsicles
- (e) Popcorn
- (f) Hot Dogs

(g) Cheese Nachos

(h) Sandwiches

(3) A statement of daily hours of operation during the month with daily weather conditions noted to be submitted to the City at the end of each month.

III. Responsibilities of Concessionaire

3.1 Concessionaire shall keep adequate records and make those records available to the City for purposes of verifying the gross revenue. Concessionaire shall furnish a statement of gross revenue and expenditures to the City by September 30, 2013. Concessionaire hereby authorizes the Tax Division of the State of Washington to release to the City of Bonney Lake, a statement of receipts from sales and services made at this concession as filed during the period of this contract.

3.2 Concessionaire agrees to provide the "Required Level of Concession Services" as outlined in Article II of this agreement.

3.3 Concessionaire agrees to acquire and maintain all licenses, permits, and certifications necessary for the operation of the aforementioned concession stand. The Concessionaire shall furnish the City copies of all required licenses and permits before beginning operation and those which may be required during the period of the contract after beginning operation. However, the City will obtain "Site Plan" approval from the State of Washington Department of Health.

3.4 Concessionaire agrees to provide adequate personnel to maintain and operate the concession stand.

3.4 Concessionaire agrees to maintain the concession stand and all grounds within 75 feet in a neat, clean, sanitary and safe condition.

3.5 Concessionaire agrees that all personnel will be required to and will comply with the "General Rules and Standards for Visitor Services" attached hereto and identified as Addendum

"A" to this contract. The "General Rules and Standards for Visitor Services" are hereby made a part of this contract.

3.6 Concessionaire agrees to purchase and maintain a Liability insurance policy from an insurance company licensed in Washington and rated with AM Best no lower than a B+ in the amount of \$1,000,000.00, and to hold the City harmless, defend, and indemnify it from any accidents, injuries or claims of any kind resulting from Concessionaire's operations. Concessionaire agrees to name the City as an additional insured on the insurance policy required above in this paragraph. Concessionaire shall provide a certificate of insurance to the City.

3.7 Concessionaire will be responsible for all costs associated with the installation, maintenance, and removal of propane gas tanks and connections to the existing facilities. The City reserves the right to give final approval for use of propane gas and to require its removal.

3.8 Concessionaire shall not erect any sign on the concession premises or in the vicinity thereof without obtaining the advance written approval of the City.

3.9 Concessionaire shall strictly obey all laws of the State of Washington and all Ordinances of the City of Bonney Lake, and will not allow the violation of any of these laws, or ordinances by any other party on or adjacent to the premises in which this concession is operated.

3.10 City shall make available for the Concessionaire's use any equipment on the premises and listed in the inventory list attached hereto as Exhibit "B" and which by reference is incorporated herein. Concessionaire shall be responsible for maintenance, repair and replacement of City owned equipment at the Concessionaire's sole expense. Said City owned equipment shall be maintained in good operating condition. Any equipment not specified on the "Site Plan", approved by DOH, shall be prohibited from use in the operations of the Concession Stand.

IV. Non-Discrimination Policy

4.1 Concessionaire agrees that in all hiring or employment made possible or resulting from this Agreement:

(1) There shall be no discrimination against any employee or applicant for employment because of sex, age, race color, creed, national origin, marital status, veteran status, or the presence of any sensory, mental, or physical handicap, unless based upon a bona fide occupational qualification, and this requirement shall apply to but not be limited to the following: employment, advertising, lay-off or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(2) No person shall be denied, or subjected to discrimination in receipt of, the benefit of any services or activities made possible by or resulting from this Agreement on the grounds of sex, race, color, creed, national origin, age (except minimum age and retirement provisions), veteran status, marital status, or the presence of any sensory, mental or physical handicap.

(3) Any violation of this provision shall be considered a violation of a material provision of this Agreement and shall be grounds for cancellation, termination or suspension in whole or in part, of the Agreement by the parties and may result in ineligibility for further agreements.

V. Termination by City

5.1 If, in the judgment of the Mayor, the manner of operation of the concession or the quality of equipment or service does not meet the requirements of this Agreement, or if Concessionaire is in default of any other term of this Agreement, City shall give Concessionaire a written notice specifying the particulars of the unsatisfactory performance.

5.2 If Concessionaire fails or refuses to remedy such unsatisfactory performance or default within five (5) calendar days after receipt of such notice, the City may terminate this Agreement immediately. The decision of the Mayor on any such matter shall be final.

5.3 Notwithstanding the above, nonpayment of the concession fee or of any installment thereof five (5) calendar days after said fee is due shall be full justification for the City to take immediate possession of the concession and premises, and for immediate cancellation of this Agreement.

VI. Termination by Concessionaire

6.1 Concessionaire may terminate this Agreement by giving thirty (30) days written notice to City of such intention to terminate.

VII. No Assignment

7.1 Neither this Agreement nor any rights or privileges hereunder shall be assigned or sublet without the consent of the City. Consent to assignment shall not be unreasonably withheld by the City.

VIII. Surrender

8.1 Concessionaire shall immediately surrender possession of the premises to the City on the termination of this Agreement for any reason, and Concessionaire shall pay any costs or expenses incurred by the City to regain possession where Concessionaire fails to comply with this provision.

IX. Interpretive Provisions

9.1 The terms and conditions of this Agreement shall be binding on the parties hereto, their heirs, successors, administrators, and assigns, and shall be construed in accordance with the laws of the State of Washington.

9.2 TIME IS OF THE ESSENCE of this Agreement, and of each and every term, condition and provision herein.

9.3 The waiver by the City of any breach of any term contained in this Agreement shall not be deemed to be a waiver of such term for any subsequent breach of the same or any other term.

9.4 Each term of this Agreement is material and breach by Concessionaire of any one of the terms herein shall be a material breach of the entire Agreement and shall be grounds for the termination of the entire Agreement by the City.

9.5 If any term or provision of this Agreement or the application of any term or provision to any person or circumstance is invalid or unenforceable, the remainder of this Agreement, or the application of the term or provision or persons or circumstances other than those as to which it is held invalid, or unenforceable, will not be affected and will continue in full force.

9.6 This Agreement contains the entire agreement between Concessionaire and the City of Bonney Lake and there are no promises, conditions, terms, obligations, statements, or guarantees other than those contained herein. No modifications or amendments shall be valid unless in writing and fully executed by all parties.

9.7 This Agreement shall be governed by the laws of the State of Washington. Venue for any lawsuit arising out of this Agreement shall be in Pierce County, Washington. The prevailing party in any such action shall be entitled to an award of reasonable attorney's fees and costs.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first hereinabove written.

ATTEST:

CITY OF BONNEY LAKE

Harwood T. Edvalson
City Clerk

Neil Johnson Jr.
Mayor

APPROVED AS TO FORM:

CONCESSIONAIRE

Kathleen Haggard,
City Attorney

Owner

**ADDENUM “A”
GENERAL RULES AND REGULATIONS
FOR VISITOR SERVICES
CITY OF BONNEY LAKE**

This concession agreement is made with the express agreement that the Concessionaire will comply with the following:

I. APPEARANCE

- a) Employees shall be neat, presentable and well-groomed at all times.
- b) Clothing must be clean at all times, properly fitted and properly buttoned.

II. IDENTIFICATION

- a) Employees shall wear name tags at all times. The name tags shall be supplied by the operator and must be worn in a readily visible location on the shirt/blouse/jacket.

III. ATTITUDE AND MANNERISMS

- a) All employees at all times must deal with the public in a professional, polite, courteous, patient and helpful manner.
- b) All employees shall reflect a general attitude to provide a positive public service, and to meet the needs and desires of the public, facility users and other staff.
- c) Profanity, vulgar or obscene language is not acceptable under any circumstances. Vulgar actions or actions which may be interpreted by the public as being obscene or inappropriate are also not acceptable under any circumstances.

IV. EMPLOYEE CONDUCT

- a) Smoking is not allowed in the service area or in the food preparation areas.
- b) Only authorized personnel shall be within restricted, non-public sections of a service facility or area.
- c) Employees shall not have friends or acquaintances congregate in the service area to converse for extended periods of time.
- d) The Concessionaire shall not permit any lewd or immoral conduct in or about the assigned space occupied by him.

V. OPERATIONS

- a) All facilities must reflect a high standard of cleanliness, positive image, and pride in the operation. During on duty hours, all employees shall pick up trash and cigarette butts, shall clean windows and floors, and shall do general house-keeping inside and in the immediate vicinity of the service facility.
- b) Proper signage shall be posted. Prices shall be posted and they shall be current.
- c) Signage shall be posted to inform the public of unusual circumstances, hazards, etc.
- d) Stock shall be maintained in sufficient quantity at all times.
- e) Damaged, dated merchandise and food items or unsuitable stock shall not be sold and shall be removed from shelves.
- f) All stock items, food or merchandise shall be of a standard acceptable to the public. Inferior goods shall not be sold.
- g) Staffing levels shall be adequate to handle the expected demand level. Additional staffing shall occur during peak user months, special events, etc.
- h) Employees shall maintain clean service areas at all times including counters, shelves, chairs, floors, equipment, etc. Employees conducting maintenance duties shall properly wash when returning to provide food service.
- i) Employees shall provide only factual information. Employees shall direct the public to other locations so that proper information can be gained.

ADDENDUM "B"
**CONCESSION EQUIPMENT PROVIDED BY THE CITY AT NO COST TO
THE CONCESSIONAIRE**

1. Counters
2. Stainless Steel Tables (3)
3. Refrigerator
4. Freezer
5. Food Preparation Cart
6. Ice Maker
7. Microwave
8. Coffee Pot
9. Mop Bucket & Mop
10. 3-Tub Sink

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

Department/Staff Contact: Admin Srvc / Edvalson	Meeting/Workshop Date: 26 February 2013	Agenda Bill Number: AB13-33
Agenda Item Type: Resolution	Ordinance/Resolution Number: 2282	Councilmember Sponsor:

Agenda Subject: Awarding Bid for Official Newspaper Services 2013-2014

Full Title/Motion: A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Accepting The Bid Proposal For Official Newspaper Services And Awarding The Bid To The Bonney Lake - Sumner Courier Herald .

Administrative Recommendation: Review and award bid to the Courier-Herald.

Background Summary: Bonney Lake Municipal Code Section 1.20 provides that the City call for bids annually to provide official newspaper services to the City. Bids were recently solicited, and the only response the City received was from the the Bonney Lake - Sumner Courier Herald. The newspaper's parent company, Sound Publishing, who submitted the bid has proposed no increase in rates for the services provided.
Attachments: Call for Bid and responding bid from newspaper.

BUDGET INFORMATION			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
Budget Explanation: Costs for publication of official notices are budgeted in the various departments. The City spent approximately \$3,775 in 2012 for publication of official notices. This does not include the Monthly Bonney Lake Reporter or other non-required advertisements/publications.			

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	Finance Committee	<i>Approvals:</i>	Yes No
	Date: 12 February 2013	Chair/Councilmember Swatman	<input checked="" type="checkbox"/> <input type="checkbox"/>
		Councilmember McKibbin	<input checked="" type="checkbox"/> <input type="checkbox"/>
		Councilmember Hamilton	<input checked="" type="checkbox"/> <input type="checkbox"/>
	Forward to: Council Meeting	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): 02/26/13	Tabled to Date:

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

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RESOLUTION NO. 2282

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, DESIGNATING THE BONNEY LAKE-SUMNER COURIER HERALD AS THE CITY'S OFFICIAL NEWSPAPER FOR 2013-2014.

WHEREAS, BLMC 1.20.010 requires the City to annually call for bids for the services of an official newspaper; and

WHEREAS, RCW 65.16.020 sets out the minimum qualifications for official newspapers; and

WHEREAS, the City Council affirms that the specifications of the City's Request for Bid are desirable qualifications; and

WHEREAS, the City Council has reviewed the submitted bids and determined that the Bonney Lake-Sumner Courier Herald is the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON, AS FOLLOWS:

Section 1. The Bonney Lake-Courier Herald is designated as the City's official newspaper for a period of one year through February 2014.

PASSED by the City Council this 26th day of February, 2013.

Mayor Neil Johnson, Jr.

ATTEST:

Harwood T. Edvalson, MMC
City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney



January 18, 2013
To: City of Bonney Lake
Re: Official Newspaper Bid

The weekly Bonney Lake-Summer Courier Herald, a division of Sound Publishing, is pleased to submit a bid to continue to serve as the City of Bonney Lake's Legal Newspaper of Record.

Statement of Qualifications:

This newspaper meets all the qualifications of R.C.W. 65.16.020, and is recognized and listed with the King County, Washington, Superior Court as a Legal Newspaper (attached).

Publication Rate:

With our current circulation at just over 18,000 the legal rate of \$10.35 per column inch equates to less than .0005¢ per household. This translates to approximately \$22.75 per 100 words.

Affidavits:

Affidavits of publication are mailed within one week after a notice is published and each packet of affidavits will include 3 copies for your records.

Circulation

The Bonney Lake-Summer Courier Herald meets the needs of the more than 38,690 readers within our distribution area. Our circulation widely covers the cities of Bonney Lake (zip code 98391) with a circulation of over 13,000 as well as Buckley, Orting and Sumner. This award winning newspaper is also available at newsstands and stores located within the circulation area as well as the libraries and city hall offices.

Reporting/News

The Bonney Lake-Summer Courier Herald and its website will continue to feature editorial coverage dedicated to the City of Bonney Lake's events, activities, news and general interest stories as they pertain to the readers & citizens at the discretion of the editor.

Our Publisher

As Vice President of East Sound Newspaper Operations and publisher of the Bonney Lake-Summer Courier Herald, Josh is responsible for multiple publications for Sound Publishing, as well as Sound's Press operation in Everett. Mr. O'Connor joined Sound's parent company, Black Press Ltd., in 1998. Josh coaches a commitment to delivering relevant, local news that directly affects the lives of those who raise families and work in the communities that Sound serves.

We look forward to continuing to serve the City's needs.

Sincerely,

Scott Gray

Advertising Manager – Bonney Lake-Summer Courier Herald

Sound Publishing

360-802-8220

Email: SGray@CourierHerald.com

6. One day distribution in county, town and zip code, including occupied households, for the single issue of WEDNESDAY, MARCH 7, 2012

PIERCE County, WA	Zip Code	Occupied Households	Total Paid	Unpaid					Total Circ.	Proj. Circ.	% Coverage
				Home Delivery	Mail	Residential Bulk	Non Residential Bulk	Samples			
BONNEY LAKE	98391	15,325	46	13,145	-	-	50	-	13,251	12,689	82.80
BUCKLEY	98321	5,294	21	1,121	-	-	-	-	1,142	1,094	20.66
SUMNER	98390	4,368	55	3,637	-	-	300	-	3,992	3,823	87.52
Total PIERCE County, WA			122	17,903	-	-	350	-	18,386	17,605	

Miscellaneous County, zz	Zip Code	Occupied Households	Total Paid	Unpaid					Total Circ.	Proj. Circ.	% Coverage
				Home Delivery	Mail	Residential Bulk	Non Residential Bulk	Samples			
Various	99999	0	16	-	-	-	157	-	173	166	-
Total Miscellaneous County, zz			16	-	-	-	157	-	173	166	

Total Circulation			138	17,903	-	-	517	-	18,568	17,771	
							Miscellaneous				
							All Other Copies			224	
							Net Press Run		18,558	17,995	

Circulation analysis by zip code reflects gross figures.
Source: Datasheer, LLC; USA Zip Code Database 2012

1 future King County Publications under the consolidation provisions of RCW 65.16.020, is
2 declared a legally qualified newspaper under RCW 65.16.020.

3 DONE IN OPEN COURT this JAN 30 2007 day of January, 2007.

4
5 KIMBERLEY D. PROCHNAU

6 Judge/Court Commissioner

7 Presented by:

8 LANE POWELL PC

9
10 By Michael A. Nesteroff

11 Michael D. Dwyer, WSBA No. 04861

12 Michael A. Nesteroff, WSBA No. 13180

13 Attorneys for Petitioner

14 King County Publications Ltd.

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ORDER GRANTING PETITION FOR APPROVAL
AS A LEGAL NEWSPAPER - 2

122295.0001/1356991.1

LANE POWELL PC
1420 FIFTH AVENUE, SUITE 4100
SEATTLE, WASHINGTON 98101-2338
206.223.7000 FAX: 206.223.7107

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

Department/Staff Contact: Executive / Don Morrison	Meeting/Workshop Date: 26 February 2013	Agenda Bill Number: AB13-36
Agenda Item Type: Resolution	Ordinance/Resolution Number: 2284	Councilmember Sponsor:

Agenda Subject: A Resolution declaring the City's intent to reimburse expenditures from the proceeds of tax-exempt bonds or other obligations

Full Title/Motion: A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Declaring The City's Intent To Reimburse Certain Capital Expenditures From The Proceeds Of Tax-Exempt Bonds Or Other Obligations..

Administrative Recommendation: Approve

Background Summary: It would be fiscally prudent to refinance the current civic center bonds. This Resolution would give the City the flexibility to reimburse itself, from any "new" money (anticipated at \$200,000) included in the upcoming bond refinance issuance, for recent civic center improvements and acquisitions, such as the purchase of the Tidball property, or recent improvements made to the Justice Center. The Council would not be obligated to reimburse Fund 320 for these expenditures, but if it chose to, it would have the added flexibility to do so if this Resolution was passed in advance of the bond refinancing.

Attachments: Approve

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

COMMITTEE, BOARD & COMMISSION REVIEW			
Council Committee Review:	<i>Approvals:</i>	Yes	No
Date:	Chair/Councilmember	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember	<input type="checkbox"/>	<input type="checkbox"/>
	Councilmember	<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): 19 Feb 2013	Public Hearing Date(s):
Meeting Date(s): 26 Feb 2013	Tabled to Date:

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

RESOLUTION NO. 2284

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON, DECLARING THE CITY'S OPTION TO REIMBURSE CERTAIN CAPITAL EXPENDITURES FROM THE PROCEEDS OF TAX-EXEMPT BONDS OR OTHER OBLIGATIONS.

WHEREAS, in 2007 the City Council issued bonds to finance a portion of the land acquisition and development of the civic center, including the Justice Center; and

WHEREAS, the City Council finds it desirable and economically prudent that the City refinance that bond issue, and to undertake certain additional capital projects, land acquisitions, or improvements for the civic center campus and to further implement the City's Downtown Plan (the "Project").

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

For the purpose of complying with the provisions of the Treasury Regulation Section 1.150-2 with respect to qualification of reimbursement allocations as expenditures of bond proceeds, the City Council hereby declares the City's intent to finance all or part of the Project through the issuance of tax exempt bonds in a maximum principal amount not to exceed \$10,000,000 (the "Bonds"). Pending the issuance of the Bonds, the City may make capital expenditures in furtherance of the Project, in anticipation of reimbursement for such expenditures from the proceeds of the Bonds, when issued.

PASSED BY THE CITY COUNCIL this 26th day of February, 2013.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

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