

CITY COUNCIL MEETING

**September 10, 2013
7:00 P.M.**

AGENDA



“Where Dreams Can Soar”

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

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

***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 & Municipal 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. **Certified Safety Coordinator:** Permit Coordinator Lauren Hines – Presented by the Association of Washington Cities.

b. **Proclamation:** Beautify Bonney Lake Day – September 21, 2013.

D. Agenda Modifications

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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.

- p. 5 A. **Approval of Minutes:** August 20, 2013 Workshop Minutes, August 27, 2013 Meeting Minutes.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable checks/vouchers #66876-66927 (including wire transfer #'s 11788133 and 20130815) in the amount of \$629,483.26.
Accounts Payable checks/vouchers #66928-66944 in the amount of \$1,293.69.
Accounts Payable wire transfer #2013081601 in the amount of \$49,061.77.
Accounts Payable checks/vouchers #66945-66946 in the amount of \$1,475.00.
- C. **Approval of Payroll:** Payroll for August 16-31st 2013 for checks #31297-31325 including Direct Deposits and Electronic Transfers is \$ 662,338.16.
- p. 17 D. **AB13-110 – Resolution 2325** – A Resolution Of The City Council Of The City Of Bonney Lake, Washington, Authorizing The Vacation Of A Water Utility Easement On Parcels 5065000170 And 5065000180 Of The Lakeridge Lake Tapps Plat.
- p. 25 E. **AB13-108 – Resolution 2324** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water Developer Extension Agreement With Nash Cascadia Verde, LLC For The 198th Avenue East Extension.
- p. 39 F. **AB13-107** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Accept As Complete The 2013 Chip Seal Project With Doolittle Construction LLC.
- p. 49 G. **AB13-111** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Setting A Public Hearing At 7:00 P.M., Or As Soon Thereafter As Possible, During The Regular Council Meeting Of September 24, 2013, Regarding Proposed Resolution 2322, To Establish The Eastown Southern Sewer Utility Latecomer Agreement With Kahne Properties, LLC.

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

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

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

VIII. **FULL COUNCIL ISSUES:** None.

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



Proclamation

WHEREAS, since 2004, the annual event known as Beautify Bonney Lake has produced thousands of volunteer hours for the improvement of the community, with community volunteers and businesses generously contributing time, materials and money toward needed improvement projects; and

WHEREAS, Beautify Bonney Lake strives to inspire increasingly greater numbers of citizens and businesses to donate at least 3 hours a year to enhance the beauty of the City, by providing a means to easily capture the goodwill of the citizens via their willingness to create permanent and positive improvements to the City; and

WHEREAS, the City of Bonney Lake wishes to recognize the efforts of Beautify Bonney Lake on this 10th Annual event; and

WHEREAS, Beautify Bonney Lake is a registered charitable 501(C)3 organization, organized to engage the community in positive and charitable activities and to enhance the livability of the City.

NOW, THEREFORE, I, Neil Johnson, Jr., Mayor of the City of Bonney Lake, Washington, do hereby proclaim:

Saturday, September 21, 2013

as

Beautify Bonney Lake Day,

And urge all citizens, property owners and businesses to participate in “Beautify Bonney Lake”; and support this great community effort by donating time, labor, talents, materials and monetary contributions to the local improvement projects associated with this wonderful event.

Mayor Neil Johnson

Date

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CITY COUNCIL WORKSHOP

August 20, 2013
5:30 P.M.

MINUTES



“Where Dreams Can Soar”

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

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

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

I. CALL TO ORDER – Mayor Neil Johnson, Jr. called the workshop to order at 5:30 p.m.

II. ROLL CALL:

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

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

III. AGENDA ITEMS:

A. Presentation: AB13-91 – Pierce County Sustainable Resources Administrator Steve Wamback – Regional Solid Waste Structure and Preparing for an RFP.

Mayor Johnson introduced Mr. Wamback, who provided a presentation on the background, history, and planning related to the Pierce County Solid Waste System, which serves most of the cities and towns in Pierce County. He said Bonney Lake has had an Interlocal Agreement with the agency since 1990. Mr. Wamback discussed future plans to reduce residential food waste going into landfills. Councilmembers asked about the policies and practices related to glass and plastic recycling, and alternative solid waste collection options. Mr. Wamback said he and his staff are available to assist the City with any solid waste collection questions. The Mayor and Council thanked him for his time.

B. Council Open Discussion:

Senior Van: Councilmember Watson asked about the status of the surplus Senior Center van. City Administrator Morrison said it is an item for discussion on the next Finance Committee agenda. Mayor Johnson said staff are working on a solution and will bring options back to the Council soon.

Renwood Multi-Family Project Update: Councilmember Watson asked for an update on the proposed Renwood apartment project. Mayor Johnson said the property sale is set to close in the coming week, and staff are currently reviewing options to upgrade area roadways. Councilmember Watson asked why the existing access road to SR410 cannot be used for the project; City Administrator Morrison said the roadway will be gated and used only for emergency access. Public Works Director Grigsby confirmed that the access road is too close to the traffic signal on Main Street to be a safe access point.

Election Costs: Councilmember Hamilton asked for clarification on the estimated and actual costs of the special election. City Administrator Morrison said staff budgeted for the \$26,000 election costs by reviewing prior election invoices to estimate how much a future election might cost.

Eastown Update: Councilmember Rackley asked for an update on the Eastown sewer projects. Public Works Director Grigsby said the Phase 1 contract for sewer lines under SR410 and down 96th St E has now been awarded and work is estimated to begin on September 3, 2013. He said the Phase 2 Lift Station and utility lines project is advertised to bid currently, with bids to be opened on August 28th. He said he expects the Phase 2 project will come before Council about a month later, and that both projects should be completed around April 2014.

C. **Review of Draft Council Minutes:** July 16, 2013 Workshop, July 23, 2013 Meeting, August 13, 2013 Meeting.

The minutes were forwarded to the August 27, 2013 meeting for action with several typographical corrections provided by Councilmember Lewis. Councilmember Watson noted that per the minutes, proposed Ordinance D13-82 was slated to return to the Community Development Committee for review before coming back to the full Council. Councilmember McKibbin said it was decided that it would be better to discuss the item at the Workshop as a full Council.

D. **Presentation/Discussion:** 6 Month Budget Status Update – Don Morrison, Al Juarez.

City Administrator Morrison asked the Council to focus on Version 3 for the purposes of discussion. He said that because it is unlikely that the City will refinance its debt in the next couple of months, it is not likely to be a factor in the current budget. Chief Financial Officer Juarez provided a brief explanation of the amounts provided in the mid-year budget report. He noted that it is problematic to view numbers halfway through the year, as revenues and expenditures cannot simply be doubled to get an accurate picture of the status of the budget. He noted that the City expects a surplus in 2013, but a deficit in 2014, for an overall deficit of approximately \$52,000 during the 2013-2014 biennium. He said the City must determine how to make up this difference by the end of the current biennium. Morrison said one-time revenues including the Renwood property sale and others will help balance the 2013 budget, but these funds will not continue into 2014 which leads to a deficit under the current budget.

Deputy Mayor Swatman noted that positions which remain vacant have not yet been factored into the biennium expenditures, which would reduce costs. City Administrator Morrison confirmed that is the case, and if positions remain unfilled this could be used to make up the difference. He said his understanding of the Council's position is that reserves should not be used to balance the budget.

Councilmembers discussed whether reserves should be applied to ongoing expenses. City Administrator Morrison noted that the current fund reserves are not particularly large, and that the fund balance is normally kept aside for capital projects or emergency needs. Councilmember Rackley said if the City annexes the County Urban Growth Area (CUGA) there would be one-time costs for increased staffing. Councilmember Watson said the Council would need to consider potential uses in more detail, such as additional staffing, parks, trails, etc.

CFO Juarez said the City must report cash balances to the auditor, which this report provides. He stressed that 2013 shows a positive cash flow. Deputy Mayor Swatman pointed out that looking at the June 30th figures it seems the revenues are down \$600,000, but these numbers do not present an estimate of the year-end revenues so the report can be misleading. CFO Juarez said he plans to insert a footnote explaining this issue for the mid-year budget report.

Councilmember Watson said the City of Redmond provides easy to use online reports on their budget status, and asked if Bonney Lake could provide something similar online. CFO Juarez said that Redmond has a robust finance department with IT support and a vendor is used for their online reports. He noted that the Bonney Lake Finance Department provides accounts payable information every two weeks to the Finance Committee, so some of this information is available online regularly. Mayor Johnson said he would look into the cost.

E. **Discussion:** (Tabled from July 23, 2013) AB13-85 – Resolution 2311 – Adopting a Six-Year Transportation Improvement Plan (2014-2019).

City Engineer John Woodcock provided an overview of the projects on the six-year TIP, including several that are underway or in the planning stages currently. He noted that the 186th Avenue E corridor project has been an item of discussion, as the Renwood project development will impact these roadways. He said the Easttown public roads have been added to the proposed TIP as well, to provide a plan for the roads as the area is developed.

Mayor Johnson noted that the TIP is only a snapshot and estimate based on current projections, and that each individual project must still go through design, engineering, and right-of-way review and acquisition. He confirmed for Councilmember Lewis that cost projections are updated each year based on updated estimates.

Councilmember Hamilton noted that the outlook for federal funding is not good. City Administrator Morrison also noted that Real Estate Excise Tax (REET) funds are also important for recurring projects like chip seal, overlay, sidewalks, and street lights. As tax revenues decreased, this funding source has been negatively impacted in recent years.

Councilmember Watson asked whether the sidewalks requested by the Woodbriar Homeowner's Association at the last Council Meeting will be added to the TIP. City Engineer Woodcock said a project like this would be covered by Section C of the TIP. City Administrator Morrison and Mayor Johnson explained that the Non-Motorized Transportation Plan is part of the Comprehensive Plan, and includes projects such as sidewalks and trails. City Engineer Woodcock added that Category E of the TIP includes multimodal projects such as the Fennel Creek Trail, which is in progress.

By Council consensus, proposed Resolution 2311 was forwarded to the August 27, 2013 Meeting for action.

F. **Discussion:** (Tabled from July 23, 2013) AB13-86 – Resolution 2312 – A Resolution Authorizing Investment of City Monies in the Local Government Investment Pool (LGIP), which is managed by the WA State Treasurer.

City Administrator Morrison explained that the LGIP is used by many cities and counties to store and transfer funds. The proposed resolution simply re-authorizes the program and

designates which staff have authority to transfer funds. CFO Juarez said the LGIP is used somewhat like a personal savings account, with the majority of funds held in the pool earning interest, and only transferred when the City needs to cut checks for accounts payable or payroll.

Councilmember Hamilton asked whether the interest earned in LGIP is redistributed out to each specific fund. City Administrator Morrison and CFO Juarez confirmed that the City tracks which funds put money into the LGIP and the earned interest is distributed back out appropriately.

Councilmember McKibbin asked whether the authorization could be for positions rather than specific people; CFO Juarez said the form requires actual names and signatures. He added that the LGIP has internal controls to ensure that any time one authorized staff person makes a transaction request, another person from the list must confirm that the transfer is authorized.

G. Discussion: AB13-105 – Resolution 2322 – A Resolution Authorizing a Sewer Development Financing Contract and Utility Latecomer Agreement with Kahne Properties, LLC Re: Eastown Sewer Development.

Public Works Director Grigsby explained that the proposed agreement is separate from the Eastown Northern ULA, which is already recorded. This ULA would provide a connection to the Kahne property and their proposed apartment project, and would also provide sewer access to several parcels that currently do not have access. He said the City would contribute about \$90,000 for the project, or about 25% of the total cost. The costs would be repaid as other parcels hook into the new line over a 20-year period.

Councilmember Hamilton asked for confirmation that the ULA is related to a specific development project that will move forward once the ULA is in place. He said he is comfortable approving the ULA, if that is the case. Community Development Director Vodopich said Mr. Kahne has proposed a 175-unit apartment project and two pre-application meetings have been held, but no formal application has been submitted. Mayor Johnson said the project has stalled due to the lack of sewer availability, which this ULA would resolve.

Director Grigsby said that after the ULA is approved Mr. Kahne must submit \$346,000 to the City within 30 days in order to move the project forward. He said if the ULA is approved, the City will notify all affected owners of the latecomer fee to be assessed and give them an opportunity to appeal the fee. Next, the City will record the ULA. Once the project is done and total costs confirmed, the City will record assessment forms on each parcel. Deputy Mayor Swatman noted that latecomer fees are not assessed until a property is developed or a new home built.

Councilmember McKibbin spoke against the proposed ULA, and said public funds should not be used for the sewer extension, because the developer could complete the project himself. Deputy Mayor Swatman said the project could not be completed without the City's involvement as the developer could not get agreements to build across the properties.

Mayor Johnson asked for input from the City Attorney on binding a developer to a timeline for building permits. City Attorney Haggard said the City could require a developer's agreement separately to establish a timeline for the development project.

Deputy Mayor Swatman said the City is only putting down a small portion of the costs and he is not concerned about the level of risk.

Mayor Johnson agreed and said it is a cheap investment for future development, and will provide access to multiple other parcels besides the Kahne property. Director Grigsby noted that the owner of two parcels on SR 410, Mr. Babcock, also wishes to develop his property and will benefit from the sewer line. He said staff looked at two other alternatives and this solution is better as it uses a gravity line rather than a lift station. He confirmed for Councilmember Rackley that any legal costs related to easement acquisition would also be included in the ULA assessments.

By Council consensus, proposed Resolution 2322 was forwarded to the August 27, 2013 meeting for action.

H. **Discussion:** (Tabled from July 16, 2013) AB13-82 – Ordinance D13-82 – Water and Sewer Utility Charges, Billing and Collection Updates.

City Attorney Haggard reviewed the major revisions since the last review of this proposed ordinance, including a clarification that availability charges will accrue even when the service is not in use or disconnected; the circumstances under which a service may be disconnected; and several additional revisions to clean up the language.

Councilmember Watson asked why the City allows only one water leak adjustment in a two-year period, and why on-site inspection language was removed. City Attorney Haggard said this language was removed by utility billing staff. City Administrator Morrison said it has been the practice for years to allow only one adjustment in a two-year period. He said the current code states that the City would have to go out to the property to inspect and confirm the leak was fixed, and it is not clear this is a worthwhile use of staff time and funds. Councilmember Watson said the City should be flexible and help homeowners who might have multiple leaks in a shorter period.

Councilmember McKibbin pointed out that the proposed ordinance provides updated charges which are based on yearly adjustments and are not new increases. Director Grigsby confirmed this and said he provided an additional explanation in the packet based on questions from the CDC. He said the revised code includes the current rates, which are adjusted annually based on the Consumer Price Index (CPI), but no other rate increases are proposed in this draft ordinance.

By Council consensus, draft Ordinance D13-82 was forwarded to the August 27, 2013 Meeting for action.

I. **Discussion:** AB13-106 – Resolution 2323 - Approving a Lease with Landover Corporation / Coldwell Banker Bain for the City Hall Annex located on Main St. E.

City Administrator Morrison said the City has signed a letter of intent with Coldwell Banker Bain (CBB) to lease the old Annex building at 8720 Main Street East for use by the CBB information technology department. He said they are interested in a long-term lease of 10 years or more. Based on some Councilmember concerns that the property may need to be developed as part of the Downtown Plan, staff negotiated a 5-year lease with options to renew for two additional five-year terms. He said the price per square foot may be slightly lower than market rates but staff recognize that there are low tenant improvements required, and it is beneficial to have a long-term lease. He said, if the City

needed to find two or more new tenants over the same period, it could lose money. City Administrator Morrison confirmed that the City pays taxes on lease payments, but does not pay property taxes for this parcel.

Councilmember McKibbin said he is concerned about language for ADA accessible toilets and that it might impact requirements for the building. He asked that the word “ADA” be removed from the lease to avoid confusion. He also expressed concern that the City is not adjusting rent over a five-year period. He said usually commercial leases are adjusted annually.

City Administrator Morrison explained that staff felt it was worthwhile to have a long-term tenant at a single rate. Mayor Johnson noted that many of the CBB staff live locally so it is a good situation for all involved. Councilmember Watson said he has had experience with long-term contracts with no increases, and has no concerns about the proposed lease terms.

City Attorney Haggard confirmed that the proposed lease provides CBB with a five-year lease and a unilateral option to renew for another five-year term, at which point the lease rate can be renegotiated. She said both parties would need to agree to any renewals after that point.

Councilmember Minton-Davis said she has some concerns because the parcel is in the downtown area and does not fit with the long-term vision for this area. She said signage may be an issue as well. Mayor Johnson said the lease is a good use of a building that is available now.

By Council consensus, proposed Resolution 2323 was forwarded to the August 27, 2013 Meeting for action.

IV. EXECUTIVE SESSION: None.

V. ADJOURNMENT:

At 7:52 p.m., Councilmember Rackley moved to adjourn the Council Workshop. 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 August 20, 2013 Workshop:

- Chief Financial Officer Al Juarez – *Water Fund 401 Revenue, Expenditure Status Report – City of Bonney Lake.*

Note: Unless otherwise indicated, all documents submitted at City Council meetings and workshops are on file with the City Clerk. For detailed information on agenda items, please view the corresponding Agenda Packets, which are posted on the city website and on file with the City Clerk.

CITY COUNCIL MEETING

August 27, 2013
7:00 P.M.

MINUTES



“Where Dreams Can Soar”

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

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

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

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

- A. Flag Salute: Boy Scout Troop #510 led the audience in the Pledge of Allegiance.
- B. Roll Call: Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Deputy Mayor Dan Swatman, elected officials attending were Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin, Councilmember Katrina Minton-Davis, Councilmember Jim Rackley, and Councilmember Tom Watson. Mayor Neil Johnson, Jr. was absent.

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

C. Announcements, Appointments and Presentations:

- 1. Announcements: None.
- 2. Appointments:
 - a. **AB13-109** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Supporting The Mayor’s Appointment Of David King To Position #1 Of The Civil Service Commission With A Term Expiring April 6, 2014.

**Councilmember Rackley moved to approve motion AB13-109.
Councilmember Watson seconded the motion.**

Councilmembers welcomed past-City Councilmember King and thanked him for returning to public service as a Civil Service Commissioner.

Motion AB13-109 approved 7 – 0.

- 3. Presentations:
 - a. **Certified Safety Coordinator** – Permit Technician Lauren Hines – Presented by the Association of Washington Cities.

Deputy Mayor Swatman said this item was postponed to a later date, as the staff member was not able to attend the Meeting.

D. Agenda Modifications:

Deputy Mayor Swatman said that he would entertain a motion to remove Full Council Issues Item A., Resolution 2322, from the agenda.

Councilmember Rackley moved to pull Full Council Issues Item A., AB13-105, Resolution 2322, from the agenda. Councilmember Watson seconded the motion.

Motion to modify the agenda approved 7 – 0.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearings: None.

B. Citizen Comments:

Angela Dickson, 18002 111th St E, Bonney Lake, spoke about the need for sidewalks on Angeline Road, as she had also done at the previous Council meeting. She said a neighbor asked her to relay a story about a close call between her car and high school-aged children walking along the road. Ms. Dickson said she would like to see sidewalks connecting their neighborhood with the new Fennel Creek Trail. Her daughter, Jayla, also spoke to the Council and said she fell off her bike on the gravel while riding to a friend's house, and was nearly hit by a car.

Deputy Mayor Swatman said Mayor Johnson is working with Public Works staff on options for sidewalks or paths in the area. He said funding opportunities and grants are being considered now, and the City would notify Ms. Dickson with updates or planned Council discussions on this issue.

Victor Cissell, 10410 180th Ave Ct E, Bonney Lake, spoke about property owned by Ken Love above Victor Falls. He said Mr. Love plans to list the property for sale soon. Mr. Cissell said Washington State is not interested in purchasing the property, and he appealed to the City to consider acquiring the property. He said it is a potential water source, could be used for the trail system, and if developed properly the site would be a draw for visitors and good for local businesses. He thanked the City for allowing the public to access Victor Falls and said they should work to preserve the area.

Ed Morris, 17301 159th Ave SE, Renton, said he is a property owner in Easttown and spoke about proposed resolution 2322. He said he was not notified of the proposed latecomer agreement. Public Works Director Grigsby explained that the Council pulled this resolution from the agenda to provide for notification and a public hearing for property owners before the Council takes action. He said he will send a letter to all property owners listed in the proposed utility latecomer agreement (ULA).

Mr. Morris further said his attorney has had no communication from the City's attorney since February 2013. He said the property is owned by a trust that includes several family members. He reiterated that neither his family nor his attorney received notification of this proposed resolution previously. Public Works Director Grigsby confirmed to the Council that all property owners and Mr. Morris' attorney would receive notification of the upcoming public hearing once it is scheduled.

Dan Decker, 20407 70th St E, Bonney Lake, thanked the Council for appointing past Councilmember David King to the Civil Service Commission.

- 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 forwarded a proposed agenda item to accept the chip seal project as complete to the next Council Meeting.
- B. Community Development Committee / Economic Development Focus Group: Councilmember McKibbin said the Committee has not met since the last Council Meeting.
- C. Public Safety Committee: Councilmember Hamilton said the Committee has not met since the last regular Council Meeting.
- D. Other Reports:

White River Communities for Families: Councilmember Lewis said he attended the CFF meeting in Buckley on August 26, 2013. The group discussed public awareness outreach related to the Affordable Care Act, 2013-14 goals, the new Core Youth Leaders program available at Prairie Ridge, and use of local food banks by County residents. He noted that the White River School District offices have all been moved to the Collins School. He said the next CFF meeting is on September 23, 2013 at the Buckley Fire Station at 3:30 p.m.

Greater Bonney Lake Historical Society: Councilmember Hamilton said the 2nd annual Milotte Film Festival is scheduled for October 19, 2013 at 11:00 a.m. The festival will include two Disney films created by Alfred and Elma Milotte, who resided in Bonney Lake. He said the festival aims to continue the Milotte's legacy and educate the public.

IV. CONSENT AGENDA:

- A. **Approval of Minutes**: July 16, 2013 Workshop, July 23, 2013 Meeting, August 13, 2013 Meeting.
- B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers**: Accounts Payable checks/vouchers #66773-66823 in the amount of \$297,782.81.
Accounts Payable checks/vouchers #66824-66827 in the amount of \$3,118.00.
Accounts Payable checks/vouchers #66828 in the amount of \$1,600.00.
Accounts Payable checks/vouchers #66829-66862 (including wire transfer #'s 20130802, 20130805 and 2013081602) in the amount of \$674,714.13.
Accounts Payable checks/vouchers #66863-66864 for AR deposit refunds in the amount of \$894.40.
Accounts Payable checks/vouchers #66865-66875 in the amount of \$11,674.52.
- C. **Approval of Payroll**: Payroll for August 1-15th 2013 for checks #31270-31296 including Direct Deposits and Electronic Transfers is \$ 450,761.93.
- D. **AB13-82 – Ordinance D13-82** – An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Amending Title 13 Of The Bonney Lake Municipal Code And The

Corresponding Portions Of Ordinance Nos. 1151, 1429, 1430, And 1440, Relating To Utility Charges, Billing, And Collections.

- E. **AB13-85 – Resolution 2311** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting A Six-Year Transportation Improvement Program (2014-2019).
- F. **AB13-86 – Resolution 2312** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Deposit And Withdrawal Of Governmental Entity Monies In The Local Government Investment Pool (LGIP) In The Manner Prescribed By Law, Rule, And Applicable Policies And Procedures For The LGIP.
- G. **AB13-96 – Resolution 2317** – A Resolution Of The City Council Of The City Of Bonney Lake, Washington, Authorizing A Contract With Parametrix, Inc. For Services To Design The Lakeridge Watermain Upgrades.
- H. **AB13-104 – Resolution 2321** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Awarding The Angeline Road And Church Lake Road Resurfacing Contract To Miles Resources, LLC.
- I. **AB13-106 – Resolution 2323** – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Enter Into An Agreement To Lease The Former City Hall Annex To Landover Corporation DBA Coldwell Banker Bain.

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

Consent Agenda approved 7 – 0 .

V. FINANCE COMMITTEE ISSUES: None.

VI. COMMUNITY DEVELOPMENT ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES:

- A. ~~**AB13-105 – Resolution 2322** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing Establishment Of A Sewer Development Contract And Utility Latecomer Agreement.~~
Removed from the agenda during Agenda Modifications.

IX. EXECUTIVE SESSION: None.

X. ADJOURNMENT:

At 7:27 p.m., Councilmember Rackley 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 August 27, 2013 Meeting: None.

Note: Unless otherwise indicated, all documents submitted at City Council meetings and workshops are on file with the City Clerk. For detailed information on agenda items, please view the corresponding Agenda Packets, which are posted on the city website and on file with the City Clerk.

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

| | | | | | | | | | | | |
|--|---|--|---|------------|-----------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Department/Staff Contact: PW / John Woodcock | Meeting/Workshop Date: September 10, 2013 | Agenda Bill Number: AB13-110 | | | | | | | | | |
| Agenda Item Type: Resolution | Ordinance/Resolution Number: 2325 | Councilmember Sponsor: Randy McKibbin | | | | | | | | | |
| Agenda Subject: Water Utility Easement Vacation on Lots 17 (5065000170) and 18 (5065000180) of the Lakeridge Lake Tapps Development Plat. | | | | | | | | | | | |
| Full Title/Motion: A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Vacate the Water Utility Easement on Lots 17 (5065000170) and 18 (5065000180) of the Lakeridge Lake Tapps Development Plat. | | | | | | | | | | | |
| Administrative Recommendation: | | | | | | | | | | | |
| Background Summary: The City was approached by property owner Mr. Leonard Lofthus of Lot 17 (parcel # 5065000170) of the Lakeridge Lake Tapps Plat in May of 2011 to vacate the water utility easement for a watermain that was not currently in service. The watermain was shut down approximately ten years ago when a boat damaged the water line that crossed Lake Tapps from the Lakeridge Lake Tapps Plat to Deer Island. To maintain the opportunity in the future to reestablish this water connection the City required Mr. Lofthus to acquire easements from Lot 18 and 19 that would satisfy the land necessary to provide a water line link across the lake. Mr. Lofthus has provided those easements from his neighbors. | | | | | | | | | | | |
| Attachments: Resolution, Easement Release, Vacation Description, Map | | | | | | | | | | | |
| BUDGET INFORMATION | | | | | | | | | | | |
| Budget Amount N/A | Current Balance | Required Expenditure | Budget Balance | | | | | | | | |
| Budget Explanation: | | | | | | | | | | | |
| COMMITTEE, BOARD & COMMISSION REVIEW | | | | | | | | | | | |
| Council Committee Review: | Community Development Date: September 3, 2013 | <i>Approvals:</i> Chair/Councilmember Randy McKibbin Councilmember James Rackley Councilmember Tom Watson | <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding: 0 10px;">Yes</td> <td style="padding: 0 10px;">No</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> | Yes | No | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Yes | No | | | | | | | | | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | |
| | Forward to: | Consent Agenda: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | | | | | | | | |
| Commission/Board Review: | | | | | | | | | | | |
| Hearing Examiner Review: | | | | | | | | | | | |
| COUNCIL ACTION | | | | | | | | | | | |
| Workshop Date(s): | | Public Hearing Date(s): | | | | | | | | | |
| Meeting Date(s): | | Tabled to Date: | | | | | | | | | |
| APPROVALS | | | | | | | | | | | |
| Director: Dan Grigsby | Mayor: Neil Johnson Jr. | Date Reviewed by City Attorney: (if applicable): | | | | | | | | | |

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RESOLUTION NO. 2325

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON, AUTHORIZING THE VACATION OF A WATER UTILITY EASEMENT ON PARCELS 5065000170 AND 5065000180 OF THE LAKERIDGE LAKE TAPPS PLAT.

WHEREAS, the City's Public Works Department was approached on May 11, 2011 by Mr. Leonard Loftus to vacate a portion of the city's water line easement on parcel number 5065000170; and

WHEREAS, the Public Works Department turned that portion of the water system off after an accident on Lake Tapps damaged the water line that crossed from the Lakeridge Lake Tapps Plat to Deer Island approximately ten years ago; and

WHEREAS, the City in recent years has placed a parallel line in Lakeridge Drive that would allow this vacation request if easement were obtained from two neighboring parcels 5065000180 and 5065000190; and

WHEREAS, Mr. Lofthus has acquired said easements that will allow the City to maintain a future water line link to Deer Island if it so chooses; and

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

That the City of Bonney Lake Council does hereby authorize the Mayor to sign the attached easement vacation for that portion of the 10 foot Utility Easement lying within Lots 17 and 18 as shown on the Plat of Lake Tapps Lakeridge as per plat filed in Volume 27 of Plats at pages 36 through 40, records of the Auditor, Pierce County, Washington as filed on the 23rd day of July, 1964.

PASSED BY THE CITY COUNCIL this 10th day of September, 2013.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney

After recording please return to:
City of Bonney Lake
P.O. Box 7380
Bonney Lake, Washington 98391-0944

DOCUMENT TITLE:
Release of Easement

REFERENCE NUMBER OF DOCUMENT RELEASED:
2064287

GRANTOR:
Leonard Loftus

GRANTEE:
City of Bonney Lake

ABBREVIATED LEGAL DESCRIPTION:
That portion of the 10 foot Utility Easement lying within Lots 17 and 18 as shown on the Plat of Lake Tapps Lakeridge as per plat filed in Volume 27 of Plats at pages 36 through 40, records of the Auditor, Pierce County, Washington as filed on the 23rd day of July, 1964.

EXCEPT that portion with the Eastern 5.00 feet of said Lot 18 (Parcel 5065000180).

TAX PARCEL NUMBERS:
5065000170, 5065000180

WHEREAS, the Grantee acquired an easement for public water purposes under and through Grantor's Property when the Plat of Lake Tapps Lakeridge (auditor's file number 2064287) was recorded on July 23, 1964; and

WHEREAS, Grantor has requested that Grantee release and vacate a portion of the city's water line easement on parcel number 5065000170 and 5065000180; and

WHEREAS, the portion of the easement Grantor has requested to be released will no longer be needed for public purposes once Grantor has acquired easements for a future water line on neighboring parcels 5065000180 and 5065000190.

NOW, THEREFORE,
the Grantee, City of Bonney Lake, releases and vacates that portion of the 10 foot Utility Easement lying within Lots 17 and 18 as shown on the Plat of Lake Tapps Lakeridge as per plat filed in Volume 27 of Plats at pages 36 through 40, records of the

Auditor, Pierce County, Washington as filed on the 23rd day of July, 1964, as described on Exhibit A to this document. The release shall take effect as of the date the aforementioned easements from Lots 18 and 19 are dedicated to the City of Bonney Lake for water utility use.

In Witness Whereof this 10th day of September, 2013.

By: _____
Neil Johnson, Mayor of Bonney Lake

STATE OF WASHINGTON } ss
COUNTY OF PIERCE

The foregoing instrument was acknowledged before me this ____ day of _____, 2013.

Witness my hand and official seal

By: _____
Title: _____ My commission expires _____

EXHIBIT A

Legal description attached

VACATION OF EASEMENT DESCRIPTION

That portion of the 10 foot Utility Easement lying within Lots 17 and 18 as shown on the Plat of Lake Tapps Lakeridge as per plat filed in Volume 27 of Plats at pages 36 through 40, records of the Auditor, Pierce County, Washington as filed on the 23rd day of July, 1964.

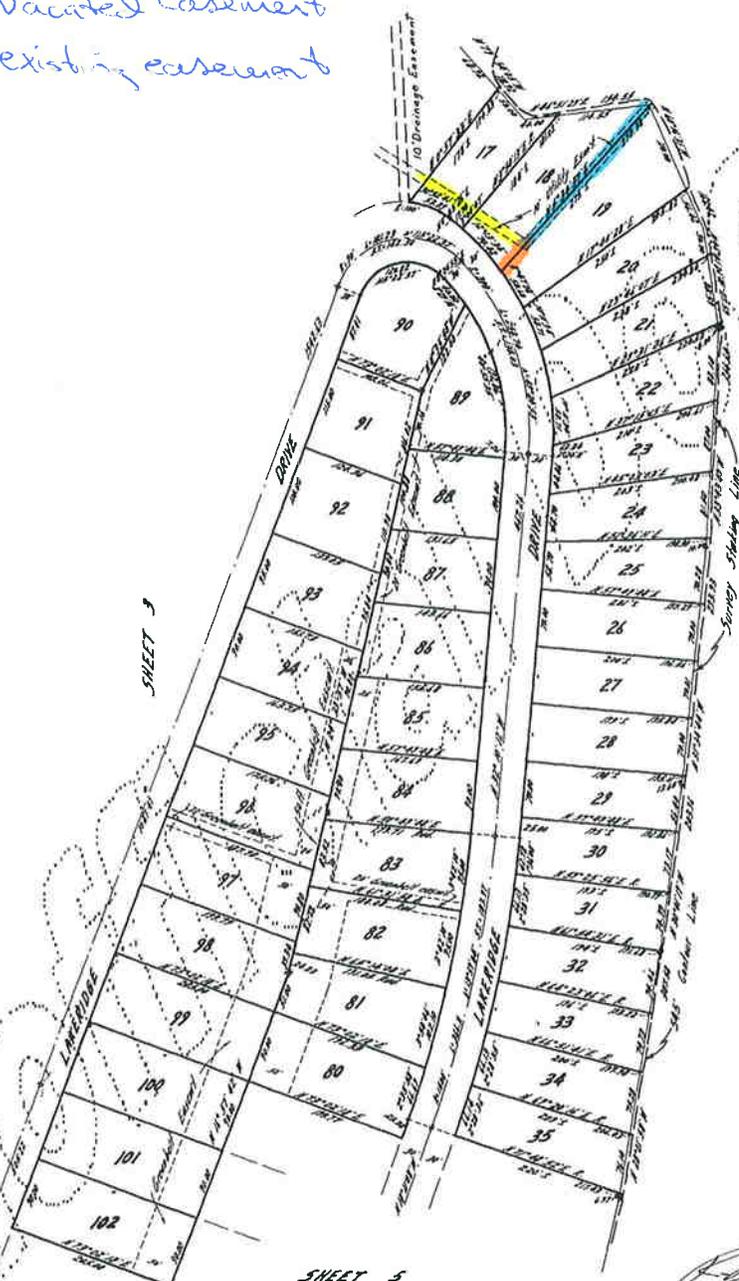
EXCEPT that portion within the Eastern 5.00 feet of said Lot 18



LAKE TAPPS LAKERIDGE

SECTIONS 8 & 17, TWP. 20 N, R 5 E, W. M.
PIERCE COUNTY, WASHINGTON

- New easements
- Vacated easement
- existing easement



TAPPS

LAKE



Russell Fisher
A Public Trustee for the Law Society
Certificate No. 2017
No. 116A



For reference only, not for re-sale.
SHEET 4 OF 5 SHEETS

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

| | | |
|---|--|---|
| Department/Staff Contact: CD / Cole Elliott | Meeting/Workshop Date: 10 September 2013 | Agenda Bill Number: AB13-108 |
| Agenda Item Type: Resolution | Ordinance/Resolution Number: 2324 | Councilmember Sponsor: Randy McKibbin |

Agenda Subject: Water Developer Extension between Nash Cascadia Verde LLC and City.

Full Title/Motion: A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Water Developers Extension Agreement Between Nash Cascadia Verde Llc And The City Of Bonney Lake..

Administrative Recommendation: : The Developer of Tehaleh has requested the City provide water and fire protection service for the 198th Avenue East Extension project located along 198th Avenue East south of Bonney Lake High School.

Background Summary:

Attachments: Project Completion Report, Final cost and locations report, Notice of Completion of Public Works Contract and 5 photos of project.

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

| COMMITTEE, BOARD & COMMISSION REVIEW | | | | | | | | | | | |
|---|---|--|---|------------|-----------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Council Committee Review: | Community Development Date: 3 September 2013 | <i>Approvals:</i> Chair/Councilmember Randy McKibbin Councilmember Katrina Minton-Davis Councilmember James Rackley | <table style="width: 100%; border: none;"> <tr> <td style="padding: 0 10px;">Yes</td> <td style="padding: 0 10px;">No</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> | Yes | No | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Yes | No | | | | | | | | | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | |
| Forward to: | | Consent Agenda: | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | | | | | | | |
| Commission/Board Review: | | | | | | | | | | | |
| Hearing Examiner Review: | | | | | | | | | | | |

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

| APPROVALS | | |
|--|--------------------------------------|--|
| Director: <i>Dan Grigsby</i> | Mayor: <i>Neil Johnson</i> | Date Reviewed by City Attorney: (if applicable): |

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RESOLUTION NO. 2324

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING A WATER DEVELOPER EXTENSION AGREEMENT WITH NASH CASCADIA VERDE, LLC FOR THE 198TH AVENUE EAST EXTENSION.

WHEREAS, Tehaleh is a multi-division plat located south of Bonney Lake along 198th Avenue East. This project is outside the Bonney Lake city limits but within Bonney Lake's water service areas; and

WHEREAS, extension of water main within the city limits is required in order to provide fire flow capacity along the segment of 198th Avenue East being constructed within the city limits for the Tehaleh subdivision.

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

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Bonney Lake, Washington, does hereby authorize the Mayor to sign the attached Water Developer Extension Agreement with Nash Cascadia Verde, LLC for the 198th Avenue East Extension project.

PASSED by the City Council this 10th day of September, 2013

Neil Johnson Jr., Mayor

ATTEST:

Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney



WATER DEVELOPERS AGREEMENT

PUBLIC WORKS DEPARTMENT

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

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

WHEREFORE, THE PARTIES AGREE AS FOLLOWS:

- I. Developer agrees to design and/or construct the WATER system, or additions thereto, to be connected to the City's WATER lines, and to maintain such additions until such time as the improvements are accepted by the City, with the agreements conditioned as set forth below. The WATER system, or additions thereto, shall be located within that area commonly referred to as 199TH AVE. E. / 199TH AVE. E. which property is described in Exhibit "A" attached hereto and referred to hereinafter as "Premises".
- II. As a condition precedent to City obligations under this agreement, the Developer shall design and/or construct the proposed WATER system, or additions thereto, within said premises in conformance with the City's "Development Policies and Public Works Standards", as adopted (and by reference made a part hereof), together with any City approved amendments thereto made, and further to conform with the City's comprehensive WATER plan, which agreement shall include oversizing of WATER mains as may be identified in the City's adopted WATER comprehensive plan.
 - A. Apply for irrigation meters separate from residential meters where the irrigation serves common areas or more than one single-family residence.
 - B. The applicant shall submit landscaping and irrigation plans for review and employ the best management practices available for the efficient use of water.
- III. The developer agrees that the construction of the WATER system, or additions thereto, shall not commence until the following conditions have been fulfilled:
 - A. The developer shall furnish the City with three (3) sets of detailed plans for the water system, or additions thereto, at Developer's own expense, prepared by a qualified engineer licensed in the State of Washington.
 - B. The above plans shall require the review and approval by the City and its Engineer, and the cost of such review shall be at the Developer's own expense.

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

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

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

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

3. All hydrants and valves shall be fully staked in the field and reviewed and approved by the City prior to installation of same. Adjustments to "approval construction drawings" may be warranted and required by the City, based on actual local field conditions.
 4. All contractors and subcontractors shall have a current Washington State Contractors License.
 5. The Developer's WATER system, or additions thereto, on Premises shall not be connected to the City WATER system until authorized by the City, and such connection shall be performed under the supervision and direction of the City.
- E. For the purpose of applying RCW 4.24.115 to this Contract, the Developer and the City agree that the term "damages" applies only to the finding in a judicial proceeding and is exclusive of third party claims for damages preliminary thereto.

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

It is agreed and mutually negotiated that in any and all claims against the City or any of its agents or employees by any employee of the Developer, any contractor or subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the obligations hereunder shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Developer or any contractor or Subcontractor under Workman's Compensation Acts, disability benefits acts or other employees' benefit acts. The City and the Developer agree that all third party claims for damages against the City for which the Developer's insurance carrier does not accept defense of the City may be tendered by the City by the Developer who shall, if so tendered by the City, accept and undertake to defend or settle with the Claimant. All investigation and legal work product regarding said claim shall be performed under a fiduciary relationship to the City. In the event that the City agrees or a court finds that the claim arises from the sole negligence of the City, the City shall be responsible for all damages payable to the third party claimant. In the event that the City and the Developer agree or a court finds that the claim arises from or includes negligence of both the Developer and the City, the Developer shall be responsible for all damages payable by the Developer to the third party claimant under the court findings, and, in addition thereto, the Developer shall hereunder reimburse or pay the City for all damages paid or payable to the City under the court findings in an amount not to exceed the percentage of total fault attributable to the Developer. For example, where the Developer is 25% negligent, the Developer shall not be required to indemnify the City for any amount in excess of 25% of the claimant's total damages.

The Developer shall ensure that all construction contracts entered into for the WATER SYSTEM name the City of Bonney Lake as an additional insured.

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

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

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

The Developer shall be aware that some existing WATER facilities are known to contain asbestos cement pipe. The Developer shall conduct all work related to existing asbestos cement pipe in strict accordance with WISHA safety regulations and provisions contained within WAC 296-62077. All costs related to work in compliance with established rules and regulations shall be the responsibility of the Developer. Demolition of existing, asbestos cement pipe, if required, will be permitted only after the proper permits are obtained from the Puget Sound Air Pollution Control Agency. The Developer shall be responsible for all associated fees and permits required for asbestos removal and disposal. Work crews shall be provided with proper protective clothing and equipment. Hand tools shall be used, and the asbestos cement pipe shall be scored and broken in lieu of the sawing or other methods which release fibers into the atmosphere. Waste asbestos pipe shall be buried in the trench. Asbestos pipe to be abandoned in – place shall not be disturbed, except as noted herein, and shall remain in its original position.

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

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

- IV. The construction, of the Developer's WATER system, or additions thereto, on the Premises shall be supervised by the City in such a manner and at such times as the City deems reasonably necessary to assure that construction of the system will

conform with the above-mentioned plans and specifications. The Developer herewith agrees to allow such inspections and agrees to cooperate providing reasonable advance notice on his construction schedule during, the various construction phases as requested by the City.

- V. The Developer further agrees to pay an estimated amount of money to cover the City's expected review fees and construction supervision expenses incurred.
- VI. The Developer's WATER system, or additions thereto, on Premises shall not be accepted for service and use until the same have been fully inspected and approved, and the following requirements have been performed:
 - A. Submit to the City in Auto-CADD format, latest revision (unless otherwise approved by the City), the computer file supplied on a three and one half (3-1/2) inch disc accompanied by the original mylars, with all changes from the original design clearly marked to reflect the as-built conditions. The Developer's Engineer shall certify the accuracy of the record drawings and shall affix his seal and signature.
 - B. Payment of all permit fees and equivalent assessment charges and any other applicable City charges required for Premises.
 - C. Payment of all plan check and inspection fees.
 - D. Prepare and furnish the required easements in compliance with the City's standard form, and furnish same to the City for approval by the City Attorney, prior to recording of same. The proponent shall pay all the necessary recording, fees.
 - E. Furnish the City with an affidavit warranting there are no liens against the improvements constructed on Premises by the Developers, this affidavit shall be in the form prescribed by the City.
 - F. Furnish the City with a Bill of Sale conveying, the WATER to the City.
 - G. Furnish a two year maintenance bond for 15% (or \$2,000 whichever is greater) of the amount of the Bill of Sale guaranteeing that the WATER system will be free of defects in labor and materials. Form to be prescribed by the City.
- VII. In the event any warranty repairs are required, the City agrees, whenever feasible, to provide the Developer with reasonable notice, before directly undertaking such repairs. The City reserves the right, however, to effect emergency repairs as deemed necessary by the City. The City shall be reimbursed by the Developer for all costs thereof.
- VIII. Upon performing all requirements, including those as set forth in Paragraph 5 above , the City shall accept the WATER system, and agree therewith to operate and maintain said system.
- IX. Nothing in this Agreement shall be construed to excuse Developer from requirements and conditions found in any City ordinance, resolution, plan or policy, with respect to

the provision of utility service, including without limitation requirements regarding annexation or execution of covenants to annex, and the City will not provide utility service to Developer prior to Developer's satisfaction of all such requirements and conditions.

SUBMITTED this 8TH day of AUGUST 2013

DEVELOPER: *James Nyberg* Date 8-20-13
Signature

Printed Name
JAMES NYBERG
NASA Cascadia Verde, LLC
AUTHORIZED SIGNATORY

Company Title (as applicable)
33400-9th Ave SO. Suite 206

Address
Federal Way WA 98003
City State Zip

Phone No. 253.275.3361 FAX No. 253.275.3362

CITY OF BONNEY LAKE
DEVELOPER AGREEMENT

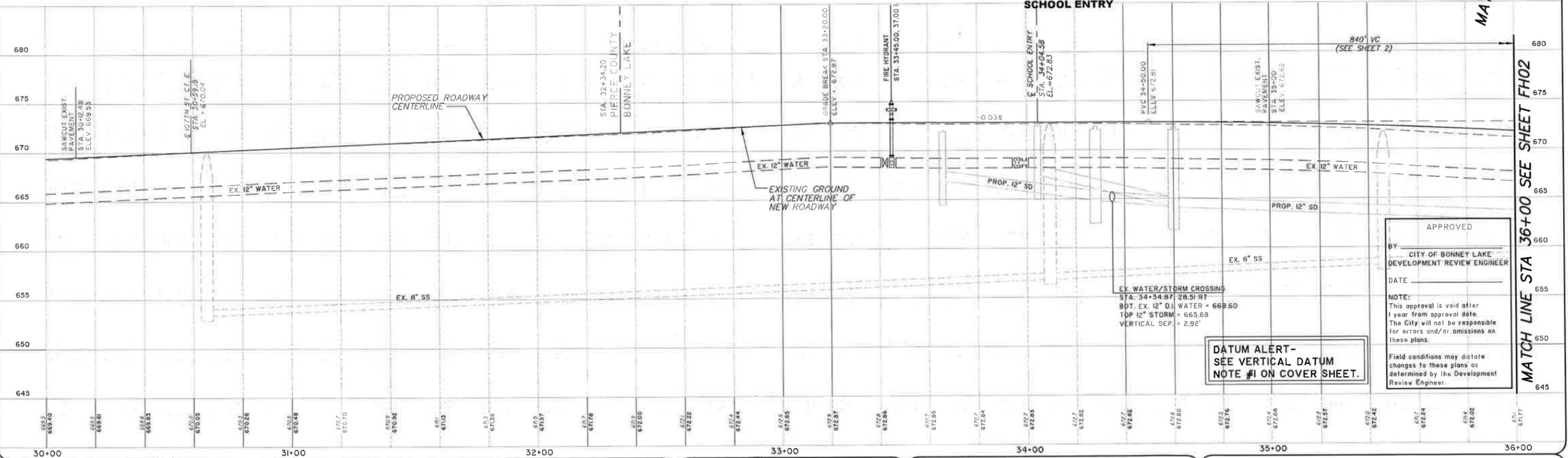
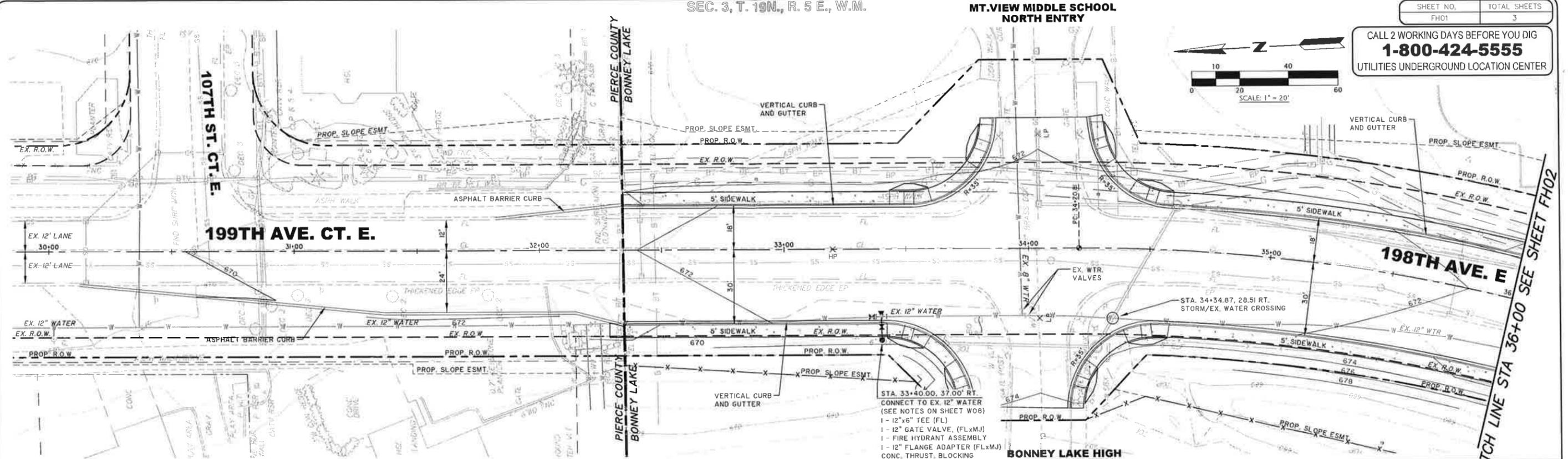
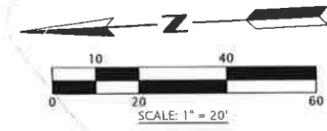
ACCEPTED this _____ day of _____ 20____

Neil Johnson Jr., Mayor

CITY OF BONNEY LAKE
DEVELOPER AGREEMENT
EXHIBIT 'A'

PLAT NAME 198TH AVE. E. WIDENING
DEVELOPER: NASH CASCADIA VERDE, LLC
LEGAL DESCRIPTION: THE PORTION OF 198TH AVE. E. WITHIN
BONNEY LAKE CITY LIMITS (Sta 32+34.20 TO
Sta 47+08.56)

CALL 2 WORKING DAYS BEFORE YOU DIG
1-800-424-5555
UTILITIES UNDERGROUND LOCATION CENTER



APPROVED
BY: _____
CITY OF BONNEY LAKE
DEVELOPMENT REVIEW ENGINEER
DATE: _____
NOTE:
This approval is void after
1 year from approval date.
The City will not be responsible
for errors and/or omissions on
these plans.
Field conditions may dictate
changes to these plans as
determined by the Development
Review Engineer.

DATUM ALERT -
SEE VERTICAL DATUM
NOTE #1 ON COVER SHEET.

M:\ACAD\PLATS\111010\Phase 1 Final Design Plans Bonney Lake\Design Plans on NAD 88 CHY\111010-BL.dwg
111010-BL.dwg JBECKM 08/16/13 10:17



| NO. | DATE | REVISION | BY | APPROVED |
|-----|------|----------|----|----------|
| | | | | |
| | | | | |
| | | | | |

City of Bonney Lake
Public Works Department
8720 Main St. E, P.O. Box 7380
Bonney Lake, Washington 98390-0944

198TH AVE. EAST

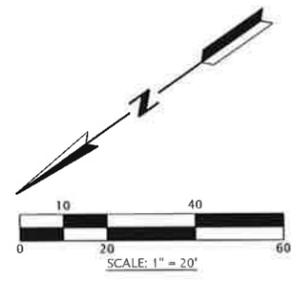
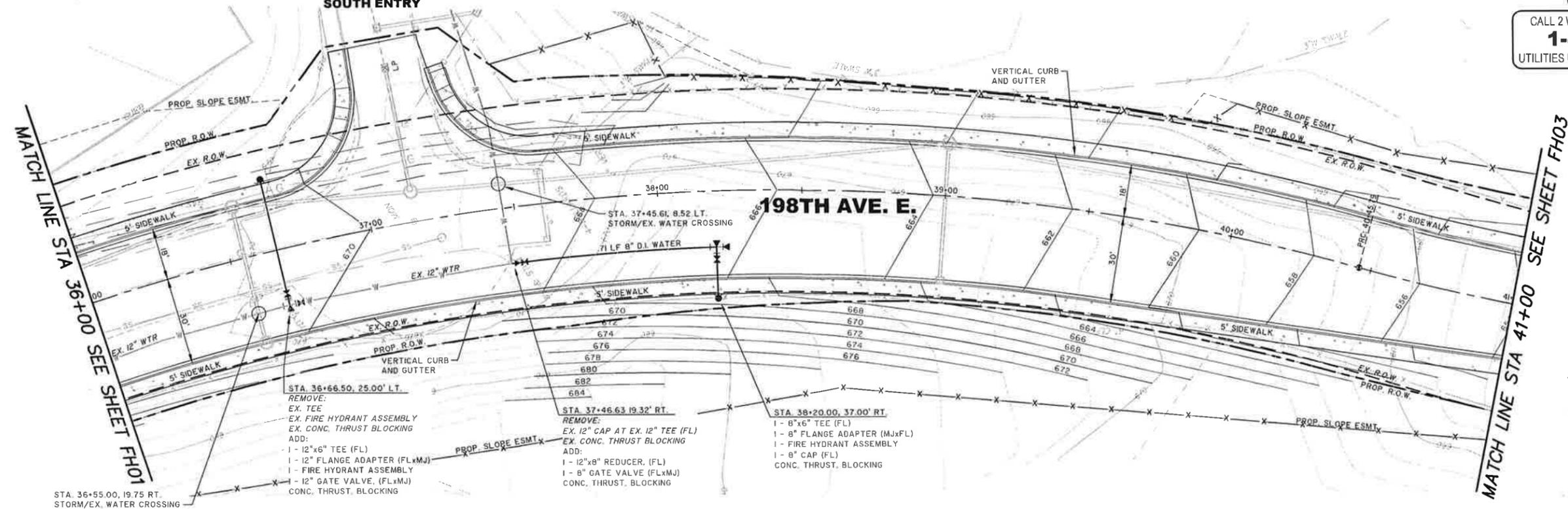
FIRE HYDRANT EXTENSION PLAN

MT. VIEW MIDDLE SCHOOL
SOUTH ENTRY

SEC. 3, T. 19N., R. 5 E., W.M.

| | |
|-----------|--------------|
| SHEET NO. | TOTAL SHEETS |
| FH02 | 3 |

CALL 2 WORKING DAYS BEFORE YOU DIG
1-800-424-5555
UTILITIES UNDERGROUND LOCATION CENTER

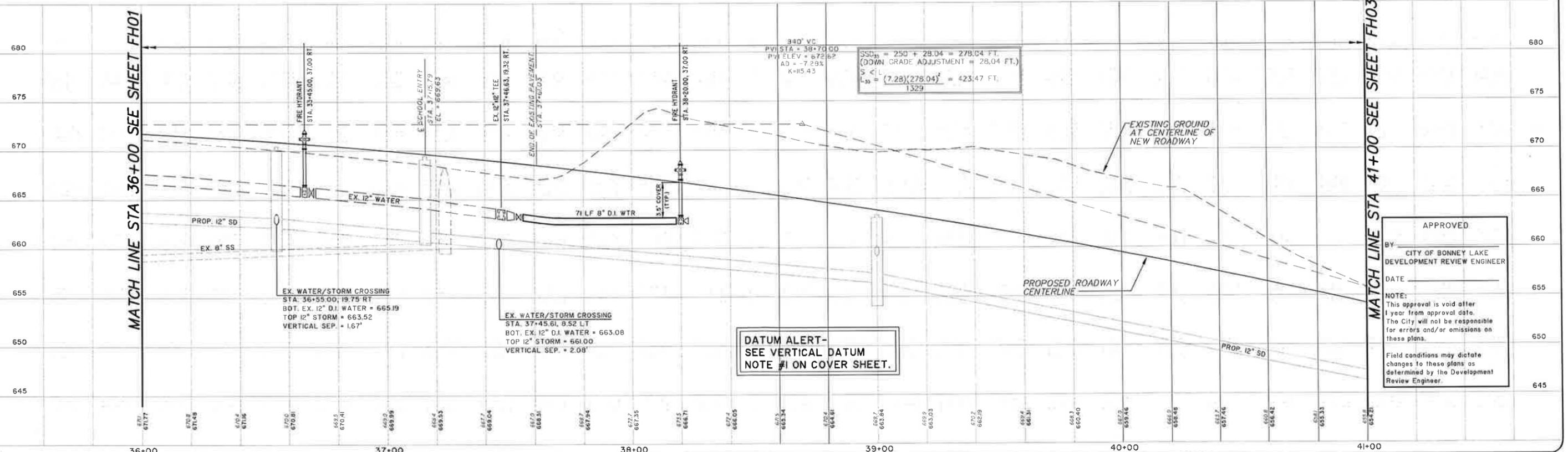


STA. 36+55.00, 19.75 RT.
STORM/EX. WATER CROSSING

STA. 36+66.50, 25.00' LT.
REMOVE:
EX. TEE
EX. FIRE HYDRANT ASSEMBLY
EX. CONC. THRUST BLOCKING
ADD:
1 - 12"x6" TEE (FL)
1 - 12" FLANGE ADAPTER (FLxMJ)
1 - FIRE HYDRANT ASSEMBLY
1 - 12" GATE VALVE (FLxMJ)
CONC. THRUST, BLOCKING

STA. 37+46.63, 19.32' RT.
REMOVE:
EX. 12" CAP AT EX. 12" TEE (FL)
EX. CONC. THRUST BLOCKING
ADD:
1 - 12"x8" REDUCER (FL)
1 - 8" GATE VALVE (FLxMJ)
CONC. THRUST, BLOCKING

STA. 38+20.00, 37.00' RT.
1 - 8"x6" TEE (FL)
1 - 8" FLANGE ADAPTER (MJxFL)
1 - FIRE HYDRANT ASSEMBLY
1 - 8" CAP (FL)
CONC. THRUST, BLOCKING



340' VC
PVI STA = 38+70.00
PVI ELEV = 672.66
AD = -7.29%
K = 115.43
SSD₁ = 250 + 28.04 = 278.04 FT.
(DOWN GRADE ADJUSTMENT = 28.04 FT.)
S < L
L₁ = (7.28)(278.04) = 423.47 FT.
1329

DATUM ALERT-
SEE VERTICAL DATUM
NOTE #1 ON COVER SHEET.

APPROVED
BY _____
CITY OF BONNEY LAKE
DEVELOPMENT REVIEW ENGINEER
DATE _____
NOTE:
This approval is void after
1 year from approval date.
The City will not be responsible
for errors and/or omissions on
these plans.
Field conditions may dictate
changes to these plans as
determined by the Development
Review Engineer.

110502-BL.dwg (REVISION) 09/14/13 10:20 M:\A\GOLD\PLANS\110502\Phase 1 Final Design Plans\Bonney Lake\Design Plans on NAD 88 (City)\110502-BL.dwg

GOLDSMITH
LAND DEVELOPMENT SERVICES
1215 11th Ave SE, Bellevue, WA 98004 | PO Box 3565, Bellevue, WA 98009
T 425 462 1080 F 425 462 7719 www.goldsmithengineering.com

| NO. | DATE | REVISION | BY | APPROVED |
|-----|------|----------|----|----------|
| | | | | |
| | | | | |
| | | | | |

City of Bonney Lake
Public Works Department
8720 Main St, E., P.O. Box 7380
Bonney Lake, Washington 98390-0944

198TH AVE. EAST
FIRE HYDRANT EXTENSION PLAN

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

| | | |
|--|--|--|
| Department/Staff Contact: Public Works / Triss Weber | Meeting/Workshop Date: 10 September 2013 | Agenda Bill Number: AB13-107 |
| Agenda Item Type: Motion | Ordinance/Resolution Number: | Councilmember Sponsor: Dan Swatman |

Agenda Subject: Accept 2013 Chip Seal with Doolittle Construction LLC as Complete

Full Title/Motion: A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Accept As Complete The 2013 Chip Seal Project With Doolittle Construction Llc.

Administrative Recommendation:

Background Summary: Resolution 2309 dated June 11, 2013 awarded the construction contract to Doolittle Construction LLC for the 2013 Chip Seal project. This project chip sealed 40,414 square yards of various roads and 13,546 square yards of parking lot at Field 4 within the City of Bonney Lake. See attached Project Completion Report for detail information on this project. As a matter of housekeeping, this project has been reconciled, accepted by the Transportation Supervisor and project close out documents are complete. DOR, Employment Security and L & I have been notified and we are awaiting confirmation from these three organizations that there are no unpaid taxes and wages.

Attachments: Project Completion Report, Final cost and locations report, Notice of Completion of Public Works Contract and 5 photos of project.

| BUDGET INFORMATION | | | |
|---|-----------------|----------------------|----------------|
| Budget Amount | Current Balance | Required Expenditure | Budget Balance |
| N/A | | | |
| Budget Explanation: Release of Retainage in the amount of \$7,249.99 | | | |

| COMMITTEE, BOARD & COMMISSION REVIEW | | | | | | | | | | | |
|---|---|---|---|------------|-----------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Council Committee Review: | Finance Committee Date: 27 August 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: right;"><input checked="" type="checkbox"/></td> <td style="text-align: left;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: right;"><input checked="" type="checkbox"/></td> <td style="text-align: left;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: right;"><input checked="" type="checkbox"/></td> <td style="text-align: left;"><input type="checkbox"/></td> </tr> </table> | Yes | No | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Yes | No | | | | | | | | | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | |
| | Forward to: | Consent | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | | | | | | | |
| Commission/Board Review: | | | | | | | | | | | |
| Hearing Examiner Review: | | | | | | | | | | | |

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

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

PUBLIC WORKS - PROJECT COMPLETION REPORT

Project Title: 2013 Chip Seal

Project Financing Summary:

Project Revenue Sources:

| | | |
|---------------------------------------|--------------------------------|------------------|
| Budget Authorized by City Council: | | \$179,000 |
| City Fund Source(s): | Streets CIP- Chip Seal Program | 179,000 |
| Total Project Budget Utilized= | | \$151,201 |

Project Expenditures:

| | | |
|---------------------------|--|------------------|
| Study = | | N/A |
| Design = | | N/A |
| <u>Total Construction</u> | | <u>\$151,201</u> |

| | | |
|------------------------------|------------------------------|----------------|
| Engineer's Estimate = | N/A | |
| | <u>Contract Award Amount</u> | <u>Actual</u> |
| Low Quote/Contract= | \$148,308 | 148,308 |
| Contingency- 10%= | \$27,799 | 0 |
| Striping of Chip Seal Roads= | \$0 | 2,893 |
| | <u>\$176,107</u> | <u>151,201</u> |

Total Project Cost = **\$151,201**

Total Budget for construction=
Actual

Under Budget= **\$176,107**
-\$24,906

Actual Revenue Sources utilized for project:

| | | |
|------------------------------------|--------------------------------|-----------|
| Budget Authorized by City Council: | | \$179,000 |
| Actual City Funds utilized: | Streets CIP- Chip Seal Program | \$151,201 |

Planning

Actual Costs

Comprehensive Facilities Plan Approved by City Council: N/A

Study Required: N/A

FY Funding in Budget: N/A

Study Contract NTP Date: N/A

Study Contract Completion Date: N/A

Planning Actual Total

Design

Date RFP Issued: N/A

Design Contract Award Date: N/A

Design Contract Completion Date: N/A

Design Consultant(s): N/A

Construction

Date of Advertisement:

Invitation to Quote Due Date: 6/4/2013

Engineer's Estimate: N/A

Low Responsive/Responsible Quote: \$148,308

Contract Award Date: 6/11/2013

Contract Completion Date: 8/6/2012

Closeout Date:

\$148,308

Date

Scope of Work Changes:
1

Change Order Summary:
1

\$0

Other Construction
Striping of Chip Seal Roads-Stripe Rite

\$2,893

Construction Actual Total =

Total Project Cost=

Date of Quote: 6/4/2013
 Department: Street
 Contact Person: Steve Willadson

Quote Description: **Chip Seal 2013**

| Quote Submitted? | Packets | Contractor's | E Mail: | Phone # | Contact: |
|------------------|------------------------------------|----------------------------|--|----------------|---------------|
| <u>Yes</u> x | <u>No</u> Received: 6/4/2013 | Doolittle Construction LLC | DooCons@aol.com | (425) 417-8705 | Tom Doolittle |

| Quantity | Price Each | Unit | Item Description | MISC. | Price | |
|----------|-------------|---------|-----------------------------------|-----------|---------------|---|
| 1 | \$ 2,200.00 | LUMP | Mobilization | Doolittle | \$ 2,200.00 | I |
| 39970 | \$ 2.60 | Sq Yard | Standard Chip Seal | | \$ 103,922.00 | |
| 444 | \$ 2.90 | Sq Yard | Dual Bituminous Surface Treatment | | \$ 1,287.60 | |
| 6773 | \$ 2.90 | Sq Yard | Dual Bituminous Surface Treatment | (Field 4) | \$ 19,641.70 | |
| 6773 | \$ 2.65 | Sq Yard | Standard Chip Seal | | \$ 17,948.45 | |
| 37590.15 | 8.80% | | Tax | | \$ 3,307.93 | |

| | | | |
|--|-------------------|----------------------|---|
| Doolittle Construction LLC 1900 118th Avenue S.E. Bellevue, WA 98005 | Material Subtotal | 148308 | I |
| | Total | \$ 148,307.68 | |

Doolittle Construction LLC

Chip Seal Cost:
(Streets)

| | |
|--------------------|----------------|
| Total Square Yards | 40414 |
| Total Cost | \$ 107,409.60 |
| Cost/SY | \$ 2.66 |

Doolittle Construction LLC

Chip Seal Cost:
(Field 4 Parking Lot)

| | |
|--------------------|----------------|
| Total Square Yards | 13546 |
| Total Cost | \$ 40,898.08 |
| Cost/SY | \$ 3.02 |

| Road Log # | 2013 Chip Seal STREET NAME or NUMBER: | Width | Length | Sq Yards | Sign Locations: Nearest Cross Street | Chip Seal Date: |
|----------------------------|--|-------|--------|----------|--|------------------------------|
| Inlet Island: | | | | | | |
| 107 | SO. ISLAND DR | 22 | 4191 | 10245 | From Cascade Dr to So Island Dr | <u>Estimated</u> 2-Aug-13 |
| 111 | NO. ISLAND DR. | 22 | 4552 | 11127 | From Cascade Dr to No Island Dr | 2-Aug-13 |
| Lake Bonney: | | | | | | |
| 348 | 184TH AVE EAST | 16 | 884 | 1572 | From 77th St E to Orchard Grove I | 6-Aug-13 |
| 349 | 183RD AVE EAST | 16 | 1042 | 1852 | From 77th St E to Orchard Grove II | 6-Aug-13 |
| Bonney Lake Manor | | | | | | |
| 401 | 192ND AVE E | 24 | 2295 | 6120 | From Rhodes Lake Road to 104th St E | 5-Aug-13 |
| Old Town: | | | | | | |
| 4106 | 188TH AVE E (4) | 16 | 300 | 533 | From 88th St to cul de sac | 5-Aug-13 |
| Cedar Grove: | | | | | | |
| 504 | 94TH ST E | 21 | 1285 | 2998 | From 198th Ave to end | 5-Aug-13 |
| Cedar View: | | | | | | |
| 511 | 209TH AVE E | 21 | 852 | 1988 | From 97th St to 95th St | 5-Aug-13 |
| 516 | 204TH AVE E | 21 | 1039 | 2424 | From 96th St E to 93rd St E | 5-Aug-13 |
| DBST | | | | | | |
| N/A | Field 4 Parking Lot (AYP) | 200 | 300 | 6667 | 1st Application | 3-Aug-13 |
| | Set at the parking lot entrance | 24 | 40 | 107 | 2nd Application | 5-Aug-13 |
| | 103rd ST E (Snow Route Access) | 20 | 200 | 444 | 1st Application | 3-Aug-13 |
| | Set on 103rd St at 195th Ave. | | | | 2nd Application | 5-Aug-13 |
| Total Signs Needed: | | | | | | |
| N/A | Allan Yorke Park Access Road | 12 | 300 | 400 | 3rd Application 3/8 chip seal (.44 Shot) | 6-Aug-13 |

Notification Sign Inventory:

Total Chip Seal Length Miles 3.3 39526 Note:

Note: Chip seal start date was delayed due to weather.

Signs are to be installed at the beginning and end of each street and at the "T" of all paved cross streets in between



NOTICE OF COMPLETION OF PUBLIC WORKS CONTRACT

Contractor's UBI Number: 602 351 934

Date: 8/30/2013

| Name & Address of Public Agency |
|---|
| City of Bonney Lake 19306 Bonney Lake Blvd. Bonney Lake, WA 98391 UBI Number: 277000893 |

| Department Use Only |
|---------------------|
| Assigned to: |
| Date Assigned: |

Notice is hereby given relative to the completion of contract or project described below

| | | |
|---------------------------------------|------------------------|---|
| Project Name 2013 Chip Seal | Contract Number | Job Order Contracting <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|---------------------------------------|------------------------|---|

| |
|--|
| Description of Work Done/Include Jobsite Address(es) Chip Sealed 40,414 square yards in various roads and 13,546 square yards of parking lot within the City of Bonney Lake. |
| Federally funded road transportation project? <input type="checkbox"/> Yes <input type="checkbox"/> No |

| | | |
|--|---|----------------------|
| Contractor's Name Doolittle Construction LLC | Telephone Number 253-455-1150 | Affidavit ID* |
|--|---|----------------------|

| |
|--|
| Contractor Address 1900 118th Ave SE, Bellevue, WA 98005 |
|--|

| |
|--|
| If Retainage is Bonded, List Surety's Name (or attach a copy) |
|--|

| |
|-------------------------------|
| Surety Agent's Address |
|-------------------------------|

| | | | |
|---|--------------------------------------|--------------------------------------|---|
| Date Contract Awarded 6/11/13 | Date Work Commenced 8/2/13 | Date Work Completed 8/6/13 | Date Work Accepted council action scheduled-9/10/13 |
|---|--------------------------------------|--------------------------------------|---|

| | | | | | |
|---|----|-------------------|--|-----------------------|-------------------|
| Contract Amount | \$ | 144,999.75 | | | |
| Additions (+) | \$ | | | Liquidated Damages \$ | |
| Reductions (-) | \$ | | | Amount Disbursed \$ | 141,057.69 |
| Sub-Total | \$ | 144,999.75 | | Amount Retained \$ | 7,249.99 |
| Amount of Sales Tax Paid at <u>8.800%</u> | | | | | |
| (If various rates apply, please send a breakdown) | \$ | 3,307.93 | | | |
| TOTAL | \$ | 148,307.68 | | TOTAL \$ | 148,307.68 |

NOTE: These two totals must be equal

Please List all Subcontractors and Sub-tiers Below:

| Subcontractor's Name: | UBI Number: (Required) | Affidavit ID* |
|---------------------------|------------------------|---------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| Agenda Packet p. 44 of 51 | | |







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

| | | |
|--|--|---|
| Department/Staff Contact: PW / Dan Grigsby | Meeting/Workshop Date: 10 September 2013 | Agenda Bill Number: AB13-111 |
| Agenda Item Type: Motion | Ordinance/Resolution Number: 2322 | Councilmember Sponsor: Deputy Mayor Swatman |

Agenda Subject: Set a Public Hearing for Establishment of an Eastown Southern Sewer ULA

Full Title/Motion: A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Setting A Public Hearing At 7:00 P.M., Or As Soon Thereafter As Possible, During The Regular Council Meeting Of September 24, 2013, Regarding Proposed Resolution 2322, To Establish The Eastown Southern Sewer Utility Latecomer Agreement.

Administrative Recommendation: Recommend Approval

Background Summary: Kahne Properties, LLC (KAHNE) has three properties on the South side of SR410 that require connection to the City sewer system to allow development to occur. KAHNE has requested establishment of a ULA in order to obtain reimbursement from other property owners that will benefit from his extension of this sewer line. A total of eleven parcels would pay Latecomer Fees as a result of this ULA. Negotiations with KAHNE and discussion with City Finance Committee has resulted in a resolution that provides a KAHNE/City 75/25 cost sharing agreement to fund this ULA. Based on Preliminary Cost Estimates, KAHNE would contribute \$271,671 and the City \$90,557 of the ULA eligible costs. Also, KAHNE would pay 100% of the cost for the section of sewer line crossing his parcel.

Attachments: Resolution 2322, Eastown Southern Sewer Utility Latecomer Agreement with KAHNE

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

| COMMITTEE, BOARD & COMMISSION REVIEW | | | | | | | | | | | |
|---|--|---|---|------------|-----------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| Council Committee Review: | Finance Committee Date: 9 July 2013 | <i>Approvals:</i> Chair/Councilmember Dan Swatman Councilmember Randy McKibbin Councilmember Mark Hamilton | <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: right;"><input checked="" type="checkbox"/></td> <td style="text-align: left;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: right;"><input type="checkbox"/></td> <td style="text-align: left;"><input checked="" type="checkbox"/></td> </tr> <tr> <td style="text-align: right;"><input checked="" type="checkbox"/></td> <td style="text-align: left;"><input type="checkbox"/></td> </tr> </table> | Yes | No | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Yes | No | | | | | | | | | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | | | | | | | | | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | |
| | Forward to: City Council Workshop | Consent Agenda: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | | | | | | | |
| Commission/Board Review: | | | | | | | | | | | |
| Hearing Examiner Review: | | | | | | | | | | | |

| COUNCIL ACTION | | | |
|-----------------------|------------------------------|-------------------------|-------------------|
| Workshop Date(s): | 20 August & 3 September 2013 | Public Hearing Date(s): | 10 September 2014 |
| Meeting Date(s): | TBD | Tabled to Date: | |

| APPROVALS | | |
|--|--|--|
| Director: <i>Dan Grigsby, P.E.</i> | Mayor: <i>Neil Johnson Jr.</i> | Date Reviewed by City Attorney: (if applicable): |

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RESOLUTION NO. 2322

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING ESTABLISHMENT OF A SEWER DEVELOPMENT CONTRACT and UTILITY LATECOMER AGREEMENT.

WHEREAS, Kahne Properties, LLC (KAHNE) has three properties on the South side of SR410 in the Eastown area of the City that require connection to the City sewer system to allow development of those parcels to occur; and,

WHEREAS, KAHNE has requested establishment of a ULA in order to obtain proportional reimbursement from other property owners that will benefit from his extension of this sewer line; and,

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

WHEREAS, the terms of this agreement are as set forth in the attached Sewer Development Financing Contract and Utility Latecomer Agreement;

NOW THEREFORE, BE IT RESOLVED; that the City Council of the City of Bonney Lake, Washington, does hereby authorize the Mayor to sign this SEWER DEVELOPMENT FINANCING CONTRACT AND UTILITY LATECOMER AGREEMENT.

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

Neil Johnson Jr., Mayor

ATTEST:

Harwood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney