SPECIAL JOINT CITY COUNCIL WORKSHOP/PLANNING COMMISSION MEETING

January 16, 2024
6:00 P.M.

AGENDA

www.ci.bonney-lake.wa.us

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

The public is invited to attend Council Meetings and Workshops in person, via conference call or over the internet. The information for attending is provided below.

Council Workshop options:
In-Person: Bonney Lake Justice & Municipal Center at 9002 Main Street East in Bonney Lake
By phone: 323-792-6234 (Meeting ID: 811 135 388#)
By internet: Teams meeting link: TEAMS (Meeting ID: 246 449 477 548) **All public cameras and microphones will be turned off attending online except required staff and presenters.**

I. CALL TO ORDER*:* Mayor Michael McCullough

A. Pledge of Allegiance

II. ROLL CALL: Mayor Michael McCullough, Deputy Mayor Terry Carter, Councilmember Angela Baldwin, Councilmember Gwendolyn Fullerton, Councilmember Kerri Hubler, Councilmember J. Kelly McClimans, Councilmember Dan Roach, and Councilmember Dan Swatman.

PLANNING COMMISSION: Commissioner Grant Sulham, Commissioner Jessica Bennion, Commissioner Brad Doll, Commissioner Craig Sarver, Commissioner Debbie Strous-Boyd, and Commissioner Jeffery Wilkins.

III. AGENDA ITEMS:

A. **Planning Commission Open Discussion:**

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1. **Presentation:** PTRO Plan Presentation.

2. **Presentation:** Comprehensive Plan Periodic Update Presentation.

**** End of Special Joint City Council Workshop/Planning Commission Meeting****

Followed by Regular Council Workshop Items.

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B. **Review Of Council Minutes:** November 21, 2023, City Council Workshop and November 28, 2023, City Council Meeting, December 5, 2023, City Council Workshop and December 12, 2023, City Council Meeting.

C. **Council Open Discussion:**

Page 39 D. **Discussion:** Public Comments.

Page 45 E. **Discussion With Presentation: AB24-06 – Motion M24-06 -** A Motion Of The City Of Bonney Lake, Pierce County, Washington Authorizing The Mayor To Sign The Interlocal Agreement Between The City Of Bonney Lake And City Of Sumner For The Coordination Of Cooperative Wastewater Services.

IV. EXECUTIVE/CLOSED SESSION: None.

V. ADJOURNMENT

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

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

City of Bonney Lake, Washington

City Council Agenda Bill (AB)

Department/Staff Contact: Public Services Department Jason Sullivan – Development Services Manager	**Meeting/Workshop Date:** January 16, 2024	**Agenda Bill Number:** TBD
Agenda Item Type: Presentation	**Ordinance/Resolution Number:** TBD	**Sponsor:**

Agenda Subject: Park, Trails, Recreation and Opens Space (PTRO) Plan Update.

Full Title/Motion: None.

Administrative Recommendation: None.

Background Summary: The development of a Park, Trails, Recreation, and Open Space (PTRO) Plan was added to the Planning Commission Work Plan pursuant to Resolution 3009 on February 8, 2022; as the last comprehensive evaluation of the entire park system occurred in 1998. The PTRO Plan will guide investments to improve the park and recreation system and help the City pursue grants and other funding. In October of 2022, the City kicked off the project and over the last 14 months City staff and the consultant team have been diligently working on the development of the PTRO Plan. As part of these efforts, the City has conducted an extensive community outreach effort engaging with over 1,800 participants to understand what the public wants from their park system. In late 2023, the team present conceptual plans to the Planning Commission and City Council. The goal of this presentation is to discuss the results of these efforts and obtain feedback on the following elements needed to complete the PTRO Plan and funding strategy:

1) **Conceptual Park Plans:** The draft conceptual plans have been updated to reflect the City Council's desire to have multi-sport fields and one additional indoor recreational facility at Midtown Park. The second indoor recreational facility at Midtown Park would not be constructed by the City and would not be included in the overall project cost and funding strategy. The area would be preserved so that another agency or group could use the area to develop a needed or desired indoor recreational facility.
2) **Project Groupings:** The projects within each of the parks have been grouped together in manner to reduce cost and improve construction efficiencies.
3) **Priority:** As part of the presentation the schedule for the completion of each project group over the next twenty-five years will be presented. The year of completion will be used to determine the priority of the project grouping with higher priority projects occurring earlier within the twenty-five-year planning window.

Attachments: Project Plans and Grouping Narrative.

BUDGET INFORMATION

Budget Amount	**Current Balance**	**Required Expenditure**	**Budget Balance**

Budget Explanation:

COMMITTEE, BOARD & COMMISSION REVIEW

Council Committee Review: Date:

Approvals:	**Yes**	**No**
Chair/Councilmember		
Councilmember		
Councilmember		

Forward to: **Consent Agenda:** ☐ Yes ☐ No

Commission/Board Review: Planning Commission – April 5, 2023, April 26, 2023, & November 1, 2023

Hearing Examiner Review:

COUNCIL ACTION

Workshop Date(s): 5/2/2023 & 11/7/2023 Meeting Public Hearing Date(s):

Date(s): Tabled to Date:

APPROVALS

Director:	**Mayor:**	**Date Reviewed by City Attorney:** (if applicable):
Ryan Johnstone, P.E.	*Michael McCullough*	

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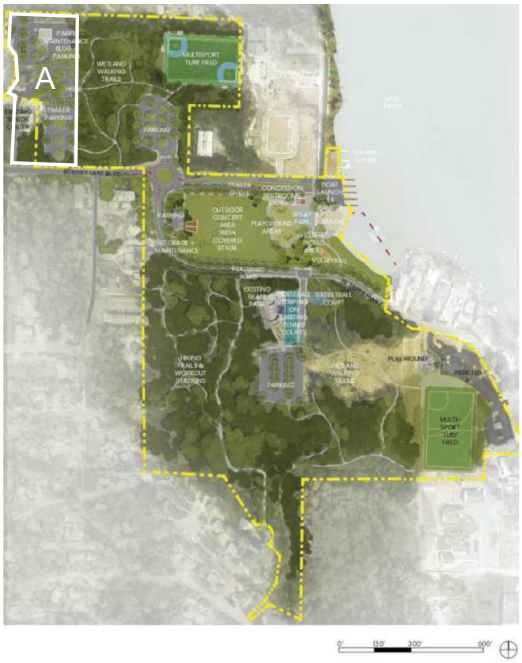
PROJECT DESCRIPTIONS / ASSUMPTIONS FOR ROM COSTING

MxM Landscape Architecture
December 21, 2023

Assumes formal SEPA on the Allan York Park master plan. Can pull off project-specific SEPAs as needed. Assumes 2: Projects A-B and Projects C-I.

ALLAN YORKE PARK



PROJECT A.
Northwest Parking Lot Upgrades

Maintenance Yard Parking and Senior Center Parking lots will be reconfigured to include public and boat-trailer parking. Assumed to be roughly 11,000 sq. yds. of asphalt parking lots with concrete curb and gutter, planting, drainage, overhead lighting (safety), striping, concrete sidewalk, and signage.

Includes demolition of Historical Society building and wetland delineation along the east project boundary line.

Project Budget Savings Opportunity: Design and construction of Projects A+B together would reduce redundant costs for wetland delineation (currently accounted for in each project separately).

ALLAN YORKE PARK

PROJECT B.
Sports Field #4 Conversion

Sports Field #4 conversion to artificial turf, multi-sport field with bleachers and dugouts with small storage area. Project includes a parking lot upgrade (asphalt with striping, planting + trees, and concrete curb and gutter) and wetland walking trail network (Concrete primary spine with wood boardwalk through wetland; Tertiary soft surface trails and boardwalks; Signage).

Includes electrical/lighting throughout parking lot and sports field. Pedestrian-level lighting through east-west primary spine. No lighting provided along soft-surface trails.

Assumes no restroom structure to be included in this area. Includes enough concrete to place and service portable restrooms at the north edge of the parking lot.

Fencing along the north edge along the multi-sport field and along the west project/property boundary is also included.

Captures wetland delineation and environmental/land use permitting.

ALLAN YORKE PARK

PROJECT C.
Boat Queue + Boat Launch Relocation

Project Prioritization: Assumes the right-of-way work, including the W Tapps Hwy reconfiguration and roundabout design to be completed by others before or during this project.

New boat queuing lineup and accessible parking stalls to be asphalt with concrete curb and gutter. Assumes some modest drainage improvements will be needed. New plantings/trees and concrete sidewalk along striped parallel parking including up to 6 disabled vehicle stalls and accompanying signage, striping, curb cuts.

New boat launch area to be larger to accommodate turning movements without blocking street traffic at Bonney Lake Blvd. Five piers to be built; existing piers to remain for fishing and other recreation opportunities. Demo existing boat launch pavement and upgrade to some natural turf with low-maintenance plantings.

Project Budget Savings Opportunity: Combining shoreline work (Projects C + F) would lessen costs included for surveying lake bathymetry and delineations, and providing shoreline mitigation strategies, which are currently included separately for each project.

ALLAN YORKE PARK

PROJECT D.
Amphitheater, Great Lawn, + Maintenance Building

Project Prioritization: Assumes the right-of-way work, including the W Tapps Hwy reconfiguration and roundabout design to be completed by others before or during this project.

Assumes the Great Lawn will require some modest soil and regrading, while most will only require scraping and amending topsoil and be hydroseeded.

Amphitheater estimated to be a 2,500 sq. ft. robust, custom structure. Includes small concrete parking lot with drainage and striping (suitable for large, heavy vehicular drop off for events as well as maintaining ADA parking grades with 3 disabled vehicle stalls and striping).

Off-the-shelf concrete block maintenance building. Includes trees and modest planting areas for some low screening at parking area.

BONNEY Lake

ALLAN YORKE PARK

PROJECT E.
Playgrounds, Spray Park, Concessions/Restrooms

Project Prioritization: Assumes the right-of-way work, including the W Tapps Hwy reconfiguration and roundabout design to be completed by others before or during this project.

Assumes a custom building that welcomes the community and provides concessions, mechanical housing for spray park, restrooms, sheltered seating, and additional Parks' maintenance storage. Project includes two large playgrounds (one for 2-to-5-year-olds and one for 5-to-12-year-olds), each with approximately 5 pieces of play equipment and accessible poured in place safety surfacing. Includes spray park with 3 large spray or dump elements and 9 small water spraying elements.

Includes 3 large picnic shelters facing the waterfront. Planting and trees and concrete sidewalks with pedestrian lighting connect the park entrances running north and south. Includes a welcoming Park sign at each entrance.

Project Combination Needs: Because the spray park will need mechanical housing, combining with the concessions and storage building will be highly advantageous (cost-effective, easy maintenance access, and reducing non-public-amenity-footprint). Also, due to the relationship of the playgrounds and spray park, combining as one project would be efficient and most successful if one designer is thinking about all these relationships together.

ALLAN YORKE PARK

PROJECT F.
Beachfront Upgrades

Project Prioritization: Assumes the right-of-way work, including the W Tapps Hwy reconfiguration and roundabout design to be completed by others before or during this project.

Assumes regrading, shoreline excavation and importing sand. Includes shoreline permitting and delineation and logistics of beach installation. Also includes relocation of sand volleyball pit to move away from traffic since there is no longer a fence by the old road alignment.

Includes large cut stone stepped seating and retaining wall at beach front, concrete sidewalk, and trees and plantings. Assumes the existing revetment rock wall to remain to the south.

ALLAN YORKE PARK

PROJECT G.
Formalize South Parking Lot

Build asphalt access road and roughly 42,000 sq. ft. asphalt parking lot with concrete curb and gutter, lighting, and striping. Includes drainage as well as planting and trees. Concrete sidewalk included along the north edge of the parking lot, taking people to/from the skate park, tennis courts, and basketball court to the north.

Project Budget Savings Opportunity: Design and construction of Projects G+H+I together (or in any combination) would reduce redundant costs for wetland delineation currently accounted for in each project separately.

ALLAN YORKE PARK

PROJECT H.
New Basketball Court + Tennis Court Upgrades

Project Prioritization: The W Tapps Hwy reconfiguration would likely conflict with the existing basketball court (to be demolished - see below). It would be beneficial to begin this project prior to the roadway reconfiguration in order to maintain a level of service for the basketball court. It would also be beneficial to have completed Project G or at least have the roadway alignment to the parking lot decided in order to locate the basketball court, both in location and elevation for accessibility and general park amenity cohesiveness.

Demo existing basketball court north of the existing tennis courts (if it is not already) and add soil and native trees and understory.

Build new, covered, unfenced basketball court with lighting/electrical service east of the formalized roadway from Project G.

Restripe existing tennis courts with additional pickleball striping and nets.

ALLAN YORKE PARK

PROJECT I.
Build Out Trail Network

Formalize Multi-Use Trail as 12'-wide asphalt path running north-south with additional soft-surface trail network throughout, connecting to neighborhoods and the Park.

Assumes no lighting, some tree removal and pruning required along multi-use trail.

Project Prioritization: If tree replacement required, it would be beneficial to include Project H demo of existing basketball court to plant additional trees in its place as part of this project.

Includes wetland delineation and environmental/land use permitting.

MIDTOWN PARK

PROJECT A.
Sport Field #1, Parking, and Pickleball Complex

Includes 126-stall asphalt parking lot with concrete curb and gutter, drainage, lighting, and striping.

Pickleball complex includes 6 low-fenced pickleball courts and two custom covered and fenced multi-sport courts with basketball hoops and tennis nets. Includes striping and court lighting.

Multi-sport field #1 with artificial turf for baseball and soccer with bleachers and dugouts with small storage area. Includes field lighting for evening use.

Includes planting and trees, concrete sidewalks (12' sidewalk running east-west and connecting to future park walking spine), a prefabricated concrete block restroom facility with 6 total stalls.

BONNEY Lake

MIDTOWN PARK

PROJECT B.
Community / Senior Center

Includes 96-stall asphalt parking lot with concrete curb and gutter, drainage, lighting, and striping.

Includes a custom 40,000sf community/senior center building with multipurpose rooms and gymnasium.

Includes planting and trees, concrete sidewalks and lighted plaza with specialty paving, art, and signage.

BONNEY Lake

MIDTOWN PARK

PROJECT C.
Spray Park and Playgrounds

Includes 151-stall asphalt parking lot with concrete curb and gutter, drainage, lighting, and striping.

Includes planting and trees, concrete sidewalks between 8-12' wide with pedestrian-scale lighting along the east-west spine, and a prefabricated concrete block restroom facility with 6 total stalls and housing the mechanical for spray park as well as Parks' storage. Approximately 20 site furnishings account for a mix of benches, picnic tables, and waste receptacles.

Project includes two large playgrounds (one for 2-to-5-year-olds and one for 5-to-12-year-olds), each with approximately 5 pieces of play equipment and accessible poured in place safety surfacing. Includes spray park with 3 large spray or dump elements and 9 small water spraying elements.

BONNEY Lake

MIDTOWN PARK

PROJECT D.
Sports Field #2

Multi-sport field #2 to be artificial turf for baseball and soccer with bleachers and dugouts with small storage area. Includes field lighting for nighttime use.

Includes planting, trees, and concrete sidewalks 8' wide running along the south and west sides of the field.

BONNEY Lake

MIDTOWN PARK

PROJECT E.
Bike + Disc Golf Facilities + Dog Park + Trails

Project Prioritization: If this project or elements of it come before others at Midtown, a parking lot should be included to meet demand (and any associated infrastructure desired, such as electrical, water, or drainage elements) that would be needed for other adjacent projects to be eventually built out. The parking lot in Project C would be recommended for its central location.

Assumes the park trail network would be built out within this project. Concrete sidewalks 12' wide around the Stormwater Loop trail and through the central pedestrian spine, 8" thick for Parks maintenance vehicles to utilize. The loop and spine will also have lighting. This "spine" trail will connect to the north-south and east-west for a continuous accessible path to all facilities. Picnic trails to be compacted gravel surfacing for ADA compliance. All other trails to be soft-surface.

Pump track and mountain bike trails to have a variety of specialty elements. Disc Golf Course will have 18 tees and baskets and will contain specialty signage. Project includes tree pruning and selective removal as needed.

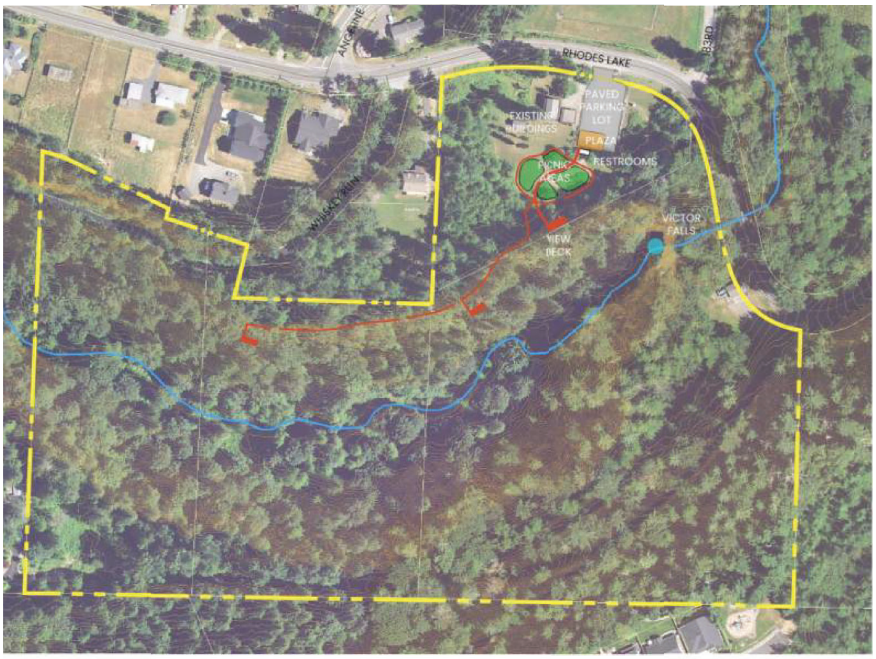
Dog park perimeter to have 4-5' chainlink fence with two sets of double gates and two or three play elements.

Picnic area will have a mix of approximately 20 benches, picnic tables, waste receptacles, and raised BBQ pits.

Tree preservation on site. Assumes targeted new plantings and trees, particularly at the stormwater detention areas.

BONNEY Lake

VICTOR FALLS PARK



Parking, Picnic, + Safety Improvements

Parking lot to be formalized with asphalt and concrete curb and gutter, with drainage catch basins and striping. No lighting due to proximity of residential housing and natural setting/use of park.

Specialty paving for plaza adjacent to parking lot will have some seating elements. Assumes a prefabricated concrete block 2-stall restroom facility and 6' wide concrete sidewalk through picnic area and flush with the first viewing deck for accessibility.

Three total viewing decks provided with soft-surface trails between them. Decks include structural foundations and are made of wood decking and wood rails.

Picnic area to include 3 picnic tables and concrete pads for accessibility.

BONNEY Lake

CEDARVIEW PARK

PROJECT A.
Sport Court + Parking Improvements

Playfield will have improved drainage and be hydroseeded, and baseball backstop to be upgraded. Existing basketball court will be demoed and replaced with a covered and lighted multi-sport court serving basketball and pickleball. Assumes no fence nor tennis striping.

Formalize parallel parking to the west, both with asphalt paving and a concrete curb and gutter with drainage improvements.

BONNEY Lake

CEDARVIEW PARK

PROJECT B.
Spray Park

Includes spray park with 1 large spray or dump element and 5 small water spraying elements. Includes planting and trees, a prefabricated concrete block restroom facility with 4 total stalls and housing the mechanical for the spray park.

Add signage and wheelstops or curb to the parallel parking to the north.

CEDARVIEW PARK

PROJECT C.
Upgraded Playground + Trails

Provide new 6'-wide concrete sidewalk and modest regrading to meet accessibility needs. Project includes two playgrounds (one for 2-to-5-year-olds and one for 5-to-12-year-olds), for a total of 7 pieces of play equipment and accessible poured in place safety surfacing.

CEDARVIEW PARK

PROJECT D.
Picnic Shelters + Upgraded Parking

Three new covered picnic shelters matching general aesthetic of existing picnic shelter - with one connected to the concrete sidewalk circulation for accessibility.

Repave, stripe and sign existing parking lot to the east.

CITY COUNCIL WORKSHOP

November 21, 2023
6:00 P.M.

DRAFT MINUTES

www.ci.bonney-lake.wa.us

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

Audio starts at: 06:00

I. CALL TO ORDER: Mayor Michael McCullough

A. Pledge of Allegiance

Audio starts at: 6:01

II. ROLL CALL: City Clerk Sadie Schaneman called the roll. In addition to Mayor Michael McCullough, elected officials attending were Deputy Mayor Terry Carter, Councilmember Angela Baldwin, Councilmember J. Kelly McClimans, and Councilmember Dan Swatman. Councilmember Gwendolyn Fullerton was attending virtually, and Councilmember Justin Evans was not in attendance.

Councilmember Watson moved to excuse the absence of Councilmember Evans. Councilmember McClimans seconded the motion.

Motion approved 6-0.

Staff members in attendance at the physical location were City Administrator John Vodopich, Police Chief Mark Berry, Administrative Services Director Chuck McEwen, Public Services Director Ryan Johnstone, City Clerk Sadie Schaneman and Administrative Specialist II Debbie McDonald, and City Attorney Jennifer Robertson.

Staff members in virtual attendance using the City's BlueJeans conference line were Chief Finance Officer Cherie Reierson.

III. AGENDA ITEMS:

Audio starts at: 6:03

A. **Open Discussion:**

Councilmember Fullerton:
Fluoride in the Water: Councilmember Fullerton stated her concerns that fluoride is in the water that is supplied to Bonney Lake by Tacoma. She stated research and lawsuits of the affects that fluoride has on people and wants to look into having the fluoride no longer in the water supply.

Public Services Director Johnstone stated he will invite Tacoma Water to an upcoming Council meeting to discuss fluoride in the water.

Councilmember Swatman:
Parks Comp Plan: Councilmember Swatman asked what the next step is for the Parks Comp Plan.

Public Services Director Johnstone responded it will come back to Council in February.

Audio starts at: 6:16

B. **Review of Council Minutes:** November 7, 2023, City Council Workshop.

The draft minutes were forwarded with correction to the November 28, 2023, Meeting for approval.

Audio starts at: 6:17

C. **Discussion: AB23-119 – Ordinance D23-119 -** An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting The Mid-Biennial Budget Amendment For Budget Years 2023 And 2024.

City Councilmembers provided feedback, including:
- Allocation of funds for a study on the Public Safety Building.
- Options for the space in the Public Safety Building when the East Pierce Fire Department moves out.

Council agreed to move the agenda bill to Council Consent for the next Council Meeting November 28, 2023.

Audio starts at: 6:23

D. **Discussion: AB23-120 – Ordinance D23-120 –** An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Setting The Amount Of The Annual Ad Valorem Tax Levy Necessary For The Fiscal year 2024 For The Purposes Set Forth Below.

City Councilmembers provided feedback, including:
- If this is just the normal increase.

Council agreed to move the agenda bill to Council Consent for the next Council Meeting November 28, 2023.

Audio starts at: 6:25

E. **Discussion: AB23-154 – Motion M23 - 154** – A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign The Interlocal Agreement Between The City Of Bonney Lake And The City Of Sumner For The Coordination Of Cooperative Wastewater Services.

City Councilmembers provided feedback, including:
- Concerns with the City of Bonney Lake paying more than the City of Sumner.
- The City of Sumner dictating what the City of Bonney Lake pays without input.
- Would like to see the red line strikeouts in the new agreement.
- Having term limits on the agreement.

Council agreed to bring back for discussion at the next City Council Workshop on December 5, 2023.

IV. EXECUTIVE SESSION: None.

Audio starts at: 6:56

V. ADJOURNMENT

At 6:56 p.m. the Meeting was adjourned by Mayor McCullough with the common consent of the City Council.

Sadie A. Schaneman, CMC, City Clerk

Michael McCullough, Mayor

No items presented to Council at the November 21, 2023, Workshop.

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

November 28, 2023
6:00 P.M.
DRAFT MINUTES

www.ci.bonney-lake.wa.us

Location: The physical location of the Council Meeting was at the Bonney Lake Justice & Municipal Center, 9002 Main Street East, Bonney Lake, Washington. The public was also given the option to call in or attend virtually the Council Meeting.

Audio starts at: 06:00:00

I. CALL TO ORDER – Mayor Michael McCullough, called the meeting to order at 6:00 p.m.

A. Pledge of Allegiance: Mayor McCullough led the audience in the Pledge of Allegiance.

B. Roll Call: Records and Disclosure Coordinator Kandice Besaw called the roll. In addition to Mayor McCullough, elected officials attending were Deputy Mayor Terry Carter, Councilmember Angela Baldwin, Councilmember Justin Evans, Councilmember Gwendolyn Fullerton, Councilmember J. Kelly McClimans Councilmember Dan Swatman, and Councilmember Tom Watson.

Staff members in attendance at the physical location were City Administrator John Vodopich, Chief of Police Mark Berry, Administrative Services Director Chuck McEwen, Public Services Director Ryan Johnstone, Customer Service Manager Stephanie Tonellato, Recreation & Special Events Manager David Wells, Deputy City Attorney/Prosecutor Dena Burke, Maintenance Worker I Austyn Young, Records & Disclosure Coordinator Kandice Besaw, and City Attorney Jennifer Robertson.

Staff member in virtual attendance using the City's BlueJeans conference line were Chief Finance Officer Cherie Reierson, Judge Joanna Daniels, Finance and Payroll Accountant Patti McCann, and Administrative Specialist II Debbie McDonald.

Audio starts at: 06:01:06

C. Agenda Modifications:

Mayor McCullough noted that Councilmember McClimans had asked that AB23-146 be removed from the Consent Agenda. He said the item would be moved to Full Council Issues as Item A.

Councilmember Watson moved to approve the agenda modification. Councilmember McClimans seconded the motion.

Motion approved 7 – 0.

D. Announcements, Appointments and Presentations:

Audio starts at: 06:03:41

1. **Oath of Office –** Councilmember Dan Roach.

   Mayor McCullough invited Councilmember elect Dan Roach to come forward and receive the Oath of Office as administered by Mayor McCullough. Mayor McCullough asked Councilmember Angela Baldin to temporarily step down till January and for Councilmember Dan Roach to take his seat.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

Audio starts at: 6:04:25

A. Public Hearing: None.

B. Citizen Comments: *For efficient use of city resources, comments will be a short summary and not verbatim. Video recordings will be uploaded to the city's YouTube channel and an audio recording to the state digital archives for review of all the comments.*

Dan Decker, 20401 70th St E, Bonney Lake: Stated that the CDC said Fluoride is a drug and Dr. Carlsson Noble prize winner in Medicine and Physiology (2000) stated its poison.

C. Correspondence: None.

Audio starts at: 6:10:37

III. COUNCIL COMMITTEE REPORTS:

A. Finance Committee: Deputy Mayor Carter reported the Finance Committee met in person and virtually today at 5:00 p.m. The Committee went thru personnel updates; discussed and forwarded AB23-151 to a future meeting and approved their minutes.

B. Community Development Committee: Councilmember Swatman reported the Community Development Committee met in person and virtually at 5:00 p.m. on November 21, 2023. The Committee discussed and forwarded AB23-154 to a future meeting and approved their minutes.

C. Public Safety Committee: Councilmember Evans reported the Public Safety Committee did not meet and is expected to have their next meeting in person and virtually at 3:30 p.m. on December 12, 2023.

D. Other Reports:

Audio starts at: 6:12:25

IV. CONSENT AGENDA:

A. **Approval of Corrected Minutes:** November 7, 2023, City Council Workshop.

B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable check/vouchers #95727 to #95740, in the amount of $3,036.92. Accounts Payable check/vouchers #95726, #95741 to #95822 and wire transfers #36313503, #26331414, #2023101902, and #2023103101 in the amount of

$924,575.38. Accounts payable wire transfer #2023111701 in the amount of $36,609.42. Accounts Payable check/vouchers #95823 to #95887 and wire transfers #20231106, #2023101301, #2023110201, #2023111001, #2023111002, #2023111320, #2023111702, and #2023112001 in the amount of $706,456.71. **Voids:** Wire #2023103101 – Incorrect amount – Reissued.

C. **Approval of Payroll:** November 1 – 15, 2023 for checks #34889 - 34892 including Direct Deposits and Electronic Transfers totaling $772,760.20. **Voids:** None.

D. **AB23-119 – Ordinance D23-119** - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Adopting The Mid-Biennial Budget Amendment For Budget Years 2023 And 2024.

E. **AB23-120 – Ordinance D23-120** - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Setting The Amount Of The Annual Ad Valorem Tax Levy Necessary For The Fiscal Year 2024 For The Purposes Set Forth Below.

F. ~~**AB23-146 – Resolution 3187 -** A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Amending The Fee Schedule To Add A $50 Water Meter Data Download Fee, Pay To Park Rates And Boat Launch Fees For Allan Yorke Park.~~ **(Moved to Full Council Issues Item A)**

G. **AB23-149 – Resolution 3190 -** A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Contract With The City Of Enumclaw To Provide Six Jail Beds Per Day, Guaranteed.

H. **AB23-155 – Motion M23-155** - A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Accept As Complete The 200th Avenue Court East Preservation Project With Becker Blacktop LLC.

Councilmember Watson moved to approve the Consent Agenda as modified. Deputy Mayor Carter seconded the motion.

Consent Agenda approved 7 - 0.

V. FINANCE COMMITTEE ISSUES: None.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

Audio starts at: 6:12:46

VIII. FULL COUNCIL ISSUES:

A. (Moved from Consent Agenda, Item F) **AB23-146 – Resolution 3187 -** A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Amending The Fee Schedule To Add A $50 Water Meter Data Download Fee, Pay To Park Rates And Boat Launch Fees For Allan Yorke Park.

Councilmember Watson moved to approve Resolution 3187. Deputy Mayor Cater seconded the motion.

Council asked questions and shared their thoughts including:

- Fees affecting lower income.
- Police officers' ability to enforce violations.

Resolution 3187 approved 6 – 1.
Councilmember McClimans voted no.

IX. EXECUTIVE/CLOSED SESSION: None.

X. ADJOURNMENT:

At 6:14 p.m. the Meeting was adjourned by Mayor McCullough with the common consent of the City Council.

Sadie A. Schaneman, CMC, City Clerk

Michael McCullough, Mayor

Items presented to Council at the November 28, 2023, Meeting for the record: 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.

CITY COUNCIL WORKSHOP

December 5, 2023
6:00 P.M.

DRAFT MINUTES

www.ci.bonney-lake.wa.us

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

Audio starts at: 06:00

I. CALL TO ORDER: Mayor Michael McCullough

A. Pledge of Allegiance

Audio starts at: 6:01

II. ROLL CALL: Administrative Specialist II Debbie McDonald called the roll. In addition to Mayor Michael McCullough, elected officials attending were Deputy Mayor Terry Carter, Councilmember Justin Evans, Councilmember Gwendolyn Fullerton, Councilmember J. Kelly McClimans, Councilmember Dan Roach, Councilmember Dan Swatman, and Councilmember Tom Watson.

Staff members in attendance at the physical location were City Administrator John Vodopich, Police Chief Mark Berry, Administrative Services Director Chuck McEwen, Public Services Director Ryan Johnstone, Administrative Specialist II Debbie McDonald, and City Attorney Jennifer Robertson.

III. AGENDA ITEMS:

Audio starts at: 6:02

A. **Presentation:** Mt. Rainier Athletic Club (MRAC) Update**.**

Mr. Clevenger with MRAC stated they are being held up with insurance coverage for the project, everything else is moving forward. Thanked the outgoing Councilmembers for their support.

Council discussed and shared their ideas and concerns, including:

- Why is it difficult to find insurance.
- MRAC purchasing the property to qualify for insurance.

Audio starts at: 06:17

B. **Council Open Discussion**:

Councilmember Watson:
Communities For Families (CFF): Councilmember Watson wanted to encourage other Councilmembers to attend the first Thursday of the month at 3 p.m. to be more informed of the community and the younger generation needs.

City's Tree Lighting: Councilmember Watson along with other Councilmembers attended the tree lighting. He stated there was a good community turnout.

Council Term: Councilmember Watson thanked everyone for the last 12-years.

Councilmember Evans:
New Christmas Tree: Councilmember Evans is concerned that $6700.00 was spent for the new tree made of lights. Reminded Council it is up them to oversee how money is being spent.

Councilmember McClimans:
Sumner-Bonney Lake School Districts Capital Facilities Advisory Committee:
Councilmember McClimans reported the Advisory Committee will be going out for a bond for the second phase of the Sumner High School and the new Junior High School in Tehaleh.

Councilmember Fullerton:
Announcements: Councilmember Fullerton would like to see city announcements added to the agenda.

Audio starts at: 06:38

C. **Review Of Council Minutes:** November 14, 2023, City Council Meeting,

The draft minutes were forwarded with no corrections to the December 12, 2023, Meeting for approval.

Audio starts at: 06:39

A. **Discussion: AB23-154 – Motion M23-154 -** A Motion Of The City Of Bonney Lake, Pierce County, Washington Authorizing The Mayor To Sign The Interlocal Agreement Between The City Of Bonney Lake And City Of Sumner For The Coordination Of Cooperative Wastewater Services.

Council discussed and shared their ideas and concerns, including:

- Can sewer be expanded outside the City limits to increase revenue.
- Better understanding of how money is being spent.
- Having an expiration date on the agreement.

There was Council consensus to place the item for action on the next Council agenda under Full Council Issues.

Audio starts at: 7:19

IV. EXECUTIVE/CLOSED SESSION: None.

Audio starts at: 7:19

V. ADJOURNMENT

At 7:19 p.m. the Meeting was adjourned by Mayor McCullough with the common consent of the City Council.

Sadie A. Schaneman, CMC, City Clerk

Michael McCullough, Mayor

Items presented to Council at the Dedcember 5, 2023, Workshop: 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.

CITY COUNCIL MEETING

December 12, 2023
6:00 P.M.
DRAFT MINUTES

www.ci.bonney-lake.wa.us

Location: The physical location of the Council Meeting was at the Bonney Lake Justice & Municipal Center, 9002 Main Street East, Bonney Lake, Washington. The public was also given the option to call in or attend virtually the Council Meeting.

Audio starts at: 06:00:00

I. CALL TO ORDER – Mayor Michael McCullough, called the meeting to order at 6:00 p.m.

A. Pledge of Allegiance: Mayor McCullough led the audience in the Pledge of Allegiance.

B. Roll Call: City Clerk Sadie Schaneman called the roll. In addition to Mayor McCullough, elected officials attending were Deputy Mayor Terry Carter, Councilmember Justin Evans, Councilmember Gwendolyn Fullerton, Councilmember J. Kelly McClimans, Councilmember Dan Swatman, and Councilmember Tom Watson. Councilmember Dan Roach was no in attendance.

Deputy Mayor Carter moved to excuse the absence of Councilmember Roach. Councilmember Evans seconded the motion.

Motion approved 6 - 0.

Staff members in attendance at the physical location were City Administrator John Vodopich, Chief of Police Mark Berry, Administrative Services Director Chuck McEwen, Public Services Director Ryan Johnstone, Human Resource Manager Brian Sandler, Recreation & Special Events Manager David Wells, Administrative Specialist III Carol Paul, Records and Disclosure Coordinator Kandice Besaw, and City Attorney Jennifer Robertson.

There were no staff members in virtual attendance.

Audio starts at: 06:01:06

C. Agenda Modifications:

Mayor McCullough noted that AB23-152 will be pulled from the Consent Agenda and AB23-154 will be pulled from Full Council Issues and moved to a future meeting.

Councilmember Watson moved to approve the agenda modification. Councilmember Evans seconded the motion.

Motion approved 6 – 0.

D. Announcements, Appointments and Presentations:

Audio starts at: 06:03:00

1. **Santa Clause**

   Mayor McCullough made an announcement that we had a special guest and if anyone wished to take photos with Santa he would be waiting in the lobby.

Audio starts at: 06:19:57

2. **Proclamation:** Make a Difference

   Mayor McCullough read the proclamation making December 12, 2023, *Make a Difference Day* in honor of Councilmember Evans and Watson and for all that they contributed to the city and community.
   City Clerk Sadie Schaneman presented Councilmember Evans and Watson a plaque to portray the cities gratitude.

3. **Oath of Office:** Councilmember 2, 4, 5, and 7.

   Mayor McCullough invited Councilmember elect Baldwin and Huber and Councilmember J. Kelly McClimans to come forward and receive their Oath of Office as administered by Mayor McCullough. Councilmember Roach was not present and will receive his oath prior to January 9, 2024.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

A. Public Hearing: None.

Audio starts at: 6:04:25

B. Citizen Comments: *For efficient use of city resources, comments will be a short summary and not verbatim. Video recordings will be uploaded to the city's YouTube channel and an audio recording to the state digital archives for review of all the comments.*

Dan Decker, 20401 70th St E, Bonney Lake: Stated that fluoride is poison and is killing you and to get fluoride out of drinking water.

Chris Leier, 204916 Island Drive, Lake Tapps: Expressed his appreciation to Councilmember Evans and Watson and thanked the whole council for all their support.

James "Kelly" McClimans, 19025 68th ST E, Bonney Lake: Shared that it has been a pleasure working with Councilmember Evans and Watson and offered them a prayer.

Erin Muskey – Bonney Lake Public Library: Expressed a thanks to the outgoing and incoming Council. Gave a brief update on the library happenings and shared that they will be featured in the Washington State Journal.

C. Correspondence: None.

Audio starts at: 6:23:24

III. COUNCIL COMMITTEE REPORTS:

A. Finance Committee: Deputy Mayor Carter reported the Finance Committee met in person and virtually today at 5:00 p.m. The Committee went thru personnel updates; discussed and forwarded AB23-156 to tonight's meeting, discussed the opioid settlement funds, Pierce County Human Services and approved their minutes.

B. Community Development Committee: Councilmember Swatman reported the Community Development Committee met in person and virtually on December 5, 2023. The Committee discussed and forwarded AB23-157 to tonight's consent agenda and forwarded AB23-141 (AB24-02) to a future meeting and approved their minutes.

C. Public Safety Committee: Councilmember Evans reported the Public Safety Committee met in person and virtually on December 5th. The Committee received an update from the Police Department, East Pierce Fire and Rescue and Community Court. Received a report from the Prosecutor, forwarded AB23-152 to tonight's consent agenda and approved their minutes.

D. Other Reports:

Audio starts at: 6:28:05

IV. CONSENT AGENDA:

A. **Approval of Corrected Minutes:** November 14, 2023, City Council Meeting.

B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable Check/Vouchers #95888 To #95932, And Wire Transfers #36806287 And #2023112901 In The Amount Of $787,553.01. **Voids:** None.

C. **Approval of Payroll:** November 16 – 30, 2023 For Checks #34893 - 34898 Including Direct Deposits And Electronic Transfers Totaling $808,095.80. **Voids:** None.

D. ~~**AB23-152 – Ordinance D23-152** - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Bonney Lake Municipal Code Sections 6.04.190 And 6.04.230.~~ **(Pulled from Consent Agenda).**

E. **AB23-157 – Resolution 3193** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Award Of A Professional Services Agreement To BHC Consultants For Professional Engineering Services For The SR410 Sewer Trunk Line Evaluation.

F. **AB23-159 – Motion M23-159** - A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Accept As Complete The Tacoma Point Reservoir Replacement Project With T. Bailey Inc.

G. **AB23-160 – Motion M23-160** - A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Accept As Complete The MTU And Radio Communication Installation Project With Source Electric, LLC.

Councilmember Watson moved to approve the Consent Agenda as modified. Deputy Mayor Carter seconded the motion.

Consent Agenda approved 6 - 0.

V. FINANCE COMMITTEE ISSUES:

Audio starts at: 6:28:10

A. **AB23-156 – Resolution 3192** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Reimbursement Contract With Pierce County For Senior Services Rendered By The City Of Bonney Lake Up To A Total Of $45,516 During Calendar Years 2024-2025.

Councilmember Watson moved to approve Resolution 3192. Deputy Mayor Cater seconded the motion.

Council had no discussion on this topic.

Resolution 3192 approved 6 - 0.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES:

Audio starts at: 6:29:16

A. **AB23-151 – Ordinance D23-151** - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Ordinance No. 1687 Relating To Salaries And Benefits For Non-Represented Employees.

Councilmember Watson moved to approve Ordinance D23-151. Councilmember Evans seconded the motion.

Council had no discussion on this topic.

Ordinance D23-151 approved 6 - 0.

B. ~~**AB23-154 – Motion M23-154** - A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign The Interlocal Agreement Between The City Of Bonney Lake And City Of Sumner For The Coordination Of Cooperative Wastewater Services~~. **(Pulled from Full Council Issues).**

IX. EXECUTIVE/CLOSED SESSION: None.

X. ADJOURNMENT:

At 6:30 p.m. the Meeting was adjourned by Mayor McCullough with the common consent of the City Council.

Sadie A. Schaneman, CMC, City Clerk

Michael McCullough, Mayor

Items presented to Council at the December 12, 2023, Meeting for the record: 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.

LOCAL

Callers spewing racism, defending Nazis hijack council meetings across Pierce County

BY CRAIG SAILOR
UPDATED DECEMBER 11, 2023 10:13 AM

In what appeared to be an organized effort, callers spouting anti-Semitic statements, bombarded the Lakewood City Council meeting on Dec. 4, 2023. BY PETE CASTER

City council meetings across Pierce County have been hijacked in the past week in what appears to be organized attempts to harass and intimidate elected officials. Callers with fake names and addresses have used public comment periods to make antisemitic and racist comments along with veiled references to violence.

Tacoma, Lakewood and Buckley city councils have all been prey for the callers as well as the Pierce County Council. It's part of a trend that's affecting other public meetings across the United States.

On Monday, Dec. 4, Lakewood Mayor Jason Whalen seemed caught off guard by the onslaught of callers who lined up virtually to speak. He eventually began shutting down the commenters when they veered into hate speech.

PATTERNS

The callers, most likely organizing their efforts somewhere on the internet, come en masse to each meeting.

They often begin cordially but become increasingly belligerent. Some begin by pretending to comment on whatever issue a council is discussing only to quickly segue into hate speech.

During a public comment period at a Pierce County Council meeting Tuesday, Dec. 5, a caller pretending to speak about a small business grant program instead launched into a diatribe against Black men. The caller seemed ready to be interrupted and when Council members Marty Campbell and Ryan Mello did so, the caller called them "(N-word) lovers."

On Nov. 28, the Tacoma City Council was the victim of a hate call campaign. It was student government day, when City Hall is filled with dozens of high school students who sit in on council meetings and meet with leadership, according to city spokesperson Maria Lee.

During these organized hate speech efforts, some callers appeared to be reading from prepared statements, and others were adept at being extemporaneous. Some identify themselves as LGBTQ, Black or Jewish only to launch into hate speech against those groups. One caller to Tacoma's meeting falsely stated he worked for animal control. Mayor Victoria Woodards quickly shut him down.

LAKEWOOD

Lakewood limits commenters to three minutes. They are asked to state their names and addresses. They are also required to confine their comments to issues directly concerned with Lakewood. While the public can speak to the council in person, the city allows callers to speak via Zoom.

The Dec. 4 barrage began when a person who identified herself as Barbara of Lakewood and a member of the Jewish community read a list of inflammatory statements that were geared to cast Jews in an unfavorable light.

That pattern continued through the evening as callers made antisemitic and racist comments. Many of the commenters framed their hate speech as an exercise of free speech.

"Barbara" called for a city resolution to support the First Amendment.

"That way, all of these gentiles, mostly the white people of this nation, that are basically just forgotten about in their own country, have the right to speak up for themselves," she said. "And they don't have to resort to the Second Amendment."

NATIONWIDE TREND

Like other callers, "Barbara" subscribed to a variety of conspiracy theories, including that the entire American news media is controlled by six Jewish individuals and that the Anti-Defamation League (ADL) is trying to limit free speech at public meetings.

On its website, the ADL acknowledges the trend of harassment.

"Extremists and bigots are using the public comment portion of these events, especially those with the option to call in virtually, to push antisemitic, white supremacist and anti-LGBTQ+ narratives," it states.

The ADL says the trend has grown from tactics right-wing activists have employed at school board meetings to protest masking, vaccine mandates, transgender inclusive policies, LGBTQ-student support and other issues.

During Lakewood's meeting, a person gave a name that sounded like "Jew destroyer" and claimed that the ADL sends directions to city councils on how to restrict free speech. "Judy Stroyer" then made threats about "spilling blood."

"At what point do you think the next generation are going to turn on the baby boomers and knock you out, figuratively and literally," the caller said.

BUCKLEY CITY COUNCIL

On Nov. 28, the Buckley City Council was hit by the same or similar group of callers, according to City Clerk Treva Percival. She estimated between five and 10 callers made antisemitic and bigoted comments via Zoom. Some also displayed visuals.

"The N-word specifically — happened more than once — they shouted during the meeting," she said.

Mayor Beau Burkett told the callers that the council was only hearing comments on the 2024 budget.

"And that's when they started showing stuff on the screen and yelling, and so then we just kicked them out of the Zoom meeting," Percival said.

Buckley is looking into how to prevent a similar occurrence without infringing on free speech, Percival said.

SHUTTING THEM DOWN

After a man called in to the Lakewood meeting from South Dakota to complain about Washington state in general, Mayor Whalen reminded callers that they should address only issues in the city.

Caller "Richard" then gave a false address and launched into a Holocaust denial and pro-Hitler narrative.

At that point, Whelan had had enough.

"I just want to remind people that our rules do not allow unfettered hate speech," he said. "This is public comment on matters pertaining to city business. So, I would encourage you to be constructive in your comments and not use this as a platform for your personal whim."

Subsequent callers, including Lakewood resident Christina Manetti, expressed shock and dismay over the comments.

"I cannot bear to hear Holocaust denial in any place," she said.

Things quickly went south again when a "Rudy Hess" called in. Rudolph Hess was a Nazi leader in World War II. The caller challenged Manetti's comments until Whalen told him to confine his comments to city matters.

"Get to it," Whalen said.

Hess then launched into anti-Jewish conspiracy theories.

"Madam clerk, shut him down," Whalen said. The audio went silent.

Still, Whalen allowed subsequent callers to give discursive narratives on feminism, Marxism, climate change and antisemitism but did not end their comments.

“This is not going to be a forum for hate speech,” he said before finally ending the public comment period.

IN PERSON

The only in-person speaker in the council chambers then chastised Whalen for shutting down the online speakers. He was complaining about a permitting issue.

“Don’t conflate hate speech with reactions or responses to your particular personal situation,” Whalen told the speaker. “They are completely separate. We listen to you because you have something to say that relates to city business.”

Lakewood City Attorney Heidi Wachter is looking at how to handle future instances of hate speech, city spokeswoman Brynn Grimley said. Like other municipalities, Lakewood has to balance the right to free speech versus the curtailing of hate speech.

“We have the right to not listen to people who spew hate speech that are offensive to many of our residents in this city,” Whalen said Dec. 4. “It’s not just a matter of free speech. And you should know that.”

This story was originally published December 7, 2023, 5:30 AM.

CRAIG SAILOR

253-597-8541

Craig Sailor has worked for The News Tribune since 1998 as a writer, editor and photographer. He previously worked at The Olympian and at other newspapers in Nevada and California. He has a degree in journalism from San Jose State University.

City of Bonney Lake, Washington

City Council Agenda Bill (AB)

Department/Staff Contact:	Meeting/Workshop Date:	Agenda Bill Number:
Public Services / Ryan Johnstone	January 16,2024	AB24-06
Agenda Item Type:	**Ordinance/Resolution/Motion Number:**	**Sponsor:**
Motion	M24-06	

Agenda Subject: Authorize The Mayor To Sign The Interlocal Agreement Between The City Of Bonney Lake And City Of Sumner For The Coordination Of Cooperative Wastewater Services.

Full Title/Motion: A Motion Of The City Of Bonney Lake, Pierce County, Washington Authorizing The Mayor To Sign The Interlocal Agreement Between The City Of Bonney Lake And City Of Sumner For The Coordination Of Cooperative Wastewater Services.

Administrative Recommendation: Approve.

Background Summary: The Cities of Bonney Lake and Sumner have established a long history of working together to treat the wastewater generated by both cities. While the issue of wastewater conveyance and treatment surfaced as far back as 1977, it wasn't until November 1984 that Bonney Lake, Sumner, Pierce County, and the South Hill Sewer District executed an "Intergovernmental Contract for Wastewater Facilities Management" which included improvements to the existing Sumner Wastewater Treatment Facility (WWTF). It was in this year that joint capacity ownership at the WWTF between Bonney Lake, Sumner, Pierce County, and South Hill originated. With Pierce County's acquisition of the South Hill Sewer District in 1991 and the execution of the Sanitary Sewer Transfer Agreement between Bonney Lake and Pierce County in 2002, Bonney Lake acquired all rights and interests these two Districts had in the Sumner WWTF and Bonney Lake and Sumner became the only remaining parties to the November 1984 agreement. Because of this and regulatory requirements to expand WWTF treatment capacity again, a new agreement was executed in May 2002 (referred to as the Phase 1 agreement) that addressed "how the parties will manage, finance, share costs and review the work performed by the consulting engineers/construction contractors during the design and construction of the proposed improvements." The 2002 agreement also addressed "how the parties shall share operation and maintenance costs" and "continue the relationship into the future". In 2010, Bonney Lake and Sumner desired to expand and operate the WWTF under a new agreement that would address needs for greater treatment capacity to serve increasing numbers of customers. A new agreement (referred to as the Phase 2 agreement) was executed in March 2012. This agreement also contained Section 17 "Pretreatment" which required updating of the ILA when a Pretreatment program became necessary. In 2021 the Washington State Department of Ecology delegated Pretreatment Program administration to the Sumner WWTF. Per the 2012 Agreement, both Cities committed to adopting Pretreatment Program rules upon receiving the delegation order. Due to this additional requirement, the Cities are desiring to execute a new agreement for the continued treatment and disposal of sanitary sewer and provide for enhancement and expansion of the WWTF and its programs.

Attachments: Proposed 2024 WWTF Interlocal Agreement.

BUDGET INFORMATION

Budget Amount	Current Balance	Required Expenditure	Budget Balance	Fund Source
				☐ General ☐ Utilities ☐ Other

Budget Explanation:

COMMITTEE, BOARD & COMMISSION REVIEW

Council Committee Review: Community Development
Date: 2 January 2024

Approvals:		Yes	No
Chair/Councilmember	Dan Swatman	☐	☐
Councilmember	Kelly McClimans	☐	☐
Councilmember	Gwendolyn Fullerton	☐	☐

Forward to: **Consent Agenda:** ☐ Yes ☐ No

Commission/Board Review:

Hearing Examiner Review:

COUNCIL ACTION

Workshop Date(s):	1/16/2024	Public Hearing Date(s):	
Meeting Date(s):	1/23/2024	Tabled to Date:	

APPROVALS

Director:	Mayor:	Date Reviewed by City Attorney: (if applicable)	
Ryan Johnstone, PE	*Michael McCullough*		12/12/23

AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SUMNER AND THE CITY OF BONNEY LAKE, WASHINGTON FOR THE COORDINATION OF COOPERATIVE WASTEWATER SERVICES

THIS INTERLOCAL AGREEMENT ("Agreement") is made and entered into this _____ day of_____, 2024 by and between the City of Bonney Lake, a municipal corporation of the State of Washington ("Bonney Lake") and the City of Sumner, a municipal corporation of the State of Washington ("Sumner") (collectively "Parties" or individually a "Party") for the purposes set forth herein.

Whereas, pursuant to the Interlocal Cooperation Act, RCW Chapter 39.34, the Cities of Bonney Lake and Sumner, the parties to this Agreement, may contract with one another to perform government functions or services; and

Whereas, in 1977, Bonney Lake, Pierce County, and South Hill agreed to develop a regional sewerage system, with Bonney Lake overseeing the project. The EPA approved the Facility Plan in 1977 and Addendum III in 1979, expanding the Sumner Wastewater Treatment Facility (WWTF). An interlocal agreement adopted in 1979 involved construction and management of the WWTF, with Sumner responsible for sewage treatment; and

Whereas, in 1984, the parties executed a Contract for WWTF expansion and operation, resulting in joint capacity ownership. The Phase I expansion of the WWTF increased approved sewage treatment capacity from 1.2 MGD average daily flow and 3.0 MGD peak flow to 1.42 MGD average daily flow and 3.56 MGD peak flow; and

Whereas, in 2002, Bonney Lake signed a Sanitary Sewer Transfer Agreement for the transfer of specific portions of the Pierce County Sewer Service Area and facilities to Bonney Lake, including capacity ownership in the expanded Sumner Treatment Plant; and

Whereas, an intergovernmental agreement (Phase I agreement) was executed in 2002 between Sumner and Bonney Lake for further WWTF expansion. The 2002 Agreement established guidelines for managing, financing, and sharing costs during WWTF improvements, resulting in an average daily capacity increase to 4.6 million gallons per day, shared equally by Bonney Lake and Sumner. Two reconciliations under Section 2.0 of the 2002 Agreement have led to Bonney Lake transferring funds to Sumner; and

Whereas, in 2010, the State of Washington Department of Ecology mandated Sumner to plan for increasing WWTF capacity, leading to the Phase II Expansion which increased average daily capacity to 6.1 MGD; and

Whereas, after reviewing previous WWTF contracts, the parties adjusted the shared average daily capacity to 2.8 MGD assigned for Sumner and 3.3 MGD assigned for Bonney Lake. Both Cities secured a $4.7 million loan commitment each from the 2012 Public Works Trust Fund of Washington State for executing the Phase II Expansion; and

Whereas, in 2021, the Washington Department of Ecology delegated Pretreatment Program administration responsibility to the WWTF. As per the 2012 Intergovernmental Agreement, the Parties committed to adopting the Sumner WWTF Pretreatment Program rules upon receiving the delegation order. Now, the Parties seek to enter into an Agreement for program implementation and enforcement; and

Whereas, Sumner holds National Pollutant Discharge Elimination System (NPDES) Waste Discharge Permit No. WA-0023353 for this facility with Bonney Lake listed as a contributing jurisdiction; and

Whereas, the parties desire to enter into this Agreement for the primary purpose of providing for the continued treatment and disposal of sanitary sewage generated in the regional area covered by this Agreement and to provide for the enhancement and expansion of the WWTF to accomplish that purpose;

Now, therefore, pursuant to RCW Chapter 39.34 in consideration of the term's mutual covenants, conditions, performances, and promises hereinafter contained, the parties agree as follows:

1. **Purpose and Scope.** This Agreement addresses how the parties shall manage and share costs for the joint provision of regional wastewater treatment services to the Wastewater Treatment Facility Plan Service Area, defines the respective capacity ownership shares of each party, and describes how the amount of those shares may change in response to future demands.

2. **Definitions of Terms**. The following words and phrases used in this Agreement shall have the following meaning:

   B. **Administrative Lead.** Agency responsible for the coordination, administration, and management of this Agreement.
   C. **Annual Joint Facility Report.** An annual report made available to each agencies constituents that includes metrics illustrating each party's percent usage based on the previous year's loading data in terms of Flow, BOD and TSS. The report shall include annual sewer expenditures expressed as a percentage of wastewater treatment costs and each agencies separate collection system costs.
   D. **Agreement.** Means this Interlocal Agreement Between the City of Sumner and the City of Bonney Lake, Washington for Cooperative Wastewater Services.
   E. **Biochemical Oxygen Demand (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/L).
   F. **Capacity Ownership.** The amount of total flow, total BOD, and total TSS assigned to each party as outlined in 5.A below.
   G. **Capacity Ownership Percentage.** Each Party's share of WWTF loading limit for total flow, total BOD, and total TSS expressed as a percentage.

H. **Capacity Usage.** The amount of actual total flow, total BOD, and total TSS received by the WWTF from each Party.
I. **Capacity Usage Percentage.** Each Party's actual total flow, total BOD, and total TSS received by the WWTF from each Party expressed as a percentage of total daily concentrations of each pollutant received at the WWTF.
J. **Collections.** A series of pipes, manholes, lift stations, and other devices that transport used water from residential and non-residential customers to a treatment plant.
K. **Compliance Improvements.** Any WWTF upgrades or improvements required to achieve compliance with newly established, or more restrictive, conditions within the WWTF NPDES Permit.
L. **Contributing Jurisdiction.** The City of Bonney Lake, a City who is authorized by law to provide a system of sewers for the collection and transmission of wastewater delivered to the WWTF.
M. **Control Authority.** The City of Sumner, as the Owner of the WWTF, who administers and manages the overall affairs of the WWTF, including treatment operations and without limitation the administration of the Pretreatment Regulations.
N. **Clean Water Act.** The Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251 et seq.
O. **Future Expansion.** Any WWTF upgrades or improvements initiated to accommodate increased Capacity Ownership from either Party.
P. **Fats, Oils, and Grease.** Components of wastewater that are able to be measured by the methods described in the current edition of Standard Methods for the Examination of Water and Wastewater, or methods identified in 40 CFR Part 136.
Q. **Inflow and Infiltration.** Excess water that flows into sewer pipes from groundwater, through holes, cracks, joint failures, and faulty connections existing in the collection system, and from stormwater from roof drains, foundation drains, storm drain cross-connections, or through holes in manhole covers.
R. **Indirect Cost Assessment.** No less than every five years, the City of Sumner shall update its Indirect Cost Assessment model. A charge, consistent with the most recent model as adjusted annually to reflect inflation, will be shown on each quarterly billing and will be presented during each quarterly Joint Advisory Committee meeting that is inclusive of the following: overhead costs for WWTF administration and management, including but not limited to, services provided by Sumner's Admin Services, Finance, Legal, HR, and Engineering staff that relate directly to the processing of and compliance with the obligations outlined in this Agreement.
S. **Joint Advisory Committee.** The committee responsible for providing input related to the administration of this Agreement.
T. **Joint Facility.** The WWTF serving Sumner and Bonney Lake.
U. **Joint Facility Major Operating Expenses.** Any expenses to the WWTF, not limited to, equipment, maintenance, replacement, necessary purchases, over $100,000, necessary for the continued and routine operations of the WWTF.

V. **Capital Improvements.** Any upgrades that improve the routine operations of the WWTF, with a useful life of two or more years.

W. **Joint Facility Operations and Maintenance.** WWTF expenditures, supported by data on cost allocation, including but not limited to:
   1. Operating Transfers: IT, Equipment Reserve.
   2. Operations and Maintenance Costs: Salaries for treatment plant staff, Professional Services, Communication, Insurance, Public Utility Services (Power and Gas), Repairs, Maintenance, necessary Replacement, Training, and Indirect Cost Assessment.

X. **Joint Facility Operations and Maintenance Expenses.** Expenses attributed to Joint Facility Operations and Maintenance.

Y. **Joint Pretreatment Program.** The water quality program that implements the Clean Water Act requirements to control pollutants in wastewater from non-domestic sources before they reach the WWTF, for which both Parties are compelled to apply within the service area served by the WWTF.

Z. **Non-Domestic Wastewater.** Wastewater that is not Domestic Wastewater.

AA. **Non-Domestic User.** Any Person that does not qualify as a Domestic User and is a source, or potential source, of Indirect Discharge. This includes but is not limited to Food Service Establishments, Auto-related businesses, Medical Facilities, Commercial or Industrial Facilities, and Warehouses.

BB. **National Pollution Discharge Elimination System (NPDES) Permit.** The permit issued by the Department of Ecology to the City of Sumner pursuant to provisions of the State of Washington Water Pollution Control Law RCW 90.48 and under the Federal Clean Water Act, Title 33 USC SS 1342 et seq. When referenced in this Agreement the NPDES as currently issued, or as amended in the future will apply.

CC. **Pretreatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in Wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except not by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

DD. **Pretreatment Regulations.** Sewer ordinance establishing all pretreatment authorities required to impose pretreatment standards and requirements found at 40 CFR Part 403 and WAC 173-216-110.

EE. **Publicly Owned Treatment Works (POTW).** A treatment works, as defined by Section 212 of the Federal Clean Water Act (33 U.S.C. Section 1292). This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of Sewage or Industrial Wastes of a liquid nature and any conveyances which convey Wastewater to a Treatment Plant.

FF. **Total Suspended Solids (TSS).** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removeable by laboratory filtering, as included in the current edition of

Standard Methods for the Examination of Water and Wastewater, or methods identified in 40 CFR Part 136.

GG. **Treatment.** The process which removes and eliminates pollutants from wastewater and converts into an effluent that can be returned to the waters of the state.

HH. **Wastewater Treatment Facility (WWTF).** The Sumner WWTF which is designed to provide treatment of municipal Sewage and Non-Domestic Wastewater for the cities of Sumner and Bonney Lake.

II. **Wastewater Treatment Facility Plan.** The Wastewater Treatment Facility Final Comprehensive Facility Plan Addendum 3 (Gray & Osbourne, 2023), or current adopted plan.

JJ. **Wastewater Treatment Facility Service Area.** The area encompassed by the Wastewater Treatment Facility Plan for which the WWTF is designed to serve, and which service area is set forth in the Interlocal Agreement Sewer Service Area map, Attachment 1, and has been approved by the Washington Department of Ecology, but additional area may be added by the approval of both Parties and any required governmental agencies, but such approval shall not be unreasonably withheld.

3. **Term of Agreement.** This Agreement shall continue until terminated by the mutual consent of both parties pursuant to Section 7 below, provided, however, that the Agreement shall be subject to periodic review and updating for the purposes set forth in Section 5.D.5 below, or at other times by mutual agreement of the parties. The parties specifically acknowledge that a portion of the prior agreement between the parties sunset on January 1, 2023, and therefore, a new agreement with updated terms and without the expired or no longer applicable sections is needed. The parties further agree that the Effective Date of this agreement shall be January 1, 2023. By execution hereon, the parties hereby ratify and confirm any and all prior acts consistent with the terms herein.

4. **Administration**. For purposes of this Agreement, a Joint Advisory Committee (JAC) shall be formed to oversee the administration of the Agreement. The JAC will review WWTF operations, discuss improvements, address budget matters, and ensure compliance with this Agreement. The JAC provides timely input on proposed changes in plans, budgets, and capital programs. Parties are responsible for presenting growth projections and waste increases for consideration by the JAC.
   A. **Members**. The committee comprises the Mayors, three Council Members from each City, and City Administrators or their designees.
   B. **Committee Meetings**. This committee shall meet Quarterly to perform responsibilities as identified above. In addition to the JAC Members, the Public Works Director of Sumner, Public Services Director of Bonney Lake, and WWTF Superintendent shall attend as non-committee members.
   C. **Technical Working Group**. In addition to the JAC, the parties will establish a Technical Working Group (TWG) made up of four appointed staff members from each City, all of whom have oversight responsibilities or expertise in sewerage, NPDES, pre-treatment, and/or FOG. The TWG will meet

periodically as needed and will be responsible for reviewing any expenses (capital or operating) exceeding $100,000. The TWG will make recommendations to Sumner regarding the same.

D. **Audit Review**. Members of the JAC or their representatives have the right to examine books and records related to the Joint Facilities and this Agreement. Such examination may take place during business hours, and the party being examined should be given a reasonable opportunity to gather the records. The JAC may appoint an advisor or accountant to assist with the review, and the requesting party is responsible for covering its own costs associated with the review.

E. **Annual Report.** Annually, on or before March 1st of each year, Bonney Lake shall provide Sumner with data demonstrating the percentage allocation between wastewater treatment costs and Bonney Lake's collection system costs for inclusion in the annual report. Sumner will provide Bonney Lake with an annual report by June 1st of each year, showing aggregate flow data to the WWTF for the previous calendar year, specifying the flow generated by Bonney Lake and Sumner users. Both cities shall ensure that the annual report is published on their respective websites and presented to the JAC within 90 days of the date that Sumner provides the report to Bonney Lake.

F. **Records.** In addition to the Audit Review rights above, either Party may request records from the other Party regarding the subject or subjects covered under this Agreement. The other Party will promptly provide such records that are in their possession, without cost to the other Party.

5. **Joint Facility Operations and Maintenance**. Sumner, as the Administrative Lead, is responsible for making all reasonable efforts to operate the WWTF in a cost-effective manner, perform the necessary maintenance to keep it in good working order, execute treatment strategies to maintain a high-quality effluent and hire and train staff to execute these goals and objectives. Sumner shall be responsible for the regulation and control of any non-domestic wastewater that is delivered to the WWTF. Contracts for engineering design services and construction are between Sumner and the Design Firm, Equipment Supplier(s) and Construction Contractor(s).

A. **Capacity Ownership for the Joint Facility**. The parties agree, based on the current NPDES permit, that each agency owns capacity as illustrated below. This table and any corresponding references herein will automatically be updated to reflect any changed or amended NPDES permit conditions.

Average Monthly Influent Loading	**Flow (MGD)**	**BOD (lbs/day)**	**TSS (lbs/day)**
Bonney Lake	3.3	5886	6836
Sumner	2.8	5014	5824
Total Permit	6.1	10900	12660
Percent Capacity Ownership: Bonney Lake	54%	54%	54%
Percent Capacity Ownership: Sumner	46%	46%	46%

BOD and TSS values calculated from 2021 WWTF NPDES Permit Requirements for maintaining adequate capacity.

B. **Points of Connection**. The parties have connected collection lines to the WWTF. If future WWTF improvements require relocating or adding connection points, the Party requesting the changes must submit plans for approval. The Party benefiting from the modification will bear all design and construction costs. Costs for modifications resulting in a joint benefit will be apportioned according to percentage share of capacity ownership.

C. **Flow Metering and Monitoring**. Sumner will be responsible for maintaining the flow monitoring equipment and facilities to measure daily wastewater flow from both Sumner and Bonney Lake to the WWTF. The meters will be calibrated at least once a year. Sumner will monitor the flow data from both Cities' sewer collection systems. If any anomalies or unusual occurrences are detected, Sumner will promptly inform Bonney Lake. The flow calibrations will be shared with Bonney Lake during a quarterly JAC meeting.

D. **Non-Domestic Wastewater.** All sources of Non-Domestic Wastewater discharged to the WWTF shall be managed in accordance with the conditions within the WWTF NPDES Permit Section S6., and any other applicable State and Federal regulations. Any user of the collection system connected to the WWTF that discharges a source of non-domestic wastewater shall be herein referred to as a "Non-Domestic User."

1. **Endorsement of the Pretreatment Program**.
   a. Sumner and Bonney Lake fully support and endorse the Sumner – Bonney Lake Joint Pretreatment Program (JPP). Both parties acknowledge that Sumner will be responsible for administering, managing, determining staffing levels, and overseeing the program upon formal delegation of authority by the Washington Department of Ecology to the WWTF.
   b. Sumner and Bonney Lake agree to adopt rules and regulations, to govern, regulate, and control the discharge of wastewater in the collection system serving respective areas for conveyance to the Sumner WWTF that are at least as stringent as the Pretreatment Regulations, which may include adopting these Pretreatment Regulations by reference. Sumner will provide Bonney Lake with model rules and regulations at least ninety (90) days prior to the deadline for adoption.
   c. Sumner is required to provide the Washington Department of Ecology with notice of "substantial modifications" and "non-substantial modifications" of the approved program, as these terms are defined in 40 CFR SS 403.18. Sumner will provide Bonney Lake with advance notice of any proposed changes to the Pretreatment Regulations.
2. **Implementation and Enforcement of the Pretreatment Program.**
   a. Bonney Lake designates Sumner as its agent for implementing and enforcing the JPP for Non-Domestic Users within Bonney Lake's service area. Sumner will handle technical and administrative duties,

inspections, enforcement, and emergency actions. Bonney Lake will cooperate and ensure compliance by Non-Domestic Users. Sumner may take action under the Pretreatment Regulations to the same extent that can be taken by Bonney Lake, including the enforcement of the Pretreatment Regulations in applicable courts of law.

b. Bonney Lake agrees to cooperate with Sumner in the implementation and enforcement of the Pretreatment Program. Prior to connection to the public sewer, Bonney Lake shall ensure that all new or newly identified Non-Domestic Users are informed of their responsibility to provide survey information to the Pretreatment Program Control Authority in accordance with Pretreatment Regulations. Bonney Lake shall require all Significant Industrial Users to submit plans and reports, as required by WAC Chapter 173-240, and obtain Control Authority approval prior to construction of pretreatment facilities, as part of the process to obtain sewer service where the flows will be treated by the Sumner WWTF.

c. Sumner, on behalf of and as an agent for Bonney Lake, will perform technical and administrative duties necessary to implement and enforce the Pretreatment Regulations. Sumner will:

   i. Update the Non-Domestic User Survey;
   ii. Issue permits to all Non-Domestic Users required to obtain a permit;
   iii. Conduct inspections, sampling and analysis;
   iv. Take appropriate enforcement action as outlined in the Pretreatment Program Enforcement Response Plan and provided for in the Pretreatment Regulations; and
   v. Perform any other technical or administrative duties the Parties deem necessary and appropriate.

d. Bonney Lake will adopt Local Limits at least as stringent as the Local Limits established in the Pretreatment Regulations. Bonney Lake shall be responsible for payment to Sumner for its proportional cost of the pretreatment program. The costs shall be determined based on the total number of customers in Bonney Lake's service area who are listed as Non-Domestic Users compared to the total number of customers in both Sumner and Bonney Lake who are Non-Domestic Users within those categories. Such fees shall be billed consistent with other charges under this Agreement and identified in such invoice. Any fees or fines associated with Non-Domestic Users in Bonney Lake that are collected by Sumner shall be either remitted or credited to Bonney Lake at least annually.

3. **Fats, Oils, and Grease (FOG) Program.** The Parties will manage their respective FOG Programs, including plan review, inspections, surveys, and compliance. Sumner will prepare FOG Survey forms and involve Bonney Lake in modifications. Both parties will record and monitor FOG Program data and include it in the annual summary report.

4. **Non-Domestic Users Outside Service Areas.** Before Non-Domestic Users outside Bonney Lake's jurisdiction discharge to the WWTF, agreements will be established with the respective jurisdictions or the Non-Domestic Users.
5. **Periodic Review.** The Parties shall review and revise this Agreement to ensure compliance with the Federal Clean Water Act (42 U.S.C §§1251 et seq.) and General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR §§ 403 et seq.) issued thereunder, as necessary, but at least once every five (5) years.

E. **Inflow and Infiltration**. Both Cities commit to minimizing the impact of extraneous stormwater and groundwater, known as Inflow and Infiltration (I&I), on their respective collection systems and treatment facilities. Inflow refers to water that enters the system through sources such as direct stormwater connections, footing drains, or downspouts, while Infiltration refers to water that seeps into the system through damaged or leaky pipes, laterals, or manholes. Each party will take proactive measures to identify and address the sources of I&I within their collection systems. This includes, but is not limited to, conducting regular inspections to detect defective sewer pipes, laterals, and manholes, and implementing appropriate corrective actions. These corrective measures may involve:
   1. Replacing or rehabilitating damaged sewer pipes, laterals, and manholes to prevent water seepage.
   2. Utilizing pipe grouting or sealing techniques, using materials like cement-based compounds, to fill holes or cracks in pipes and manholes, reducing water infiltration.
   3. Employing pipe relining methods, inserting flexible liners into defective sewer pipes or laterals that harden into impermeable surfaces, preventing further infiltration.
   4. Identifying and disconnecting known inflow sources, such as cross-connected catch basin drains, footing drains, or downspouts, to reduce unnecessary water entering the system.
   5. Installing drainage systems that allow for the separation of cross-connected sewers, preventing the mixing of stormwater and wastewater.
   6. Installing backflow valves or implementing other plumbing upgrades to prevent water backflow into the system during heavy rainfall or flooding events.

   By implementing these measures, both parties aim to minimize I&I, reduce treatment costs, and ensure the efficient and environmentally responsible operation of their wastewater collection and treatment systems.
F. **Responsible Sewer Service Areas**. This Agreement is aimed at addressing each City's sewer treatment needs until at least the year 2073. Both cities intend to primarily utilize their share of WWTF capacity to support properties within their current jurisdiction and service area. However, considering the uncertainties of future changes to various factors such as growth management, water quality regulations, and state/federal mandates, this Agreement is not

intended to restrict either City from using their capacity rights to serve areas they deem appropriate, within the bounds of state law and legal obligations. The main service areas covered by this Agreement are detailed in **Interlocal Agreement Sewer Service Area Map,** Attachment 1. For any sewer service requests outside these areas, both parties will conduct a thorough review to ensure adequacy of capacity before committing to service. While prior review is not a guarantee of future WWTF Capacity Ownership increase, it will be considered and approved if the requesting party is underutilizing its capacity under the Table in Section 5(A) of this Agreement. However, nothing herein shall be interpreted to permit any party to use any other treatment facility without mutual consent from both parties, such consent not to be unreasonably withheld.

G. **Future Expansion of the WWTF**. The parties conducted a Feasibility Study, which determined that the current WWTF site can be upgraded to meet a total demand of both cities at 9.3 MGD (6.5 MGD reserved for Bonney Lake and 2.8 MGD reserved for Sumner). However, both Parties acknowledge that this estimate is based on good faith effort and lacks detailed analysis. If Bonney Lake requires additional capacity above 3.3 MGD, the parties agree that Bonney Lake will pay for the future expansion of the WWTF to meet the 6.5 MGD future demand. Such capacity shall be reserved exclusively for the use of Bonney Lake. Provided, however, if one party desires to acquire capacity that is owned by the other party, the party requesting such capacity will request such acquisition from the other party. If the party owning the capacity agrees, then the parties will negotiate in good faith for such acquisition, including reimbursing the party with the capacity for the capital improvement costs (plus CPI or reasonable interest) that were expanded by the party with the capacity for the capacity that the acquiring party seeks to purchase.

6. **Cost Sharing**. As the Administrative Lead Agency, Sumner shall maintain separate budgeting and accounting for WWTF treatment costs from sewer collection system costs.

   A. **Biennial Budget Schedule.** A biennial budget shall be drafted according to the following schedule:
      - Directors Review: Proposed budget reviewed by July 1st.
      - Joint Advisory Committee: Draft budget provided to the JAC by July 15th, and input solicited by August 15th.
      - Mayors: Draft budget submitted to respective Mayors and Council by September 1st for incorporation into both cities' biennial budgets.
      - Sumner Approved Budget: Sumner provides the approved budget to Bonney Lake by December 31st of each year.

   B. **Quarterly Billing.** Quarterly, Sumner will invoice Bonney Lake for its share of WWTF expenditures, supported by data on cost allocation, including but not limited to:
      - Joint Facility Operation and Maintenance Expenses
      - Joint Facility Major Operating Expenses

Bills submitted by the 30th day, due within 30 days from invoice. Further explanations will be discussed at quarterly JAC meetings.

C. **Billing Calculations.**
   1. Joint Facility Operations and Maintenance: Total monthly Joint Facility Operation and Maintenance Expenses will be multiplied by Bonney Lake's Capacity Usage Percentage. Each parameter factored by one third, Flow factored at 34%, BOD at 33% and TSS at 33%.
   2. Joint Facility Major Operating Expenses: Total monthly Joint Facility Major Operating Expenses will be multiplied by Bonney Lake's Capacity Ownership Percentage.
   3. Capital Improvements and Compliance Improvements: Expenditures associated with Capital and Compliance Improvements shall be multiplied by Bonney Lake's Capacity Ownership Percentage.

D. **Joint Planning for Capital and Compliance Improvements.** The parties will work through the TWG for planning capital and compliance improvements. This will provide better planning and rate forecasting for the parties and help the parties predictably fund capital expenditures. If a capital expenditure is funded by a loan or a bond, Bonney Lake will be permitted, at its option, to pay for such expenditure over the life of the loan or bond term, including its proportional share of the interest.

E. **Unbudgeted Major Operating Expenses.** If Sumner is aware of an unbudgeted Major Operating expense or an unbudgeted increase in a planned capital improvement, it shall provide notice to Bonney Lake within thirty (30) days of Sumner discovering such need or such increase. Unless such expense is an emergency, Bonney Lake should be provided the opportunity to comment via the TWG on the need and timing for such expense. Any non-emergency unbudgeted project costs that exceed $100,000 will be brought to the next JAC meeting for review and recommendations.

7. **Termination**.

A. Both parties mutually recognize the value of ongoing cooperation for the management and maintenance of the Joint Facility and potential future expansions. This Agreement shall only terminate by the mutual written consent of both parties, provided however, that Bonney Lake may terminate this Agreement upon ten (10) years' advance written notice. Upon such notice, the parties will meet and confer to ensure a timely and efficient transition, including establishing an appropriate termination date and process.

B. In the event the Joint Facility ceases to be utilized as a wastewater treatment facility all together, the parties shall be required to surplus the real property on which the WWTF Joint Facility sits. The net proceeds from the sale of any real property that was acquired with funds from both parties, shall be shared by the parties in direct proportion to their contribution when the real property was acquired, which shall be determined with proof of payment from each

respective City. For the avoidance of doubt, this provision is not triggered if Bonney Lake chooses to terminate this Agreement and its use of the facility and Sumner continues to utilize and operate the wastewater treatment facility.

8. **Recording**. Consistent with RCW 39.34.040, this Agreement shall be filed for recording with the Pierce County Department of Records upon full execution, or, in lieu of recording, published electronically on the website of both parties.

9. **Indemnity**. Sumner shall indemnify and hold harmless Bonney Lake, its officers, employees, agents, and assigns from all costs, claims, judgments, or damages resulting from Sumner's acts or omissions associated with this Agreement. Bonney Lake, in turn, shall indemnify and hold harmless Sumner from any costs, claims, judgments, or damages resulting from Bonney Lake's acts or omissions related to this Agreement. Neither party assumes liability for the other party's existing ordinances, rules, regulations, resolutions, customs, policies, or practices. If any legal proceeding challenges the enforceability or validity of such ordinances, rules, etc., the respective party shall defend it at its own expense, and if damages are awarded, they will be satisfied by the party responsible, including all chargeable costs and attorney's service charges.

10. **Dispute Resolution**. This Agreement shall be governed by the laws of the State of Washington. In the event of a dispute related to the terms of this Agreement or the amounts charged to the WWTF to Bonney Lake, the Parties first agree to attempt to resolve such dispute. If the resolution is unsuccessful, then both parties agree to seek resolution through mediation administered by a mediator under JAMS Alternative Dispute Resolution (or another mutually agreed alternative dispute resolution service) before resorting to litigation. Each party shall pay half of the mediation costs and will bear its own legal fees. If mediation is unsuccessful, or if the parties mutually agree to waive it, any unresolved controversy or claim may be filed in Pierce County Superior Court. The prevailing party in any such litigation shall be entitled to recover from the non-prevailing party its reasonable attorneys' fees, expert witness fees, and costs for such litigation.

11. **Notice**. Any notice as required by agreement shall be made to the contact person listed below in writing and sent by first class mail with a copy also sent via email the same day:

City of Bonney Lake	City of Sumner
City Administrator 9002 Main St E Bonney Lake, WA 98391 Email: ca@cobl.us	City Administrator 1104 Maple Street Sumner WA 98390 Email: ca@sumnerwa.gov

Either party may update the contact information in this Section by giving notice to the other party.

12. **Insurance**. Bonney Lake and Sumner shall maintain at all times during the course of this Agreement membership in the Washington Cities Insurance Authority unless the parties mutually agree in writing, and in advance of any change hereto, to allow one or both parties to participate in another available and comparable public insurance risk pool.

13. **Non-Assignability**. The rights, duties, and obligations of either party to this Agreement shall not be assignable. This provision does not apply to collection services.

14. **Severability**. Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law. Any provision of this Agreement which shall prove to be invalid, void, or illegal shall in no way affect, impair, or invalidate any other provision hereof, and such other provisions shall remain in full force and effect.

15. **Entire Agreement**. The entire Agreement between the parties with respect to the subject matter hereunder is contained in this Agreement. No amendments to this Agreement shall be binding upon the parties unless such amendment is in writing and executed by the duly authorized representatives of all the parties. The written provisions and terms of this Agreement shall supersede all prior statements of any officer or other representative of the parties, and such prior statements shall not alter this Agreement.

Dated this 16th day of January 2024.

Attest/Authenticated:

City of Bonney Lake

_____
Sadie A. Schaneman, CMC, City Clerk

_____
Michael McCullough, Mayor

Approved as to Form:

City of Sumner

_____
Jennifer Robertson, City Attorney

_____
Kathy Hayden, Mayor

Attest/Authenticated:

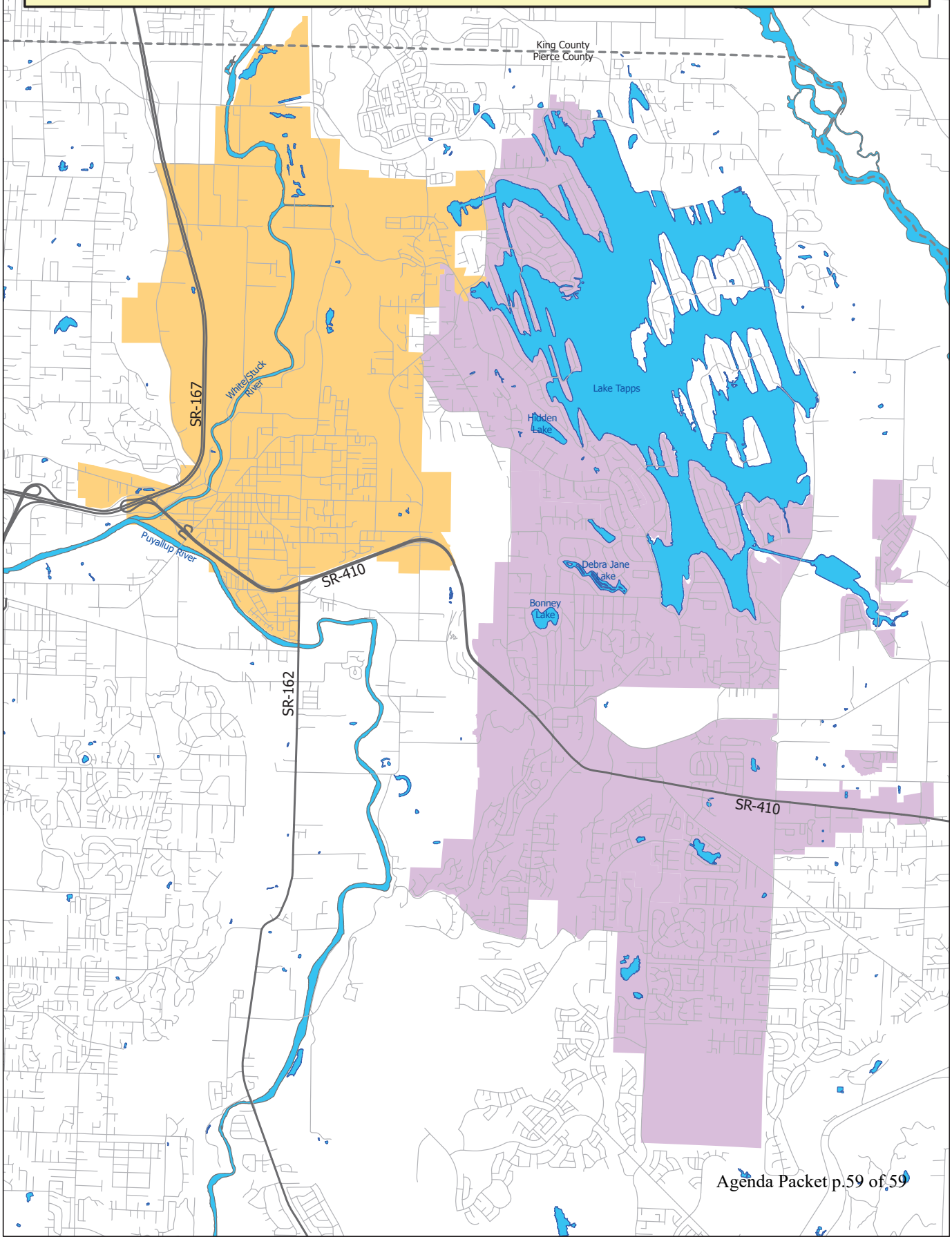
_____
Michelle Converse, City Clerk

Approved as to Form:

_____
Andrea Marquez, City Attorney

ATTACHMENT 1

Sumner - Bonney Lake Joint Pretreatment Jurisdiction Map



2024 Parks, Trails Recreation & Open Space Plan

JOINT CITY COUNCIL &
PLANNING COMMISSION MEETING

JANUARY 16, 2024

Agenda

1. Project Overview
2. What We've Heard So Far
3. Key Project Recommendations
4. Discussion

What is the PTRO Plan?

Planning Forward

The Parks, Trails, Recreation & Open Space (PTRO) Plan is a 25-year guide and strategic plan, with an initial 6-year capital improvement plan, for managing and enhancing parks, open space, trails, and recreation opportunities for the Bonney Lake community.

The PTRO Plan will guide investments to improve the park and recreation system and help the City pursue grants and other funding.

Community Outreach

- Community survey: usage & interests
- Event tabling
- Online open houses
- In-Person open house
- Stakeholder discussions
- Project Steering Committee
- City Council touch points

Over 1,800 participants provided feedback to date

Survey Highlights

843 responses

Two languages:

- English
- Spanish

Two methods:

- Random sample mail survey
- Online survey, community-wide

95%

feel that local parks, recreation opportunities are important or essential to the quality of life.

60%

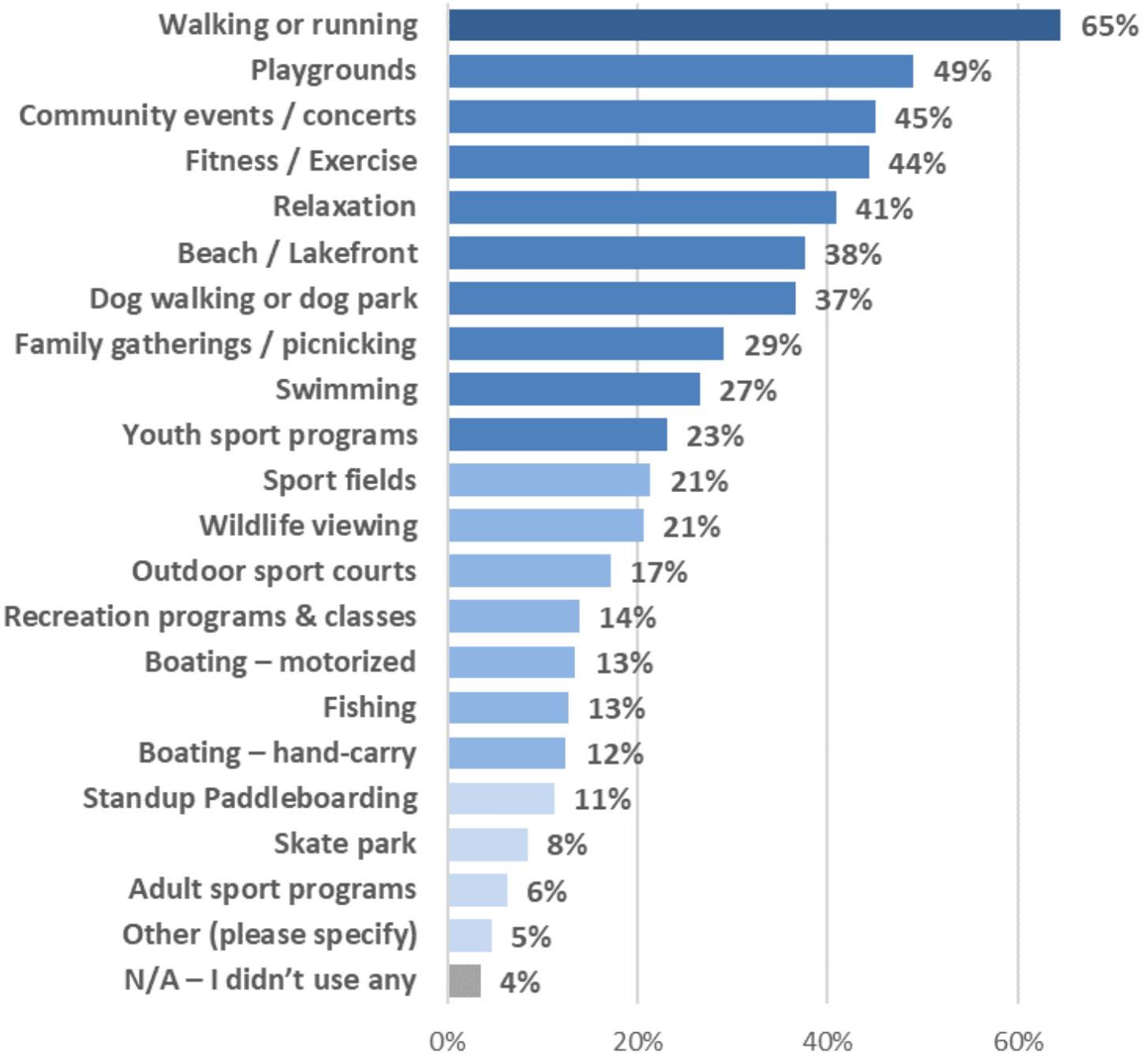
said they were very or somewhat satisfied with the City of Bonney Lake's parks or open space

Survey Highlights

Top reasons for visiting

66%

Visit monthly



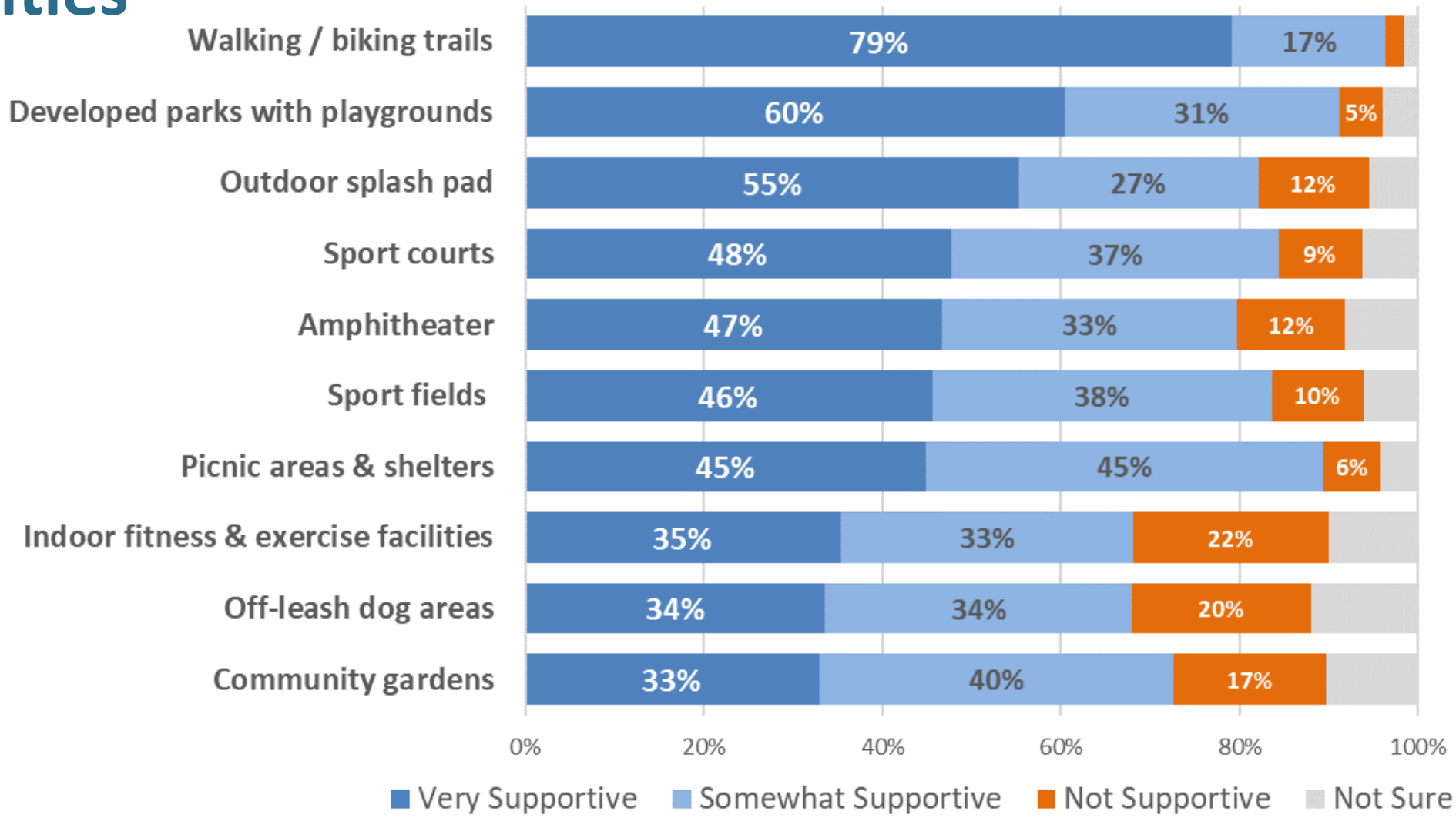
Top reasons for not visiting more

- Not enough parking
- Too crowded
- Do not know what is offered

Survey Highlights

Priority Amenities

Majorities of respondents support <u>ALL</u> amenities listed

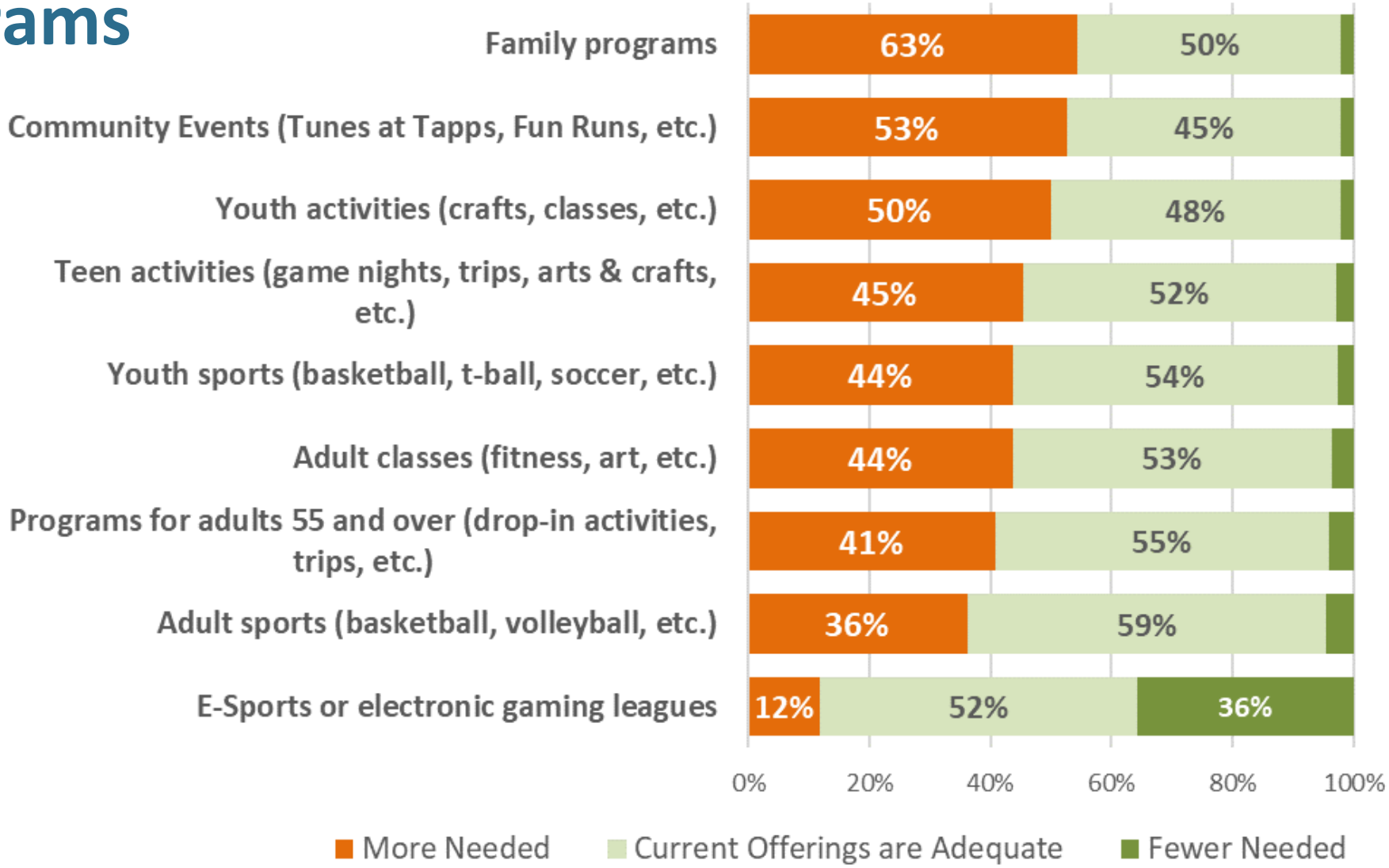


Survey Highlights

Recreation Programs

Top Program Areas

- Family programs
- Events
- Youth activities



Core Themes

Priority Improvements

Take Care of What You Have

- Renovate and upgrade existing parks
- ADA compliance – barrier removal
- Safety & maintenance
- Playground upgrades

Continue to Build System

- Develop existing park sites
- Trail system expansion & connections
- Add more user conveniences, including restrooms, parking and signage

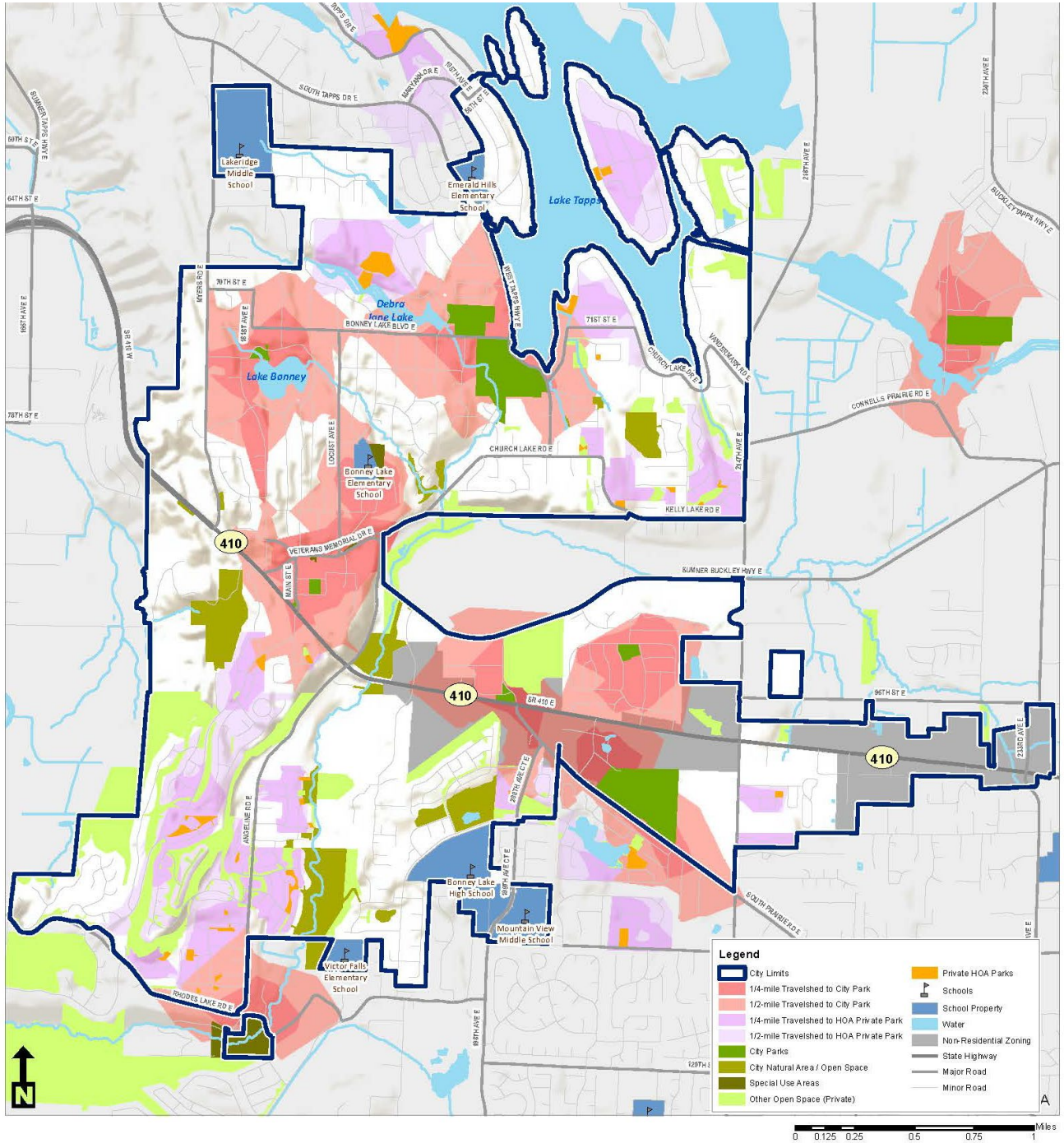
Expand Recreational Opportunities

- Facilities for pickleball, field sports, disc golf and off-leash areas
- Playground variety, including all-inclusive play
- Splash pad
- Additional community events & youth activities

System Analysis

Examining System Gaps

- Park Access & Distribution
- Physical Accessibility
- Diversity of Places & Spaces
- Events & Activities
- Serving Today's Residents
- Planning for Future Growth



System Analysis

Level of Service Review

- Public Satisfaction (based on survey responses)
- Site Conditions Assessment (based on physical site assessments)
- Distribution / Travelsheds (based on GIS analyses)
- Usage / Visitation (based on survey responses)

Quality Criteria	
Community Life	
Importance of parks & recreation (Essential or important)	95%
LOS Grade	A
Satisfaction (very or somewhat) with City parks & open space	59%
LOS Grade	D
Agency-based Assessment	
Condition Assessment Rating of Existing Parks (3-point scale)	1.5
LOS Grade	B
Distribution Criteria *	
Developed Community Park Access (within 2-mile travelshed)	
Percent Service Area with Access to Developed Community Park	41.7%
LOS Grade	D
Trail System Access (within 1-mile travelshed)	
Percent Service Area with Access to Recreational Trails	69.0%
LOS Grade	D
Usage / Visitation Criteria	
Frequency of Park or Trail Use	
Percent Visiting Parks at least Multiple Times per Month	66%
LOS Grade	C

* **Note:** The percentage of land area covered by service area walksheds is a proxy for the population within the residential portion of the city.

SCALE: Excellent | Good | Fair | Limited | Poor

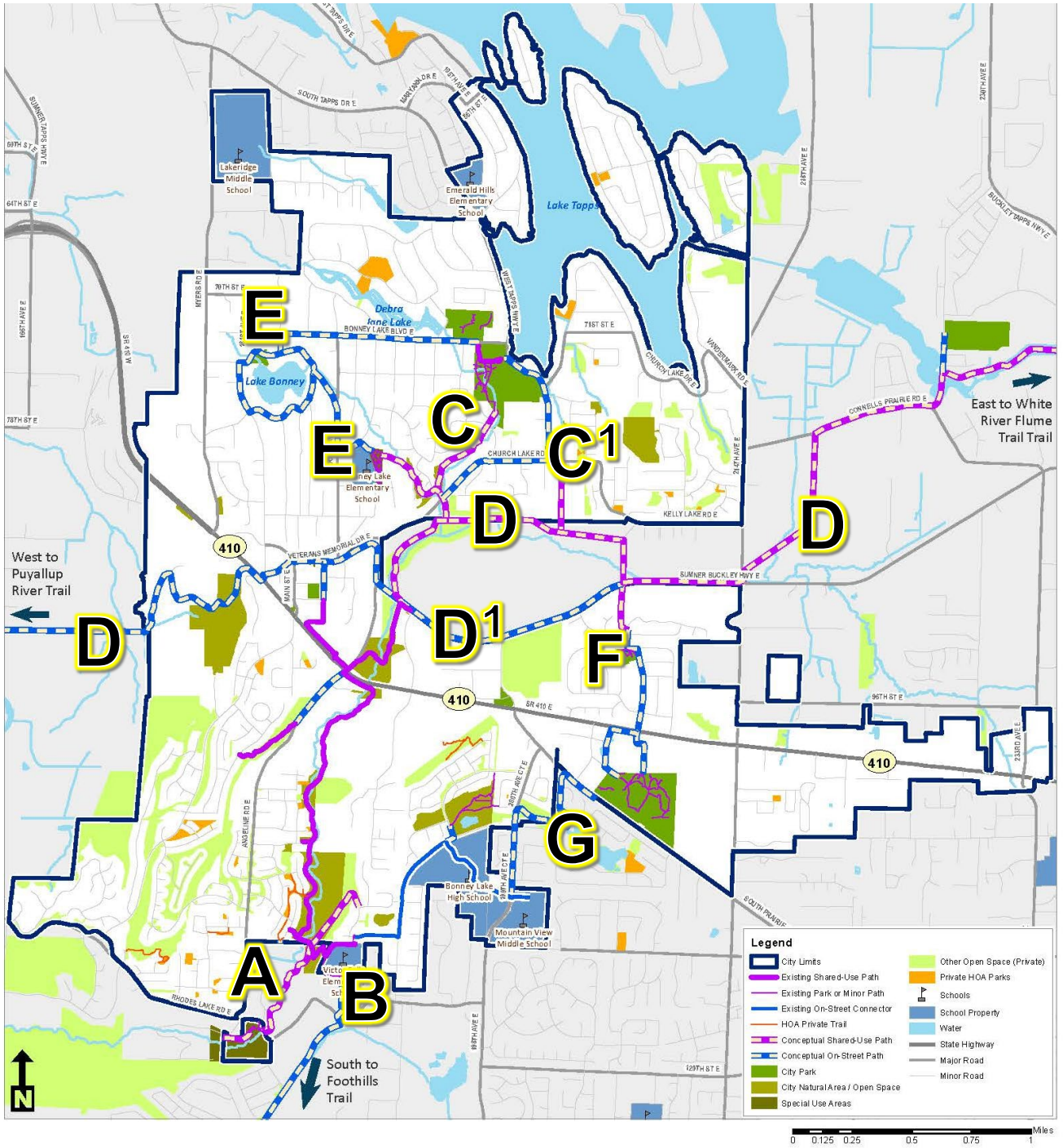
BONNEY Lake

System Analysis

Trail System Planning

- Trail Access & Distribution
- Recreational & On-Street Connections
- Linking to Planned County Alignments
- Expanding Park-to-Park Connections

A – Victor Falls Trail
B – Fennel Creek Trail (to Foothills Trail)
C – Fennel Creek Trail (C^1 alternative route)
D – Naches Memorial Trail (D^1 alternative)
E – Lake Bonney Trail
F – Midtown to Fennel Creek Trail
G – High School to Midtown Park Connector



Allan Yorke Park

Project Work Areas

Area A

- Northwest Parking Lot Upgrades

Area B

- Sports Field #4 Conversion

Area C

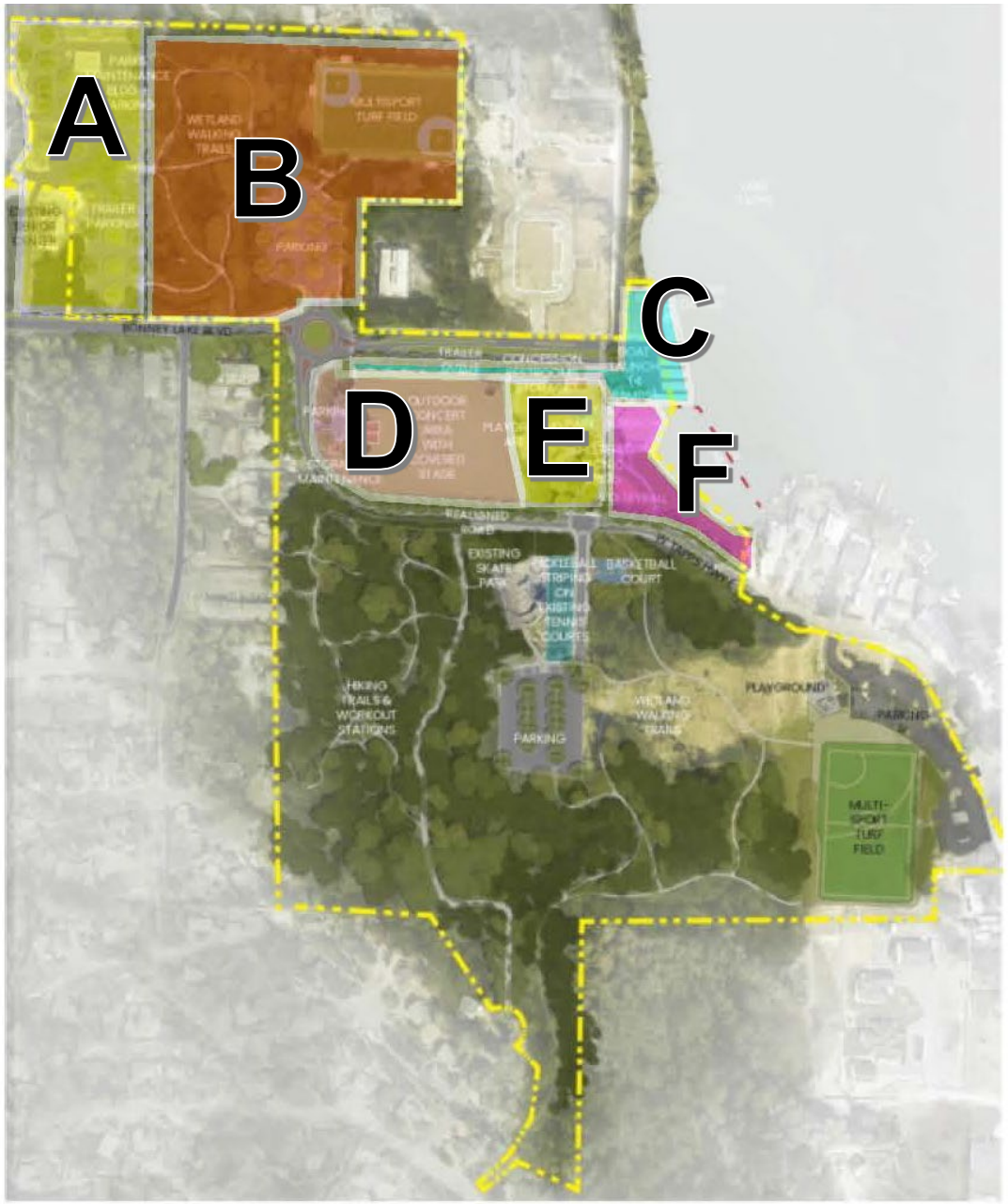
- Boat Queue + Boat Launch Relocation

Area D

- Amphitheater, Great Lawn, Maintenance Building

Area E

- Playgrounds, Spray Park, Concessions / Restrooms



BONNEY Lake

Allan Yorke Park

Project Work Areas

Area F

- Beachfront Upgrades

Area G

- Formalize South Parking Lot

Area H

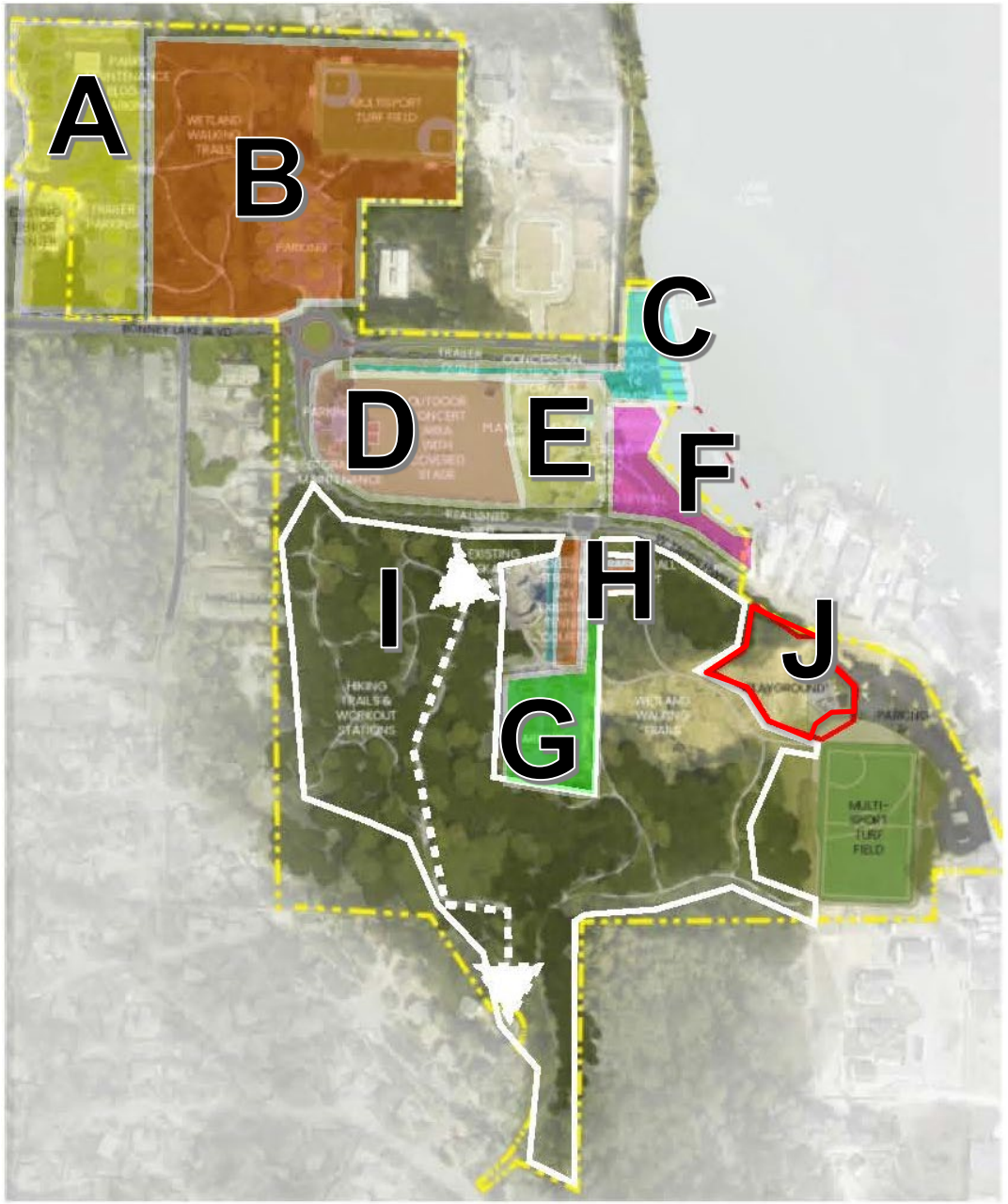
- New Basketball Court & Tennis Court Upgrades

Area I

- Trail Network

Area J

- Field 5 Playground



Midtown Park

Project Work Areas

Area A

- Sport Field #1, Parking, Pickleball Complex

Area B

- Community / Senior Center

Area C

- Spray Park and Playgrounds

Area D

- Sport Field #2

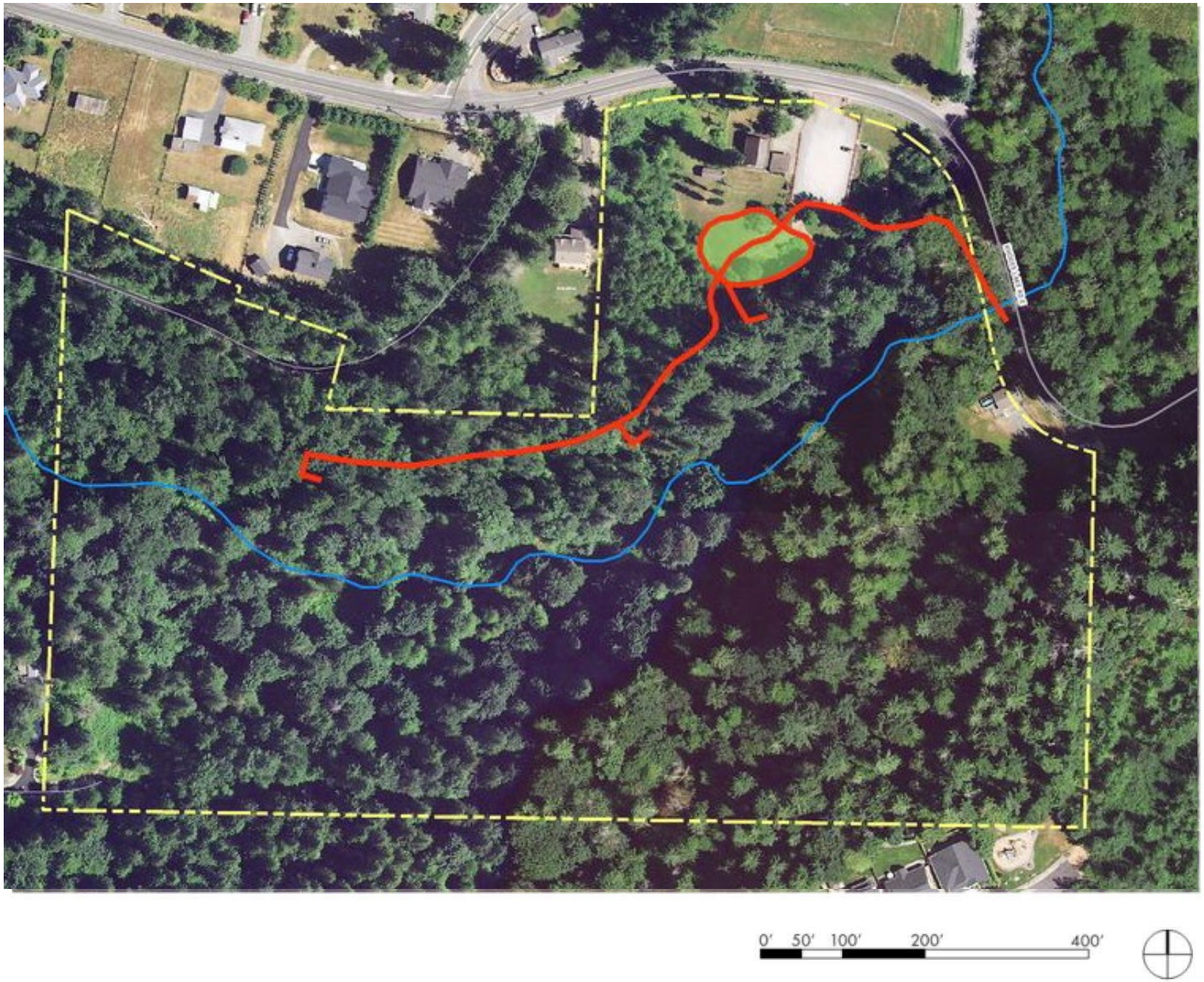
Area E

- Bike & Disc Golf Facilities, Dog Park, Trails

Victor Falls Park

Improvements

- Parking
- Viewing Platforms
- Picnic Area
- Safety Improvements



BONNEY Lake

Cedarview Park

Project Work Areas

Area A

- 206th Parking, Baseball Backstop, Covered Multi-Sport Court

Area B

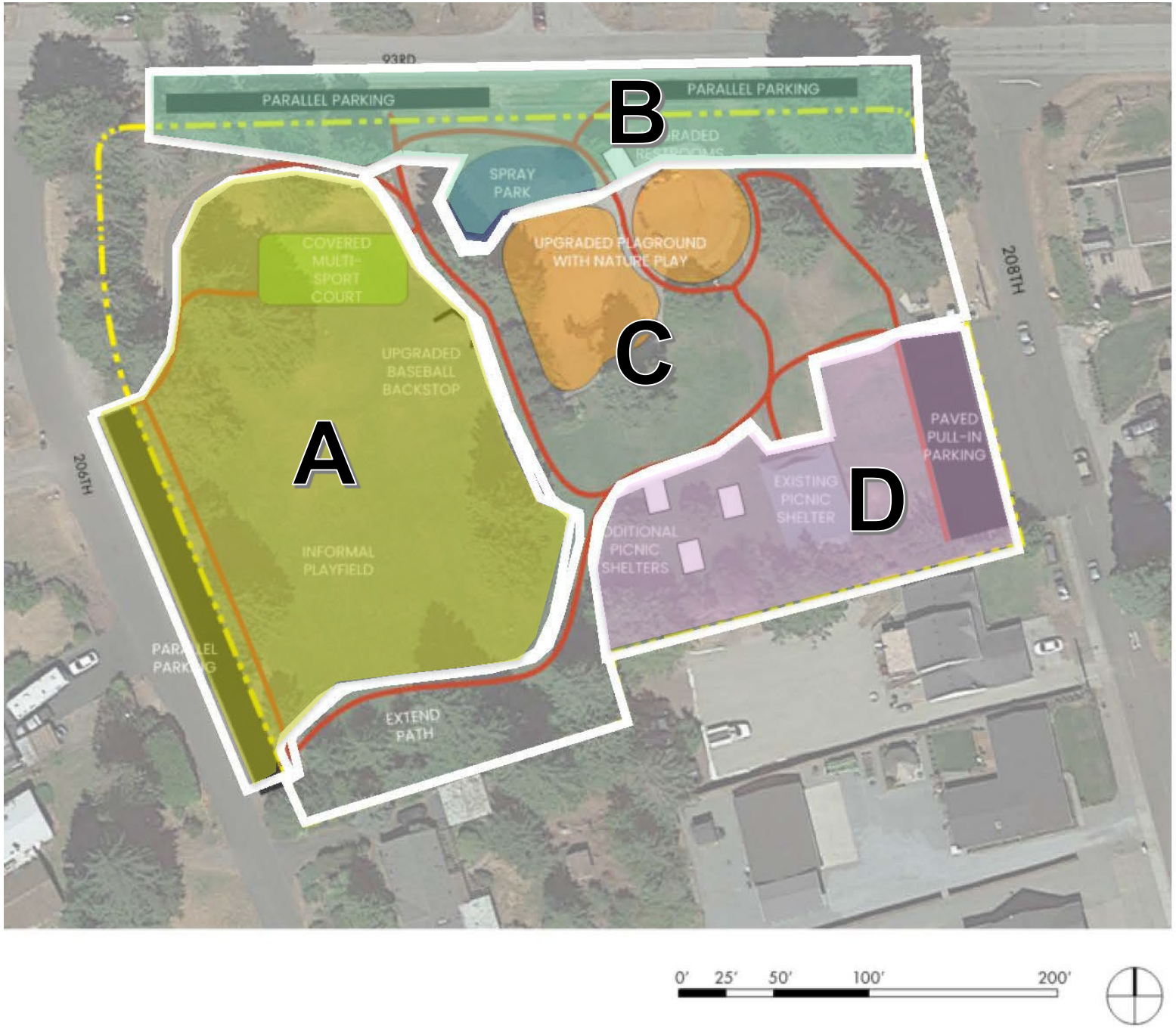
- Spray Park, Restroom Building & 93rd Parallel Parking

Area C

- Upgraded Playground & Nature Park Area

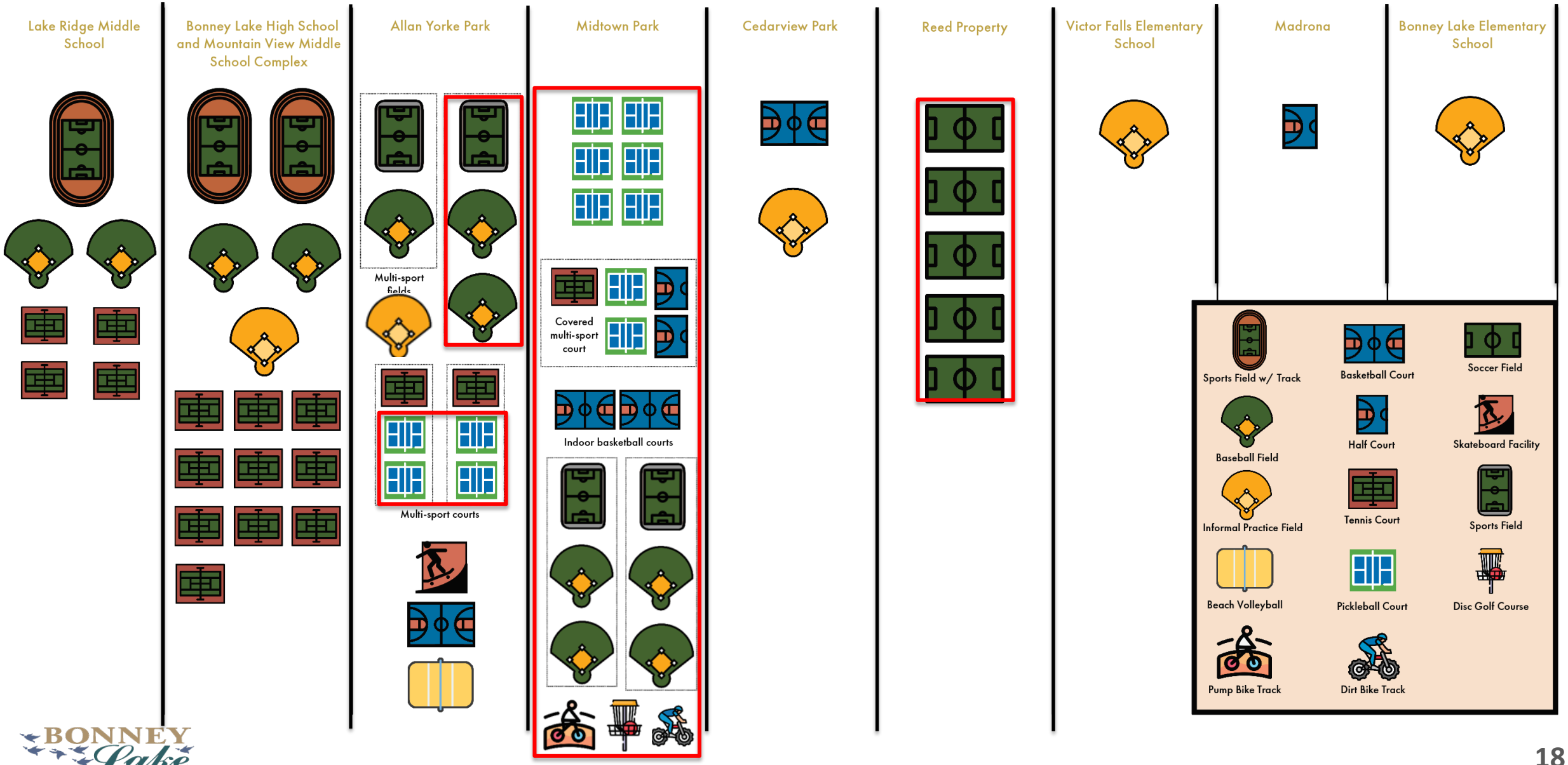
Area D

- Additional Picnic Shelters & Paved Pull-In Parking

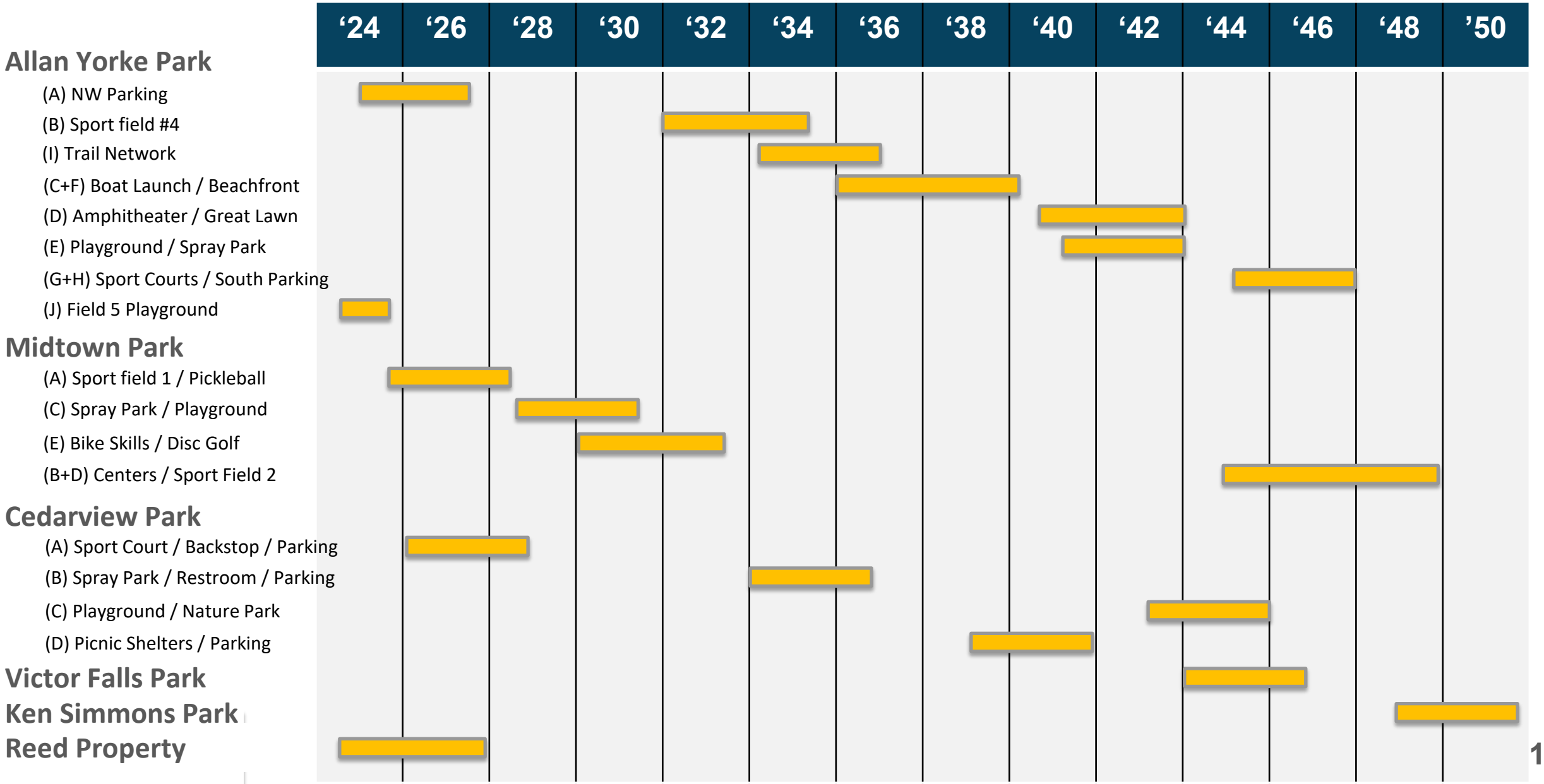


BONNEY Lake

Sport Facilities



Tentative Project Sequencing



Next Steps

- Compile 1st draft PTRO Plan
- Present Cost and Revenue Projections
- SEPA & Commerce review
- Planning Commission review
- City Council review & adoption (tentatively April 2024)

Thank you!

Envision BONNEY LAKE
Celebrating 100 Years

Comprehensive Plan Periodic Update

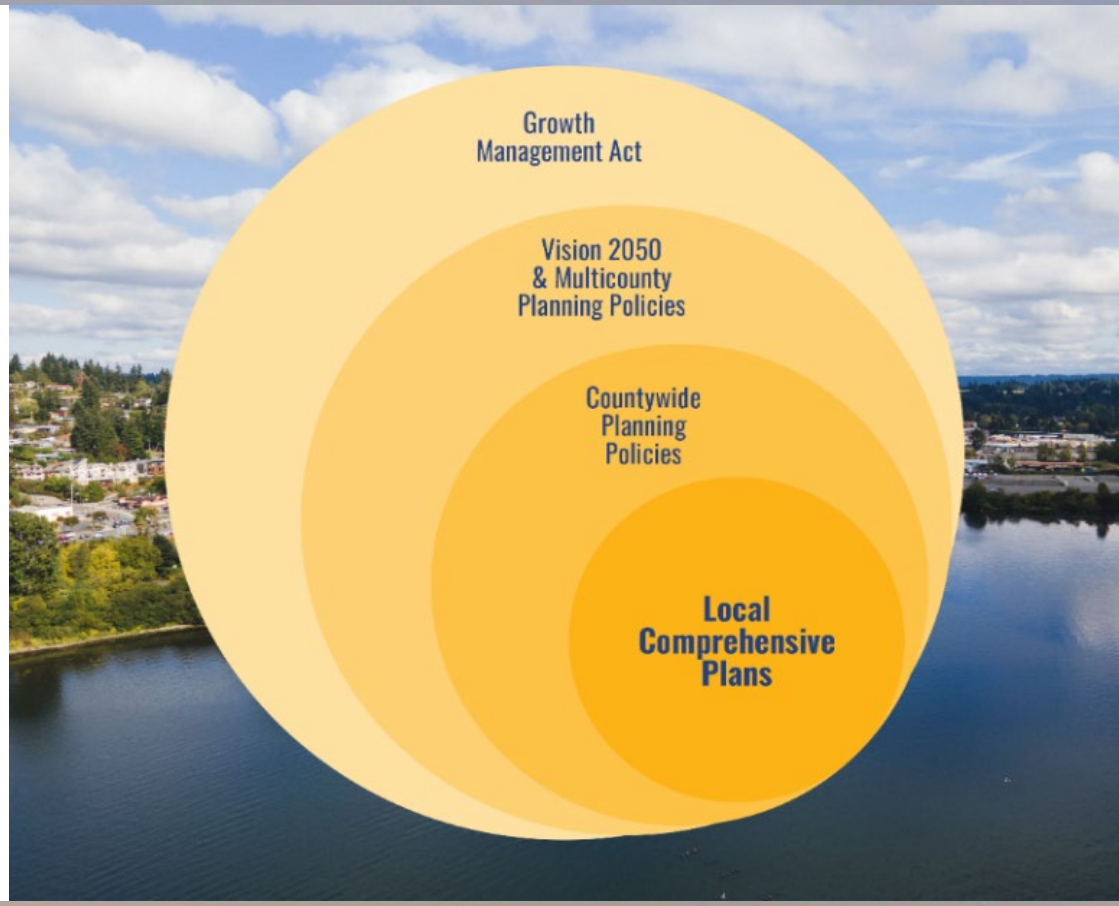
January 16, 2024

Joint City Council & Planning Meeting

BONNEY Lake

State and Regional Guidance

- Why is the City of Bonney Lake updating the City's comprehensive plan?
- How does the City's comprehensive plan effect the community?



Bonney Lake will continue to grow as a vital location in Pierce County

- Diversity in sociopolitical identities, including languages and income levels will continue to increase.
- Bonney Lake will continue to grow. How much and where are the key questions.
- Must include options that leads to access to housing, employment, and transportation.
- City government, community, and businesses will need to collaborate around shared values and goals.

What is the Comprehensive Plan?

Envision BONNEY LAKE

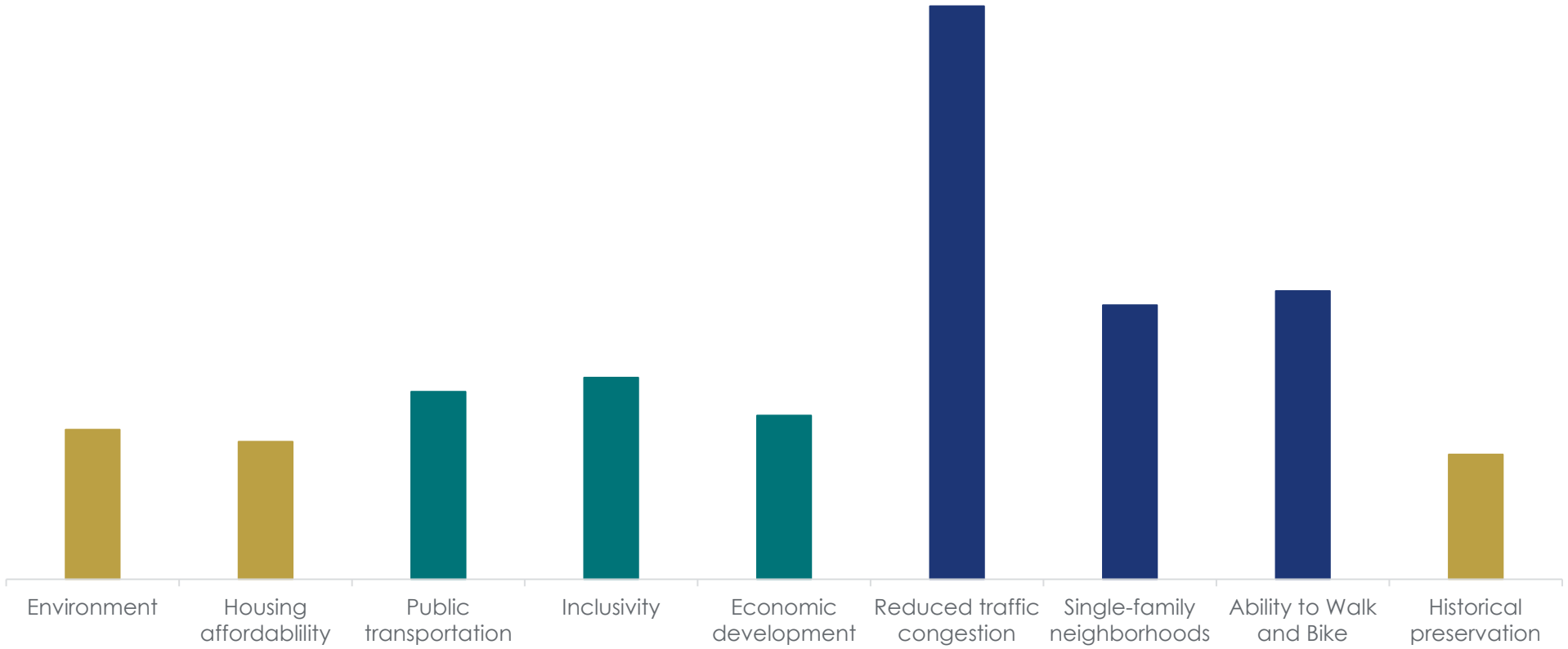
Celebrating 100 Years

Envision BONNEY LAKE
Celebrating 100 Years

Survey Results

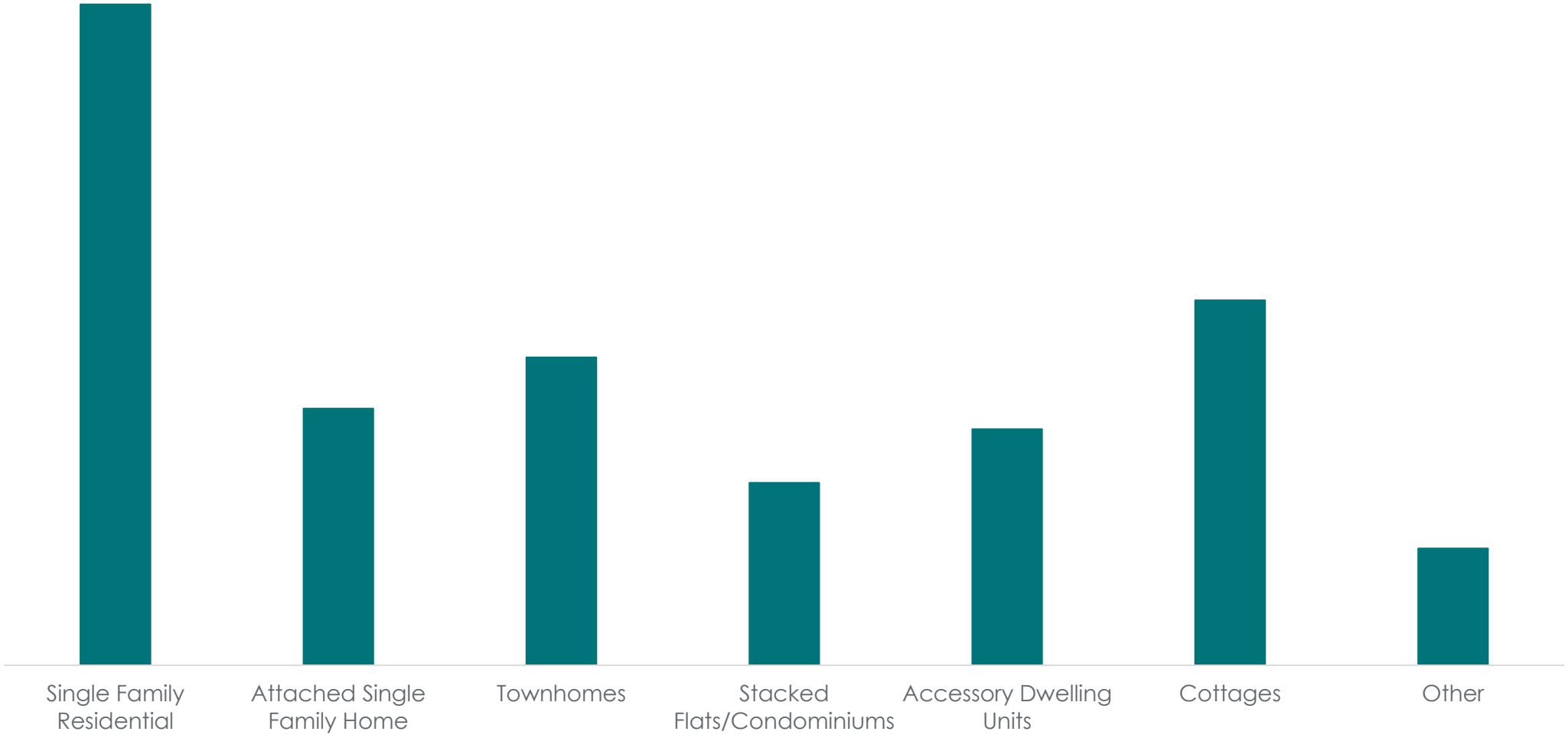
The survey ran from October 13th – January 7th

Top 3 Priorities for Bonney Lake

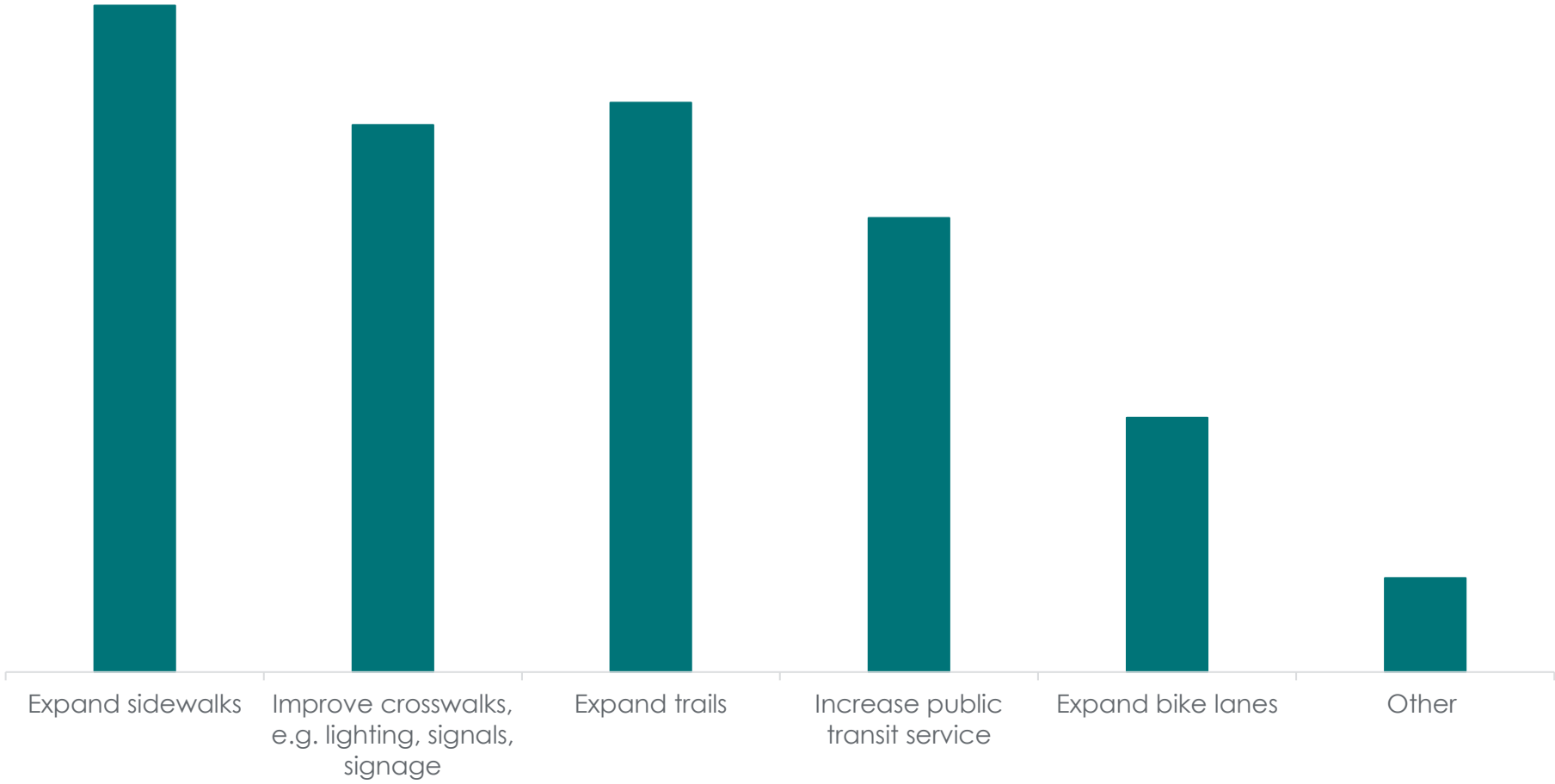


What does Bonney Lake look like in 2049?

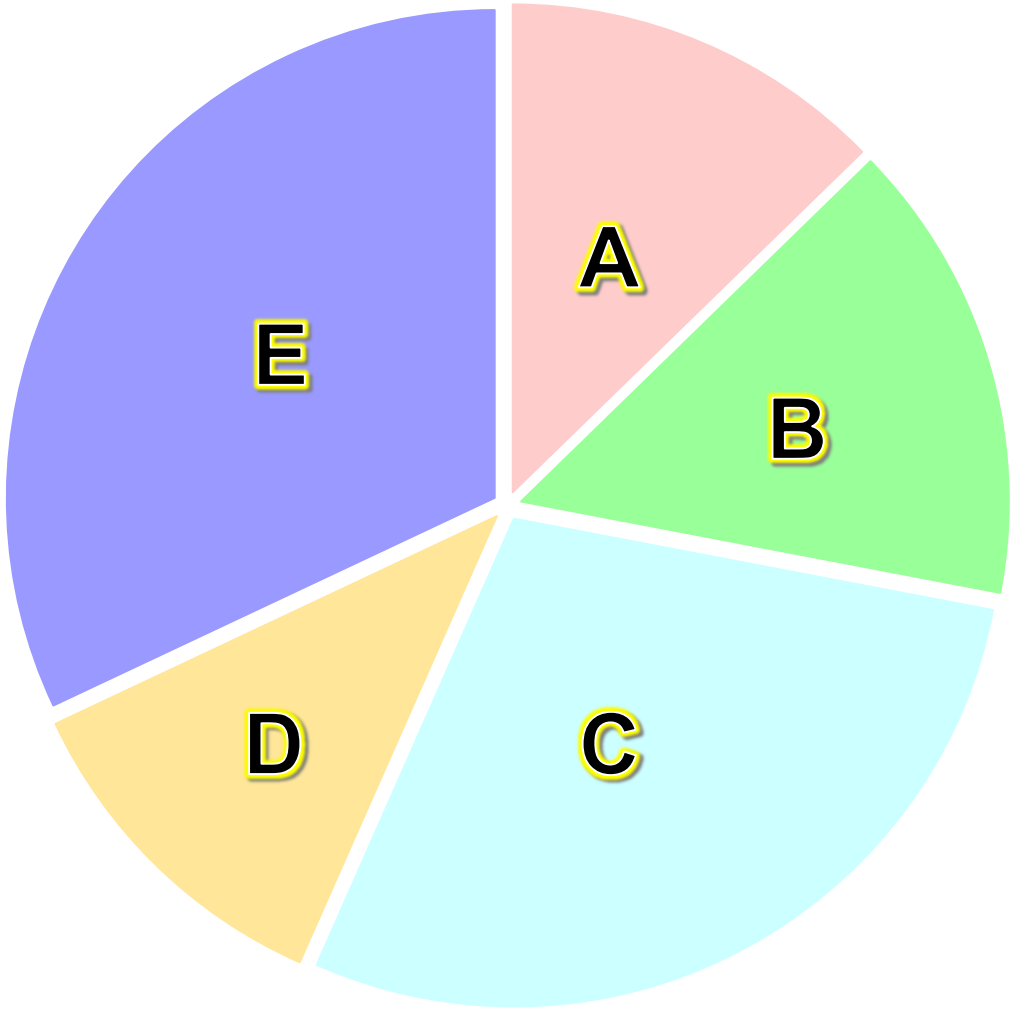
Supported Homeownership Options in Bonney Lake

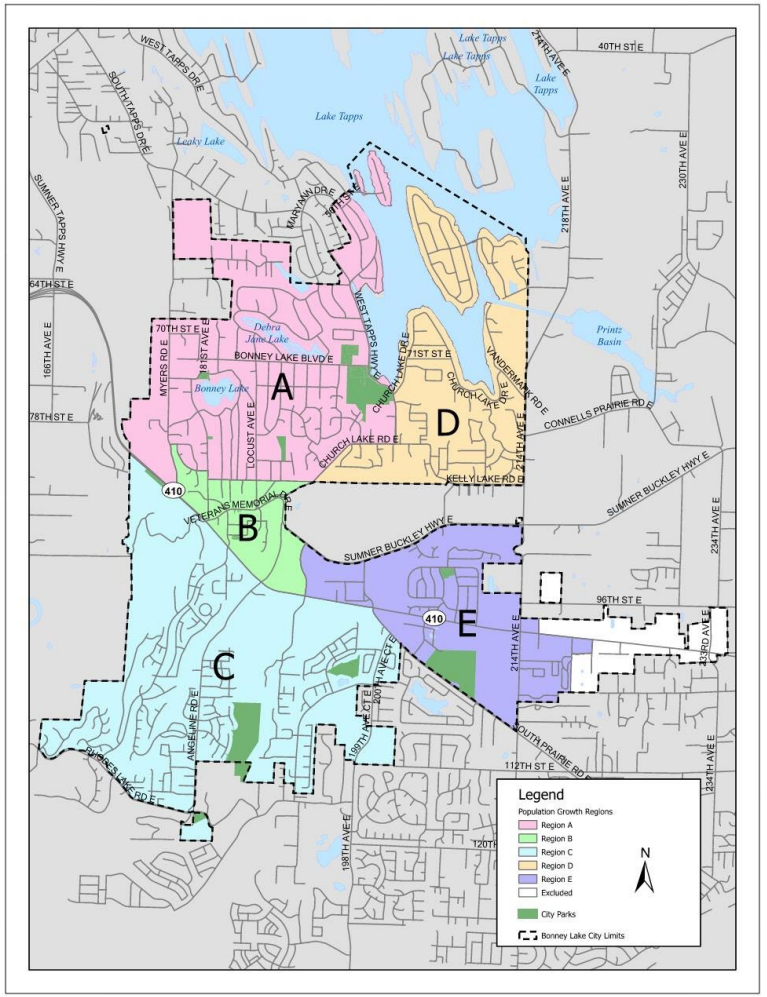


Supported Transportation Improvements



Supported Areas for Residential Growth and Development

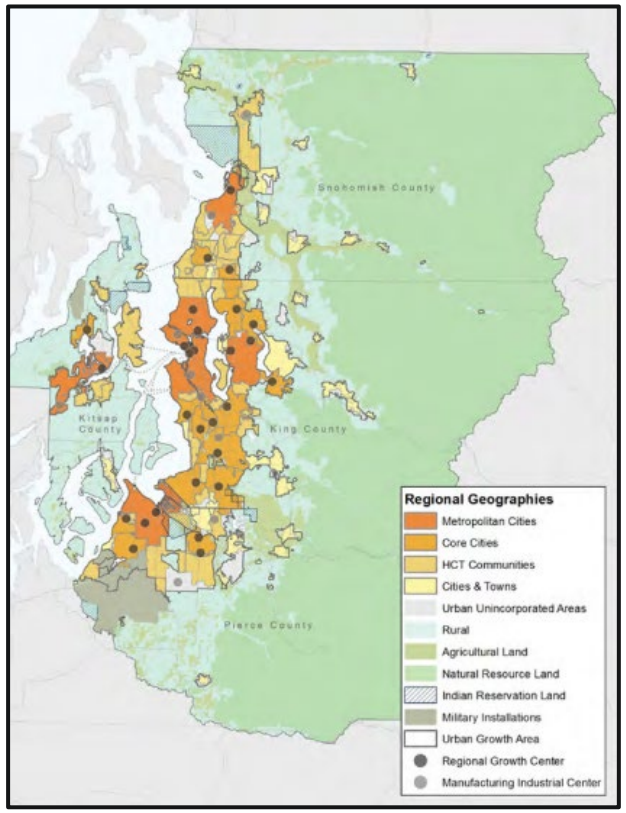




Growth Targets & Alternatives

Growth Targets

Puget Sound Regional Council

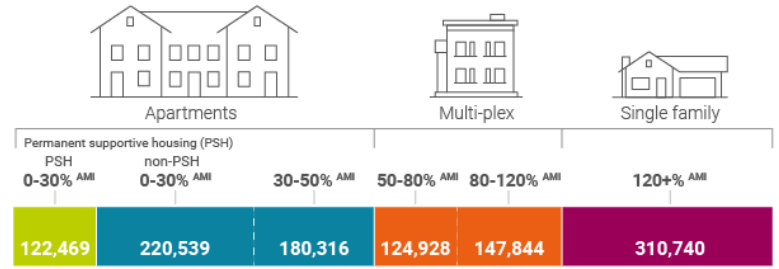


Pierce County

BONNEY Lake

Washington State Department of Commerce

Future housing needs broken down by area median income (AMI) groups



1.1 Million new homes will be needed in the next 20 years

In addition, there will also need to be:
91,357 Emergency housing beds (temporary housing)

Overall Targets

	2044 Growth Target	2049 Growth Target	2020-2023 Permitted Growth	2044 Target Remaining	2049 Target Remaining	Pipeline Capacity	Zoned Capacity	ADU Capacity	2044 Remaining Target	2049 Remaining Target
Housing Units	1,450	1,977	682	**768**	**1,295**	**828**	**846**	**92** **115**	**-998**	**-494**
Population	3,880	5,042	1,860	**2020**	**3,182**					
Jobs	1,717	2,129	504	**1,213**	**1,625**	**684**	**1,661**	**N/A**	**-1,132**	**-720**

Income Band Targets

Income Level	Projected Housing Need	Aggregated Housing Needs	Total Built Capacity	Total Pipeline Capacity	Zone Categories Serving These Needs	Total Zoned Capacity	Target Remaining
0 - 30% PSH	253	253	0	0	High Density	0	253
0 - 30% Non-PSH	187	456	0	0	High Density	293	163
>30 - 50%	269						
>50 - 80%	213	213	408	0	High Density	0	-195
>80 - 100%	92	175	104	455	High Density, Moderate Density, and ADUs	200	-584
>100 - 120%	83						
>120%	354	354	170	373	Low Density	452	-641
Total	**1,451**		**682**	**828**		**945**	

Growth Alternatives

No Action Alternative

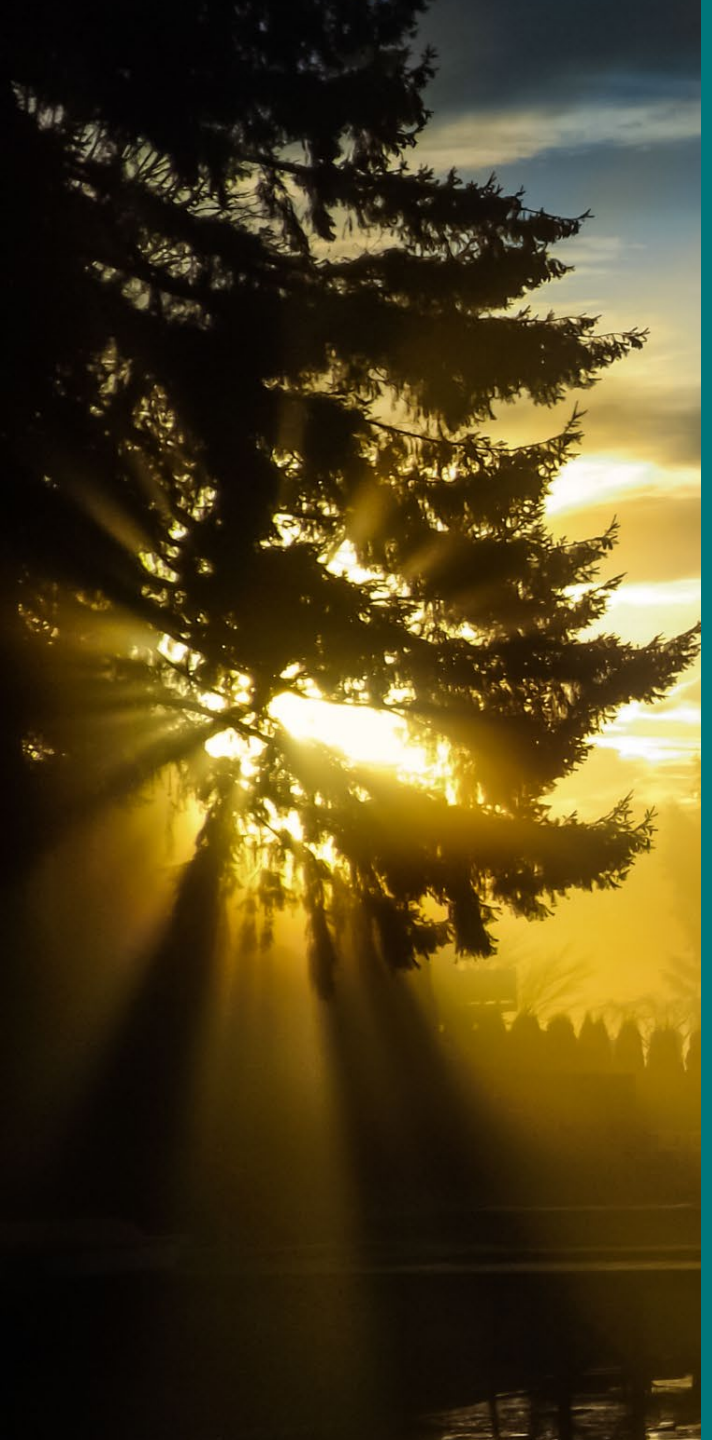
- Assumes current zoning and capacity
- Provides sufficient capacity for overall target
- Provides insufficient capacity for income band targets

Alternative 1 (Stay the Course)

- Implements all upzones currently envisioned in the City's adopted comprehensive plan
- Provides even more capacity than need for overall target
- Likely provides sufficient capacity for all income band targets
- Would not ensure that additional capacity is used to meet required income band targets creating future challenges

Alternative 2 (Bend the Trend)

- Targeted downzones to reduce overall capacity within the City
- Focuses growth within Downtown (**Countywide Growth Center**) and Midtown
- Reduces allowed maximum density in higher density zones but provides density bonuses for projects that include affordable housing units until income band targets are meet
- Would help to ensure that higher density capacity is not used up without a proportional decrease in outstanding income band targets



Envision Bonney Lake Schedule

Launch
2023 Q3/Q4

Community Kickoff and Scoping

Baseline Analysis

Frame
2024 Q1

Scenarios and Land Use

Housing Needs Analysis

Refine
2024 Q2/Q3

Draft Policy Framework and Elements

Draft EIS

Adopt
2024 Q4

Final EIS

Final Plan with Implementation

Envision BONNEY LAKE
Celebrating 100 Years

http://www.cobl.us/envisionbonneylake

Envision BONNEY LAKE
Celebrating 100 Years

BONNEY Lake

Coordination of Cooperative Wastewater Services Interlocal Agreement between Bonney Lake and Sumner

City Council Workshop

January 16, 2024

History

1975

- Bonney Lake, Pierce County, and the South Hill Sewer District executed an Interlocal Agreement to develop a Facilities Plan to met their regional wastewater needs.
  - Federal and state funds were received with Bonney Lake serving as the lead agency for grant administration and regulatory compliance.

1977

- Lake Tapps Sewerage Facilities Plan is completed.
  - Site for construction of a regional wastewater treatment facility (WWTF), discharging into the Puyallup River, is selected. This plan was approved by the County Board of Commissioners on February 15, 1977, and by the US Environmental Protection Agency (EPA) by letter dated February 28, 1977.
  - Design and construction of the City's sanitary sewer collection system began in 1977 and extended through 1981. Grant monies were obtained from the EPA through Ecology for the design and construction of these facilities, and work was proceeding until the County Planning Commission denied an unclassified use permit for the proposed WWTF site, located on the Puyallup River near Alderton, derailing further work on the project.

History Continued

1979

- Addendum 3 to the Lake Tapps Sewerage Facilities Plan is completed.
  - Conveyance of the City's wastewater to Sumner's WWTF, expansion of the Sumner WWTF, and construction of a gravity transmission line to the WWTF, plus lift stations, and related interceptors is proposed. This addendum was approved by the County Board of Commissioners on March 26, 1979, and by the EPA by letter dated July 19, 1979.

1980

- The City of Bonney Lake, the City of Sumner, Pierce County, and South Hill Sewer District executed an interlocal agreement.
  - Provided for the design, construction, and operation of the expanded WWTF and gravity transmission main between Bonney Lake and Sumner.
  - Later in 1980, changes in the EPA and Ecology grant funding increased the amount of local matching funds required from 10 percent to 25 percent. This increase led Pierce County to reevaluate and withdraw from its participation in the project.

History Continued
1982 – 1983

- The City of Bonney Lake began to study local, non-regional alternatives for treatment of its wastewater.
  - The City selected an alternative entailing construction of a small independent WWTF and interceptor with capacity to serve only the City. Proposed Local Improvement District to finance construction was rejected by the voters in 1983, effectively eliminating that alternative.
  - During this period, a recall campaign against the mayor of Bonney Lake was initiated based primarily on the issues revolving around the City's failed attempts to complete its sewer system. Upon the recall, a majority of the City Council resigned. The new mayor and City Council announced the abandonment of efforts in developing a sanitary sewer system.
  - This prompted a decision by the EPA to terminate its wastewater facility grant to the City and require repayment of more than $3 million already expended.
    - The City appealed EPA's decision to an appeal board established by the EPA.
    - The City and South Hill also filed suit against Pierce County in an effort to avert the financial disaster associated with immediate repayment of the canceled EPA grants.
    - Settlement discussions between Pierce County, Bonney Lake, and the EPA eventually led to a resolution of both the litigation between the Bonney Lake and Pierce County, and also the EPA grant appeal.
    - The WWTF expansion alternative proposed in Addendum 3 was resuscitated, Pierce County agreed to participate, and the parties entered another interlocal agreement.

OPINION

Editorial

Dead certain

Construction of a sewer system for Elhi Hill is beginning to look like a certainty again for the first time in a couple of years.

There was no question back in 1976 that the system would be built. That was when the first of the federal grants was issued for the project.

But after a while matters began to deteriorate. The cost of the project escalated and the price tag for local residents began to skyrocket.

Finally, a disenchanted community recalled its mayor, who had been trying to get the project completed, and most of the council members who had supported the system left the council.

And the citizens voted to kill the idea once and for all.

But when the federal government has sunk $3.5 million in a project, it expects to get a project. That position became clearer and clearer over the past year as federal officials made it apparent that either they would get a sewer system, or they would get their money back.

Maybe little David whipped Goliath back in biblical days, but there is no way today that the City of Bonney Lake is going to win a decisive victory in a tiff with the federal government.

Still, there are no roseate smiles on the faces of persons plumping for the sewer today the way there were four or five years ago. The persons working on the project today are persons who are beginning to see the inevitability of the project, and are trying to put together the most practical package possible.

Even so it is not going to be easy.

There are lots and lots of people in Bonney Lake who see no need for a sewer, and will continue to oppose it.

And then there is Sumner. Although all indications are that the City of Sumner will face no cost for expansion of its sewage treatment plant, or from the construction of a line through the city, still there is some opposition.

There are some residents of Sumner who feel the City of Bonney Lake should solve its own problems inside the city limits of Bonney Lake.

They feel that if the system is constructed including the Sumner sewage treatment plant, the time will come when Sumner will become involved in the occasional political brouhahas which have been a hallmark of Bonney Lake in recent years.

"Bonney Lake will feel it needs to increase its rates," one Sumner official said, "and they'll say the reason is because of Sumner and its sewage plant.

"And then we'll be in the fight right along with them."

So opposition still exists.

But the project becomes more and more inevitable.

Indeed, we are rapidly reaching the point in this area where the only things in the life which are dead certain are:

Death.

Taxes.

And the Bonney Lake sewer.

LOOKING BACK

by ALICE RUSHTON

50 years ago

60 years ago

History Continued

1984

- Bonney Lake, Sumner, Pierce County, and the South Hill Sewer District execute a “Intergovernmental Contract for Wastewater Facilities Management”.
  - This agreement was an intergovernmental arrangement for improving existing wastewater transmission, treatment and discharge facilities serving Bonney lake, Sumner, Pierce County, and the South Hill Sewer District, and making those facilities capable of serving other territory in unincorporated and incorporated areas within the Puyallup River Basin.
  - Joint capacity ownership at the Sumner Wastewater Treatment Facility (WWTF) originated with this agreement.

1991

- Pierce County acquires the South Hill Sewer District and incorporates it into the Chambers Creek Sewerage System.

History Continued

2002

- Pierce County and Bonney Lake execute the Sanitary Sewer Transfer Agreement.
  - Transfers of the County's sewer service area were necessary to align with Urban Growth Area boundaries established with the Growth Management Act.
  - This agreement outlined the terms and conditions of the transfer of specific portions of the County's Sewer Service Area and facilities to the City of Bonney Lake.

Interlocal Agreement History

2002

- First Interlocal between Bonney Lake and Sumner
  - Purpose – "Bonney Lake and Sumner agree that time is of the essence, and design and construction of improvements and expansion of the WWTF must proceed. The two parties have agreed to proceed with the design of the proposed facilities and to share the cost in proportion to the capacity each city needs to meet its projected growth within the planning horizon in a letter agreement dated May 23, 2001. This agreement addresses how the parties will manage, finance, share costs, and review the work performed by the consulting engineers/construction contractors during the design and construction of the proposed improvements. The agreement also addresses how the parties shall share operation and maintenance costs, hereafter O&M, and continue the relationship into the future."

2012

- Second Interlocal between Bonney Lake and Sumner
  - Purpose – "Bonney Lake and Sumner agree that time is of the essence, and design and construction of improvements and expansion of the WWTF must proceed. ~~The two parties have agreed to proceed with the design of the proposed facilities and to share the cost in proportion to the capacity each city needs to meet its projected growth within the planning horizon in a letter agreement dated May 23, 2001.~~ This agreement addresses how the parties will manage, finance, share costs, and review the work performed by the consulting engineers/construction contractors during the design and construction phases of the proposed capital improvements. The agreement also addresses how the parties shall share monthly operation and maintenance (O&M) costs, ~~hereafter O&M, and continue the relationship into the future~~ associated with the expanded facilities in the future. The agreement also defines the respective capacity ownership shares of each party and describes how the amount of those shares may change in response to future demands."

Interlocal Agreement History
2024

- ***Proposed*** Third Interlocal between Bonney Lake and Sumner
  - Purpose – “This agreement addresses how the parties shall manage and share costs for the joint provision of regional wastewater treatment services to the Wastewater Treatment Facility Plan Service Area, defines the respective capacity ownership shares of each party, and describes how the amount of those shares may change in response to future demands.”
  - In addition to the above Purpose statement, a new Interlocal Agreement was necessary due to new the pretreatment program required as part of the Federal Clean Water Act. This program ensures non-domestic wastewater is properly controlled before arriving at the WWTF so that biological upsets to the plant process are avoided and the environment is properly protected.
  - Outdated legacy language was removed. This primarily involved language that discussed the management of completed WWTF expansion projects.
  - Additional items included to increase transparency and strengthen Bonney Lake’s position (these were not in the previous ILA).

What changed between the 2012 ILA and Proposed 2024 ILA

Deleted Provisions

Section #2 Previous 2002 Agreement

Section #3 Phase II Project

Section #4 Capacity Allocation and Capital Improvement Cost Share

Section #5 Contract Management and Responsibilities for the Phase II Expansion

Section #6 Finance

Section #7 Reimbursement for Preliminary Funds Already Expended

Section #8 Reimbursement for Other Expenditures

Section #10 Payment In Lieu of Taxes (P.I.L.O.T Fee)

Section #11 Sales Tax on Construction

Section #13 Hazardous Material Discharges to System

Section #18 Capacity Limit

Section #22 Heirs, Successors, and Assigns

Section #27 Waiver

Section #28 Amendment

Section #30 Third Parties

Section #32 Future Cooperation to Resolve Traffic Issues

Section #33 Pending Litigation - Dismissal

Added Provisions

Section 2: Definition of Terms

Section 3: Term of Agreement. Mandatory review of Agreement every 5 years.

Section 5: Joint Facility Operations and Maintenance. Clarifies capacity ownership, consultant management responsibilities, and creates new Pretreatment Program.

Section 4: Administration. Increased Council seats on Joint Advisory Committee to three and increased frequency of meetings to quarterly. Created Technical Working Group (TWG) which is a staff level group made up of four appointed staff members from each City. The TWG will meet periodically as needed and will be responsible for reviewing any expenses (capital or operating) exceeding $100,000.

Section 6: Cost Sharing. Defines how budget is set, how billing is to occur, how billing is calculated, planning for capital and compliance improvements, and how unbudgeted major operating expenses are handled.

Section 7: Termination. Gives Bonney Lake the ability to provide notice of termination with 10-year advance notice.

What happens if the new ILA is not approved?

- If the new ILA is not approved, the prior ILA will continue to be in effect and the City will need to develop a secondary agreement to address the pre-treatment work that is required by law.
- If the new ILA is not approved, the new provisions that create greater engagement, transparency and accountability will not be part of the coordination between the cities for the WWTF as these are not in the 2012 agreement.

What happens if the new ILA is approved?

- The new ILA will take effect and the City Council will appoint the three members to the Joint Advisory Committee (JAC).
  - This means that the JAC will get recommendations from the Technical Working Group, including on expenditures and operations.
- City staff will start meeting with Sumner staff as part of the Technical Working Group, including being informed about expenditures in excess of $100,000 with a chance to engage in discussions about these expenditures.
- The City will have greater ability to obtain records and information about the facility and operations.