

MONROE CITY COUNCIL

Regular Business Meeting
May 17, 2016, 7:00 P.M.

Council Chambers, City Hall
806 W Main Street, Monroe, WA 98272

AGENDA

Call To Order

Roll Call

Pledge Of Allegiance

1. Mayor Thomas

Announcements And Presentations

1. Presentation: Monroe Chamber of Commerce - Quarterly Report

Comments From Citizens

[This time is set aside for members of the audience to speak to the City Council on any issue related to the City of Monroe; except any quasi-judicial matter subject to a public hearing. **Please sign in prior to the meeting; testimony is limited to 5 minutes per speaker.**]

Executive Session

If needed.

1. Agency Litigation [RCW 42.30.110(1)(i)] (10 minutes)

Consent Agenda

1. Approval of the Minutes; May 10, 2016, Regular Business Meeting

Documents: [20160517 CA1 MCC Minutes 20160510.pdf](#)

2. Approval of AP Checks and ACH Payments

Documents: [20160517 CA2 AP Checks.pdf](#)

3. AB16-062: Award Bid and Authorize the Mayor to Sign Contract with RRJ Company, LLC, for West Main Street Sidewalk Project

Documents: [AB16-062_WMainStSWPjt.pdf](#)

Unfinished Business

1. AB16-063: Discussion: Vaping Device Regulations

Documents: [AB16-063_Discussion_Vaping Device Regulations.pdf](#)

New Business

1. AB16-064: Presentation: 2016 Building Code Update

Documents: [AB16-064_Discussion_BldgCodeUpdates.pdf](#)

2. AB16-065: Ordinance No. 005/2016 Downtown Fee Waiver Extension, First Reading

Documents: [AB16-065_ORD 005 2016_Extdg DT Fee Waiver Program.pdf](#)

3. AB16-066: Presentation of 2017-2022 Transportation Improvement Plan (TIP)

Documents: [AB16-066_Presentation_2017_2022 TIP.pdf](#)

4. AB16-067: Discussion: City Council Rules of Procedure - Proposed Amendments

Documents: [AB16-067_Discussion_PpsdAmdmtsCouncilRulesofProcedure.pdf](#)

Final Action

1. AB16-068: Ordinance No. 004/2016 2016 Budget Amendment; Final Reading

Documents: [AB16-068_ORD 004 2016_2016BudgetAmdmt_Final.pdf](#)

2. AB16-046: Resolution No. 004/2016, regarding Growth Management Hearing Board (GMHB) Compliance for East Monroe (deferred from April 12, 2016)

Documents: [AB16-046_RES 004 2016_GMHB Compliance_East Monroe.pdf](#)

Councilmember Reports

1. City Council Transportation/Planning, Public Works, Parks & Recreation, and Public Safety Committee

Documents: [P4Agenda051716.pdf](#)

Staff/ Department Reports

1. Public Works Update

Documents: [20160517 DR1 PW Update.pdf](#)

Mayor/ Administrative Reports

1. Monroe This Week (May 13, 2016, Edition No. 19)

Documents: [20160517 MR1 Monroe This Week Edition 19.pdf](#)

2. Draft Agenda for May 24, 2016, Regular Business Meeting

Adjournment

Majority vote to extend past 10:00 p.m.

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

Accommodations for people with disabilities will be provided upon request. Please call City Hall at 360-794-7400. Please allow 48 hours advance notice.

CALL TO ORDER, ROLL CALL AND PLEDGE

The May 10, 2016, Regular Business Meeting of the Monroe City Council was called to order by Mayor Thomas at 7:01 p.m.; Council Chambers, City Hall.

Councilmembers present: Cudaback, Davis, Gamble, Kamp¹, and Scarboro.

Staff members present: Farrell, Feilberg, Nelson, Osaki, Quenzer, and Smoot.

The Pledge of Allegiance was led by Councilmember Gamble.

Mayor Thomas noted, without objection, the excused absences of Councilmembers Hanford and Rasmussen. Councilmember Kamp noted he will need to leave the May 10, 2016, Meeting at 8:15 p.m.

PUBLIC HEARING

1. AB16-058: Resolution No. 006/2016, Declaring Certain Property as Surplus and Authorizing Its Disposition

Mr. Brad Feilberg, Public Works Director, provided background information on AB16-058, and the resolution declaring equipment surplus.

Mayor Thomas opened the public Hearing. There were no persons present wishing to speak on the public hearing for AB16-058/Resolution No. 006/2016.

Councilmember Cudaback moved to close the citizen testimony portion of the public hearing; the motion was seconded by Councilmember Gamble.
On vote,

Motion carried (5-0).

Councilmember Kamp moved to close the public hearing; the motion was seconded by Councilmember Cudaback.

General discussion ensued regarding disposition and sale of items declared surplus.

On vote,

Motion carried (5-0).

Councilmember Cudaback moved to approved Resolution No. 006/2016, declaring certain real property as surplus and authorizing its disposition; the motion was seconded by Councilmember Gamble. On vote,

Motion carried (5-0).

¹ CLERK'S NOTE: Councilmember Kamp exited the meeting at approximately 8:15 p.m. during discussion on AB16-059, Discussion; Strategic Financial Planning – Continued, and did not return.

ANNOUNCEMENTS/PRESENTATIONS

1. Presentation: Snohomish County Tourism Bureau (A. Spain)

Ms. Amy Spain and Ms. Tami Dunn, Snohomish County Tourism Bureau, presented the Bureau's 2015 Annual Report, including: tourism is economic development; impact of tourism; budget and long term funding; impact of travel to local economy; brief overview of 2015; convention, sports and group tour sales and service; Snohomish County Sports Commission; sports marketing; tourism development; public relations and media; visitor services; industry education; and 2016 initiatives.

General discussion ensued regarding an increase in tourism revenues; tourism budgets of nearby states; return on investments; lodging; marketing; and presence at the Evergreen State Fair. Mayor Thomas thanked Ms. Spain and Ms. Dunn for their work and presentation.

COMMENTS FROM CITIZENS

There were no persons present wishing to address the City Council.

CONSENT AGENDA

1. Approval of the Minutes; May 3, 2016, Regular Business Meeting
2. Approval of Payroll Warrants and ACH Payments (*Check Nos. 34696 through 34737, and Direct Deposits, in a total amount of \$1,085,155.38*)

Councilmember Cudaback moved to approve the Consent Agenda; the motion was seconded by Councilmember Scarboro. On vote,
Motion carried (5-0).

UNFINISHED BUSINESS

1. AB16-059: Discussion: Strategic Financial Planning - Continued

Ms. Dianne Nelson, Finance Director, provided background information on AB16-059, strategic financial planning, and the recommendation of the City Council Finance and Human Resources Committee. Councilmember Gamble, Chairperson of the Finance/Human Resources Committee, commented on discussion at the Committee and their recommendations.

General discussion ensued regarding raising property tax rates; utilizing banked capacity; priority items to be funded in 2017 budget; Mayor and Staff priorities and recommendations; downtown parking; code enforcement; and transportation projects. By general consensus of the City Council, staff will prepare the 2017 budget according to the recommendation of the Finance and Human Resources Committee recommendation.

NEW BUSINESS

1. AB16-060: Ordinance No. 004/2016, 2016 Budget Amendment; First Reading

Ms. Nelson provided background information on AB16-060 and the proposed ordinance amending the 2016 budget.

Councilmember Gamble moved to accept as first reading Ordinance No. 004/2016, amending the budget for fiscal year 2016 to account for actual beginning fund balances and new revenues and expenditures; providing for severability; and establishing an effective date; the motion was seconded by Councilmember Cudaback.

General discussion ensued regarding Community Development Attorney's Fees, proposed amendment thereto, and the potential for additional funds to be added via later budget amendment.

On vote,

Motion carried (4-0).

FINAL ACTION

1. AB16-061: Resolution No. 007/2016, Authorizing a Pilot Program for the Deployment of Body-Worn Cameras by the Monroe Police Department

Police Chief Tim Quenzer provided background information on AB16-061 and the proposed resolution authorizing a pilot program for the deployment of body-worn cameras by the Monroe Police Department. Chief Quenzer noted no public comments have been received on the proposed resolution and pilot program.

Councilmember Gamble moved to approve Resolution No. 007/2016, authorizing a pilot program for the deployment of body-worn cameras by the Monroe Police Department, establishing a community involvement process to provide input regarding the development of operational policies governing the use of body-worn cameras, and requesting information regarding appropriate redaction policies and costs; the motion was seconded by Councilmember Cudaback.

General discussion ensued regarding the particulars of the pilot program, and public disclosure policy thereto.

On vote,

Motion carried (4-0).

COUNCILMEMBER REPORTS

1. City Council Legislative Affairs Committee

Councilmember Scarboro reported on the items discussed at the May 10, 2016, City Council Legislative Affairs Committee Meeting, including: proposed amendments to the Council Rules of Procedure and term limits.

2. Community Transit Board of Directors Meeting (Councilmember Cudaback)

Councilmember Cudaback stated she was not able to attend the May 5, 2016, Meeting, however, the agenda for the meeting was included in the Council Meeting packet; and stated she will be attending the Board Retreat on Friday, May 20, 2016.

3. Snohomish Health District Board of Directors (Councilmember Rasmussen)

Mayor Thomas stated Councilmember Rasmussen was not able to attend the May 10, 2016, Board Meeting; and noted a link to the agenda for the meeting was included in the Council Meeting packet.

4. Individual Reports

Councilmember Gamble commented on upcoming meetings, including the May 19, 2016, Snohomish County Cities Dinner Meeting, and the May 12, 2016, Economic Alliance Event; and wished Councilmember Cudaback a happy belated Mother's Day.

Councilmember Cudaback commented on upcoming meetings, including the SCC Dinner Meeting and Economic Alliance Event; and noted the fencing and clean-up of the dog park, and thanked Parks and Recreation staff.

STAFF/DEPARTMENT REPORTS

1. Finance - April Revenue & Expense Report

Note -- No verbal report provided at the time of the meeting; documents included in the Council meeting packet.

2. Individual Department Reports

Mr. Mike Farrell, Parks and Recreation Director, reported on the following items: upcoming events - Sky Valley Performing Arts and fast pitch tournaments. General discussion ensued regarding field logos.

Ms. Nelson noted the annual City of Monroe Clean-Up Event at Monroe High School, Saturday, May 14, 2016, 8:00 a.m. to 2:00 p.m.

Mr. Dave Osaki, Community Development Director, reported on new proposed residential developments.

Mr. Feilberg provided an update on the following projects: Tjerne Place Extension, Woods Creek Road trail, West Columbia and Rivmont Watermains, and Main Street and 179th Street Sidewalks. General discussion ensued regarding project updates.

MAYOR/ADMINISTRATIVE REPORTS

1. Monroe This Week (*May 6, 2016, Edition No. 18*)

Mayor Thomas reported on meetings held and events attended the previous week and forthcoming items.

2. Draft Agenda for May 17, 2016, Regular Business Meeting

Mayor Thomas reviewed the draft agenda for the May 17, 2016, Monroe City Council Regular Business Meeting, the extended agenda, and additions/edits thereto.

Councilmembers Cudaback and Scarboro requested AB16-046 / Resolution No. 004/2016 (regarding Growth Management Hearings Board Compliance for East Monroe) be placed on the May 17, 2016, agenda.

Councilmember Scarboro noted he will be in attendance at the May 24, 2016, Council Meeting (previously noted as absent); and Councilmember Gamble noted he may be late for the May 17, 2016, Council Meeting.

ADJOURNMENT

There being no further business, the motion was made by Councilmember Scarboro and seconded by Councilmember Gamble to adjourn the meeting. On vote,
Motion carried (4-0).

MEETING ADJOURNED: 8:55 p.m.

Geoffrey Thomas, Mayor

Elizabeth M. Smoot, MMC, City Clerk

Minutes approved at the Regular Business Meeting of May 17, 2016.

COUNCIL AP CHECKS AND ACH PAYMENTS 5/3/16 - 5/17/16

Abell Bill	
W Abell supplemental insurance	\$104.90
Total Paid to Abell Bill	\$104.90
Acosta Jesse	
interpreting services	\$100.00
Total Paid to Acosta Jesse	\$100.00
AFTS	
Lockbox Charges	\$471.75
Postage - Utilities	\$205.88
Printing Services - Delinquency Notices	\$87.42
Total Paid to AFTS	\$765.05
AmTest Inc.	
wwtp testing	\$152.00
Total Paid to AmTest Inc.	\$152.00
Associated Petroleum Products I	
Police vehicle fuel - Bldg H	\$1,881.60
Total Paid to Associated Petroleum Products Inc	\$1,881.60
Bank of America NA	
2005 water/sewer bonds	\$61,014.72
Total Paid to Bank of America NA	\$61,014.72
BDS Planning & Urban Design Inc	
Downtown Main Street consultant	\$563.33
Total Paid to BDS Planning & Urban Design Inc	\$563.33
Bloss Judith	
Refund Check	\$13.67
Total Paid to Bloss Judith	\$13.67
Carpenter Shelley & Dan	
Refund Check	\$156.40
Total Paid to Carpenter Shelley & Dan	\$156.40
Chessie Cindy	
C Chessie 5/3-5/6/16 WHIA Conference per diem	\$188.16
Total Paid to Chessie Cindy	\$188.16
City of Monroe	
Grindline Skateparks Inc - Monroe Skatepark retainage	\$1,952.03
Oceanside Construction - Columbia/Elizabeth Watermain retainage	\$9,660.61
RL Alia Construction - WWTP AA Pipe Replacement retainage	\$2,472.99
Total Paid to City of Monroe	\$14,085.63
Comcate Software Inc	
monthly maint-Monroe connection	\$409.77

Total Paid to Comcate Software Inc	\$409.77
Crosby Larry	
Crosby supplemental insurance	\$104.90
Total Paid to Crosby Larry	\$104.90
Department of Commerce	
Principle & Interest water reservoir const	\$220,626.25
Total Paid to Department of Commerce	\$220,626.25
Department of Emergency Mana	
1st & 2nd qtr 2016 DEM contract	\$10,146.50
Total Paid to Department of Emergency Management	\$10,146.50
Department of Revenue Washing	
Combined Excise Tax Return	\$48,472.77
Total Paid to Department of Revenue Washington State	\$48,472.77
East County Senior Center	
Senior Transportation plan	\$1,250.00
Total Paid to East County Senior Center	\$1,250.00
Erdmann Nathan	
N Erdmann PNWK9 conference per deim	\$293.25
Total Paid to Erdmann Nathan	\$293.25
Farr Lorena	
interpreting services	\$107.00
Total Paid to Farr Lorena	\$107.00
Garcia Cesar Garcia -	
interpreting services	\$219.81
Total Paid to Garcia Cesar Garcia -	\$219.81
Grindline Skateparks Inc	
Lake Tye Park Skatepark	\$40,680.31
Total Paid to Grindline Skateparks Inc	\$40,680.31
H.W. Lochner Inc	
W Main Sidewalk	\$4,809.86
Total Paid to H.W. Lochner Inc	\$4,809.86
Haley Pam	
P Haley DMCMA Annual Conference per diem	\$103.68
Total Paid to Haley Pam	\$103.68
Hanning Cherie	
Refund Check	\$75.56
Total Paid to Hanning Cherie	\$75.56
Hanson Homes	
Refund Check	\$34.79
Total Paid to Hanson Homes	\$34.79

Hayden Damita	
Refund Check	\$72.53
Total Paid to Hayden Damita	\$72.53
HD Supply Waterworks LTD	
lock	\$208.22
service brass fittings	\$1,275.46
Tjerne PI Ext	\$1,239.43
Total Paid to HD Supply Waterworks LTD	\$2,723.11
HealthEquity Employer Services	
HSA monthly payment	\$118.00
Total Paid to HealthEquity Employer Services	\$118.00
Hellman Jeffry	
Refund Check	\$75.20
Total Paid to Hellman Jeffry	\$75.20
Henley USA DBA Mainvue Home	
Refund Check	\$51.35
Total Paid to Henley USA DBA Mainvue Homes	\$51.35
Hood Charlotte	
Refund Check	\$154.16
Total Paid to Hood Charlotte	\$154.16
Houck Richard	
refund UB overpayment	\$821.52
Total Paid to Houck Richard	\$821.52
Howell Rory G	
investigator fees	\$290.00
Total Paid to Howell Rory G	\$290.00
Integra Telecom of Washington I	
voicemail repairs	\$700.24
Total Paid to Integra Telecom of Washington Inc.	\$700.24
John Deere Construction Retail S	
Compact Excavator EX04 FA# 5229-01	\$71,158.70
Total Paid to John Deere Construction Retail Sales	\$71,158.70
Lowe's Home Centers Inc	
Maintenance/Repairs/Supplies	\$3,255.45
Total Paid to Lowe's Home Centers Inc	\$3,255.45
MacGregor Stacy	
Refund Check	\$34.83
Total Paid to MacGregor Stacy	\$34.83
Matteson Construction LLC	
Refund Check	\$19.50
Total Paid to Matteson Construction LLC	\$19.50

McClam Dale & Yvonne		
Refund Check		\$15.00
Total Paid to McClam Dale & Yvonne		\$15.00
Monroe Auto Body Inc		
P68 repairs		\$2,531.82
Total Paid to Monroe Auto Body Inc		\$2,531.82
NI Government Services Inc		
satellite phone		\$73.73
Total Paid to NI Government Services Inc		\$73.73
Oceanside Construction Inc		
Columbia and Elizabeth Street Watermain Project		\$199,375.96
Total Paid to Oceanside Construction Inc		\$199,375.96
Paxman Darrell		
payment of reimbursement agreement fees - 5% Administrative fee		\$3,127.36
Total Paid to Paxman Darrell		\$3,127.36
PetroCard Systems Inc.		
fuel for patrol vehicle		\$32.13
Total Paid to PetroCard Systems Inc.		\$32.13
Pharm-A-Save Monroe		
M Wakefield RX		\$102.17
Total Paid to Pharm-A-Save Monroe		\$102.17
PUD		
pole attachment fee		\$16.88
PUD - Street Lighting		\$7,370.87
Reservoir #5 - 13125 191st Ave SE		\$174.85
Total Paid to PUD		\$7,562.60
R.L. Alia Company		
WWTP AA Pipe Replacement Project		\$51,537.16
Total Paid to R.L. Alia Company		\$51,537.16
Republic Services Inc		
ALLIED -Garbage/Recycle/Yardwa		\$244,763.13
Total Paid to Republic Services Inc		\$244,763.13
RH2 Engineering Inc		
Powell St sewer replacement		\$10,808.82
Total Paid to RH2 Engineering Inc		\$10,808.82
Ricoh USA Inc		
Bldg 6001 Ricoh copier lease		\$599.96
CH 5180 Ricoh color/fax copier		\$1,112.90
CH 906 Ricoh copier lease		\$399.67
CH PRO8100s copier lease		\$502.48
Engr Ricoh copier lease		\$129.40

PD Ricoh 906EX copier lease	\$380.84
PD Ricoh Pro8100s copier lease	\$441.08
PW Ricoh copier lease	\$339.56
WWTP Ricoh copier lease	\$151.10
Total Paid to Ricoh USA Inc	\$4,056.99
Rozzano Mara J.	
Judges salary	\$4,400.00
Total Paid to Rozzano Mara J.	\$4,400.00
Ruyle Investments 3 LLC	
Refund Check	\$29.26
Total Paid to Ruyle Investments 3 LLC	\$29.26
Sandoval Monica	
M Sandoval 5/1-5/3/16 Children's Justice conference per diem	\$140.16
Total Paid to Sandoval Monica	\$140.16
Silva Fatima	
Refund Check	\$134.81
Total Paid to Silva Fatima	\$134.81
Snohomish County Administratio	
County work permit fees	\$82.40
Total Paid to Snohomish County Administration	\$82.40
Snohomish County Sheriff Correc	
jail billing	\$34,760.96
Total Paid to Snohomish County Sheriff Corrections Bure	\$34,760.96
Snohomish County Sheriff's Offic	
inmate medical billing	\$59.40
warrant entries	\$730.05
Total Paid to Snohomish County Sheriff's Office	\$789.45
Snohomish County Treasurer	
Crime victims compensation	\$374.91
Total Paid to Snohomish County Treasurer	\$374.91
SNOPAC911	
dispatch services	\$21,849.62
managed laptop program	\$1,924.14
Total Paid to SNOPAC911	\$23,773.76
SoftwareOne	
office software	\$524.81
Total Paid to SoftwareOne	\$524.81
Southard Jason	
refund P55 fuel & lodging for K-9 conference	\$300.03
Total Paid to Southard Jason	\$300.03

Staples Business Advantage	
Pam case for laptop	\$17.75
planning supplies	\$16.15
Total Paid to Staples Business Advantage	\$33.90
State Treasurer's Office	
Jurisdiction Billing	\$28,097.03
Total Paid to State Treasurer's Office	\$28,097.03
Tee-Eight Fencing LLC	
fence repair	\$146.44
Total Paid to Tee-Eight Fencing LLC	\$146.44
Tenelco Inc.	
biosolids	\$13,526.54
Total Paid to Tenelco Inc.	\$13,526.54
Thomas Ovens Police Training So	
P Ryan use of force seminar	\$795.00
Total Paid to Thomas Ovens Police Training Solutions	\$795.00
Trimaxx Construction Inc	
Tjerne Place SE Extension	\$275,621.59
Total Paid to Trimaxx Construction Inc	\$275,621.59
United States Postal Service	
8983 Parks & Rec event/program brochure mailing	\$1,742.70
Total Paid to United States Postal Service	\$1,742.70
US Bank National Associatio ND	
123SIGNUP / REGISTRATION FOR NAMOA CONF	\$150.00
76 / FUEL FOR PD MOTORCYCLE	\$12.85
AAA MONROE ROCK - spoils disposal	\$2,127.42
ACTION CLEANING - custodial services	\$2,866.38
AG ENTERPRISE - FB09 switch	\$46.41
AIRPORT WAY- ex02/ex03/ex04	\$655.20
ALASKA AIR / BAGGAGE FEE FOR DV CONFERENCE	\$25.00
ALLIED FIRE & SECURITY - WWTP monitoring	\$120.00
AMAZON	\$64.10
AMAZON-	\$31.26
Amazon - Southards Boots	\$144.99
Amazon - Toner Detectives	\$39.95
AMAZON / CELL PHONE CHARGERS	\$18.67
AMAZON / SHOWER CAPS FOR SECTOR PRINTER	\$1.90
AMAZON- equip parts	\$71.80
American Planning Association of Washington	\$100.00
APPLIED IND TECH- RM01	\$479.82
ARCO / PATROL VEHICLE CAR WASH	\$6.00
ARCO AMPM- carwash for su04	\$6.00

ASPHALT ZIPPER- zp01	\$1,005.79
AWC LRI Conference	\$420.00
AWWA-Training for DS	\$200.00
BENS CLEANER - pressure washer parts	\$439.00
BETTY MILLS CO - table top	\$155.06
BIG 5-cooler	\$65.51
BILLS BLUEPRINT - Ben Franklin copies	\$133.93
BILLS BLUEPRINT - Henley - copies	\$77.65
BLUE WHITE INDUSTRIES - chem pump repair	\$282.81
BLUMENTHAL / BASEBALL CAP	\$15.19
BOBCAT OF SEATTLE- LD03	\$173.91
BOBCAT OF SEATTLE- LD03	\$1,115.39
BRATWEAR / UNIFORM JUMPSUIT	\$544.22
BRIM TRACTOR-rm01	\$361.94
CADMAN - gravel	\$960.76
CADMAN - rock	\$138.32
Cambells Lodge - WPTA conference DNelson	\$393.66
CASCADE RECREATION -slide	\$812.91
CDWG 1yr 8x5 Tech support for Fortinet	\$290.90
CDWG Drum for laser printer in PD	\$55.46
CDWG Encrypted HDD for PD Backups.	\$556.92
CDWG Fortigate firewall backup	\$1,580.19
CDWG Maint. Agreement renewal for Firewall	\$1,786.80
CDWG Power strips	\$48.97
CDWG Roxio Software for PD	\$31.53
CDWG Video splitters for pcs.	\$122.73
CENTRAL WELDING-	\$61.02
CENTRAL WELDING - helium	\$13.73
CHADS SNAPON- shop	\$17.15
CHAMPION BOLT-	\$38.49
CHEVRON / FUEL FOR PD MOTORCYCLE	\$113.21
CITY OF EVERETT / ANIMAL CONTROL SERVICES	\$185.00
CITY OF MONROE - Gbg/Wtr/Swr/Stm	\$12,061.42
Click2Mail - Postage Deposit	\$500.00
COASTWIDE	\$488.09
COASTWIDE-cleaners	\$182.12
COMCAST - Cable & IP	\$236.18
COMCAST - Police #2 New World in IT Dept	\$141.18
COMCAST - PW Internet	\$135.74
COMCAST - WWTP Internet	\$111.18
COMPLETE OFFICE - building supplies	\$21.29
COMPLETE OFFICE - index card stock	\$7.49
COMPLETE OFFICE - supplies	\$593.72

CORNWELL- 2 ton tripod stand	\$391.93
CORRECTIONAL INDUSTRIES / BUSINESS CARDS	\$70.29
COSTCO - 2000 AP Checks	\$139.02
CRAIGSLIST - Job Posting (Parks)	\$45.00
DAILY JOURNAL OF COMMERCE - Rivmont watermain	\$405.60
DALCO- pressurewasherparts	\$589.43
DASH - Disposable Gloves	\$265.28
DAY WIRELESS - radar calibrations	\$468.27
DEPT OF CORRECTIONS - water shutoff notices	\$149.14
DEPT OF ENTERPRISE SERVICES - 200 asset labels	\$105.85
DISCOUNT PLAYGROUND SUPPLY-patching	\$296.10
DUVALL AUTO PARTS- chain saw	\$1,370.27
EMBASSY ROW / LODGING FOR DV CONFERENCE	\$776.31
EMBASSY ROW HOTEL / CREDIT FOR INCORRECT CHARGE	(\$18.70)
EMBASSY ROW HOTEL / LODGING FOR DV CONFERENCE	\$1,571.32
ERA-drinking water bottles	\$295.46
ERA-Lab PEs	\$634.46
EVERETT STEEL- flat bar for WWTP	\$344.45
EVERETT STEEL- stock LD03 wwtp	\$354.26
EVERGREEN HEALTH-CDL physical	\$206.00
FACORY OUTLET- cordless tools	\$327.00
FASTENAL	\$203.67
FASTENAL-	\$291.76
FASTENAL - turnbuckles	\$44.91
FASTENAL- ap01	\$198.27
FASTENAL- bolts	\$4.31
FASTENAL- LD03	\$20.23
FASTENAL- returned wrong parts	(\$30.90)
FEDEX - shipping	\$28.52
FEDEX-shipping	\$34.57
FIRE PROTECTION - fire dept notification fee	\$515.02
FIRE PROTECTION - security alarm monitoring	\$627.26
Fisher- ORP standard	\$391.91
fisher-PH buffer	\$261.71
fisher-ph probe and suplies	\$212.16
FLAGSAFLYING-flags	\$634.26
FRED MEYER / FUEL FOR PD MOTORCYCLE	\$33.62
FRED MEYER- cooler	\$2,889.00
FRED MEYER- decant brushes	\$44.18
FRONTIER - Admin & Sewer phone lines	\$267.90
FULL SOURCE LLC / VOLUNTEER TRAFFIC VEST	\$24.46
GALCO- hr mtr for VFD @ N HHill pump station	\$146.92
GALLS / UNIFORM JUMPSUITS	\$1,126.80

GBH Communications Inc video court equipment	\$2,357.69
GEIST Temp. probe for server room	\$37.74
GENUINE AUTO GLASS / WINDSHIELD FOR P-74	\$246.60
GLOBALSTAR - Emergency Management Sat	\$68.92
Go Wireless - phone cover	\$81.80
GOOD TO GO - toll fee	\$2.75
GREENSHIELDS- 20 gal parts washer	\$196.55
GRIFFEN LAW OFFICE - public defender legal fees	\$4,425.00
HACH- chlorine tablets	\$171.79
HACH COMPANY - DO bracket	\$48.88
Hach-TNTs and LDo cap for lab	\$193.83
HARMSEN & ASSOCIATES- Task #1 WWTP	\$3,720.00
HB JAEGER- drain pipe	\$73.18
HD FOWLER- hydrant repair	\$1,238.74
HEALTHFORCE - respiratory testing	\$42.00
HEARING AND BALANCE- Anderson ear insp	\$502.00
Herald-Newspaper	\$186.00
HIGHWAY AUTO- dp04	\$6.68
HIGHWAY AUTO- pd swat truck	\$13.61
HIGHWAY AUTO- zp01	\$39.90
HILLSTREET CLEANERS / DRYCLEANING SERVICES	\$466.29
HIWAY AUTO- dp04	\$46.02
HOME DEPOT- battery charger	\$362.18
HYATT HOUSE / LODGING FOR DV CONFERENCE	\$2,092.56
IBS-	\$75.45
Idexx-Colilert for drinking water	\$900.97
INTL INSTITUTE MC Annual Dues	\$155.00
ISOUTSOURCE - IT Services	\$5,598.50
ISOUTSOURCE - Monthly server monitoring	\$217.80
KCDA - desposable gloves	\$60.92
KELLER SUPPLY- hot water heater valve	\$116.66
KELLER SUPPLY- well pump assy	\$33.29
KOOYS-	\$165.44
KOOYS- sw04	\$231.45
KRISTOFFS TOWING / TOWING SERVICES	\$69.74
LA Police Gear - Dunns Glock Mag. Hoslter	\$27.24
LA POLICE GEAR / DUTY GEAR	\$170.21
LAB/COR- samples	\$400.00
LAKESIDE INDUSTRIES - Ann Street repairs	\$3,206.13
LEMAY MOBILE SHREDDING - shredding	\$9.12
LES SCHWAB-tractor tires	\$120.29
LOWES- pump for pourus concrete demo	\$23.94
MATCO- radiator hose	\$21.78

MCDONALDS / FOOD FOR SEARCH WARRANT CASE	\$16.34
MERCURY FITNESS - wellness center repair	\$252.65
MODERN MACHINERY- ex02	\$201.96
MONROE CHAMBER OF COMMERCE / LUNCH MEETING	\$16.00
Monroe Chamber of Commerce Chamber Lunch	\$48.00
MONROE FARM & FEED- cedar shavings	\$36.98
MONROE PARTS HOUSE	\$21.25
MONROE PARTS HOUSE-	\$445.30
MONROE PARTS HOUSE - oil	\$39.21
MONROE PARTS HOUSE- drain antifreeze	\$12.74
MONROE PARTS HOUSE- ex01	\$103.04
MONROE PARTS HOUSE- lubricant	\$17.17
MONROE PARTS HOUSE- MW02 oil filter	\$37.87
MONROE PARTS HOUSE- returned battery	(\$158.98)
MONROE PARTS HOUSE- su05	\$25.09
MONROE PARTS HOUSE-carb clnr	\$10.68
MONROE PARTS HOUSE-gas can	\$17.46
MONROE PARTS HOUSE-gear oil	\$116.32
MONROE PARTS HOUSE-hyd oil	\$43.55
MONROE PARTS HOUSE-oil air filters	\$11.21
MONROE PARTS HOUSE-oil filters	\$169.00
MONROE PARTS HOUSE-spill kit	\$58.95
MOTOR TRUCKS- dp05	(\$423.15)
MRSC Rosters	\$120.00
MRSC Webinar - Staff Reports	\$35.00
NAPA Parts - Inspection Mirror	\$21.83
NEBAR HOSE- sw04	\$347.64
NEBAR HOSE- sweepers & vactors	\$60.92
NELSON PETROLUEM - oil	\$303.22
NORTHERN DESIGN- su08	\$82.13
Northstar-Chemical	\$4,339.69
Oddball - Richardsons Boots	\$146.00
OFFICE DEPOT - supplies	\$192.06
ON DECK SPORTS- ball returns	\$454.93
OWEN EQUIPMENT- sw03	\$140.78
OWEN EQUIPMENT- vac02	\$583.78
PACIFIC AIR CONTROL - HVAC maintenance	\$1,588.32
PACIFIC POWER BATTERIES	\$14.94
PACIFIC PUBLISHING - advertising	\$444.36
PACWEST- EX02	\$279.73
PAPE MACHINERY-bucket	\$2,069.10
PAPE MACHINERY-mower head	\$7,078.50
PAPE MACHINERY-Trailer	\$12,850.20

PARTMASTER - tools	\$344.74
PHELPS TIRE- dp05	\$1,022.07
Phenova-O2 WP	\$182.40
PILCHUCK VETERINARY HOSPITAL / VET SERVICES	\$398.13
PLATT- brace	\$199.10
PLATT PARKING LOT / PARKING FOR DV CONFERENCE	\$18.00
PLATT- wire	\$72.97
PRESS PLUS / HERALD SUBSCRIPTION	\$108.90
PUD - 100 N Lewis St	\$201.47
PUD - 106 S Kelsey St-Kelsey/Main Signal	\$38.61
PUD - 10805 202nd Snoh North Hill Res	\$23.11
PUD - 12803 150th St SE	\$14.84
PUD - 13226 134th Dr SE	\$205.52
PUD - 13803 Ingraham rd	\$59.87
PUD - 14220 134th Dr SE	\$25.01
PUD - 14701 144th St SE	\$35.63
PUD - 14810 fryelands-Lake Tye Lift St	\$680.71
PUD - 14890 Fryelands Blvd- wales signal	\$78.09
PUD - 14964 Fryelands Blvd -Lk Tye Rest	\$389.59
PUD - 15403 Fryelands Blvd	\$17.42
PUD - 15403 Fryelands Blvd- 154th signal	\$107.41
PUD - 15411 179th Ave SE	\$1,462.93
PUD - 15605 139th Ave SE	\$29.68
PUD - 16653 Currie Rd	\$213.87
PUD - 16846 W Main St-Tester Roundabout	\$73.14
PUD - 16924 W Main St	\$1,097.17
PUD - 17097 W Main St	\$43.83
PUD - 17102 Beaton Rd	\$338.48
PUD - 17108 Sawyer St SE	\$27.53
PUD - 17526 136th Pl SE	\$35.44
PUD - 17769 149th St SE- Stanton Meadows	\$17.42
PUD - 17888 W Main St Signal	\$28.10
PUD - 19206 Tjerne Pl-St light meter	\$132.88
PUD - 19413 SR 2 - Street Lighting	\$73.79
PUD - 19470 Chain Lake-Tjerne Pl Signal	\$74.53
PUD - 19470 Chain Lk-N Kelsey St Lights	\$155.22
PUD - 19920 Rainier View Rd SE	\$15.73
PUD - 19927 Old Owen Rd	\$24.88
PUD - 20218 Pipeline -North Hill Booster	\$206.75
PUD - 224 N Kelsey St- Flasher	\$38.52
PUD - 303 W Main St - Flag Pole	\$24.37
PUD - 372 Sky River Pkwy - Rotary Field	\$89.24
PUD - 509 E Main St - Travelers Park	\$29.22

PUD - 516 S Lewis Street - Restrooms	\$123.68
PUD - 806 W Main St F- PW Trailer	\$713.33
PUD - 806 W Main St I	\$579.42
PUD - 818 W Main St - PD	\$1,928.16
PUD - 820 Village Way - Sky River	\$113.16
PUD - Lake Tye - Fountain/Pump House	\$110.85
PUD - PW Bldg - 769 Village Way A	\$336.61
PUD 14826 N Kelsey St - Tjerne PI	\$61.68
PUGET SAFETY- gloves	\$159.36
PUGET SAFETY- sniffer	\$892.98
PUGET SAFETY- starlite lenses	\$32.13
puget safety-gas sensor	\$98.00
puget safety-gloves	\$112.74
Puget safety-Misc safety items	\$198.05
RESORTNET - erroneus charge	\$0.00
ROADRUNNER- trench paver	\$68.79
RODLAND AUTO SERVICE / VEHICLE MAINTENANCE	\$1,258.92
SAFEWAY / WATER FOR SEARCH WARRANT CASE	\$4.49
SHOPLET - table	\$201.62
SIGNCO- office plaques	\$147.02
SIGNCO-signs	\$348.48
SMILEYS PRO LUBE / VEHICLE MAINTENANCE	\$431.85
Sno Co Recording Fee Tjerne ROW	\$83.00
Sno County Parking ED	\$6.00
SNOHOMISH CO CITIES Dinner/Meeting - G. Thomas	\$35.00
SNOHOMISH CO CITIES Dinner/Meeting - GambleKampHanfordScarb	\$140.00
SNOHOMISH CO CITIES Dinner/Meeting - J. Rasmussen	\$35.00
SOUND TRACTOR- axle credit	(\$131.60)
SOUND TRACTOR- axle tractor	\$164.50
SOUND TRACTOR- key	\$9.35
SOUND TRACTOR- MW02	\$61.59
SOUND TRACTOR- tractor parts	\$92.27
SPEEDWAY CHEVROLET - vehicle maintenance	\$87.58
SPEEDWAY CHEVROLET- lamp	\$73.68
SPRAGUE PEST SOLUTIONS - Pest Control	\$291.64
STAPLES - door hanger stock	\$31.66
STAPLES - door hanger stock returned	(\$31.66)
STAPLES - toner	\$100.51
START STOP / TRANSCRIPTION SOFTWARE	\$164.28
STEUBERS- potting soil	\$249.15
STEUBERS- wire hanging baskets	\$493.52
THE PARTS WORKS- backflow parts for parks	\$71.17
THE PARTS WORKS- DCVA	\$27.60

THRIFTY CAR RENTAL / CAR FOR DV CONFERENCE	\$183.25
TOPSOILS NW - play chips	\$161.55
TOPSOILS NW - topsoil	\$19.93
TOWN & COUNTRY TRACTOR - weed eater	\$450.88
TOWN & COUNTRY TRACTOR- tree crew	\$132.78
TOWN & COUNTY TRACTOR - oil	\$12.01
TOWN AND COUNTRY-carburetor	\$13.05
TOWN AND COUNTRY-mower blades	\$72.05
TOWN AND COUNTRY-oil	\$13.81
TRACTOR SUPPLY - misc supplies	\$431.12
TRACTOR SUPPLY CO- tank sprayer	\$34.80
TRACTOR SUPPLY- plastic scoop and barn lime	\$11.73
TRANSUNION - searches	\$25.00
United Pacific - fuel	\$8.00
US HEALTHWORKS / EMPLOYMENT BACKGROUND	\$615.00
US MOWER- EX02	\$549.16
US MOWER- rm01	\$804.71
USPS - Postage	\$116.10
VERIZON / CELL PHONES	\$1,327.08
VERIZON WIRELESS - Admin cell	\$105.22
VERIZON WIRELESS - Clerk cell	\$36.83
VERIZON WIRELESS - Comm Dev	\$217.72
VERIZON WIRELESS - Court cell	\$94.45
VERIZON WIRELESS - Design & Co	\$269.28
VERIZON WIRELESS - Eng Emerg M	\$157.64
VERIZON WIRELESS - HR cell	\$36.83
VERIZON WIRELESS - IT cell	\$76.84
VERIZON WIRELESS - Legislation	\$241.77
VERIZON WIRELESS - Parks cell	\$383.77
VERIZON WIRELESS - PW cell	\$1,674.68
VERIZON WIRELESS - WWTP cell	\$425.74
WASPC / MEMBERSHIP DUES	\$75.00
WEBOFFICE MART - table base	\$184.99
WESTERN FLUID- bobcat	\$498.75
WESTERN FLUID- hydraulic assemblys	\$570.19
WESTERN FLUID- hydraulic hose assemblys	\$150.87
WHISTLE WORKWEAR- Conley boot allowance	\$167.07
WHITNEY EQUIPMENT COMPANY - P133 repair	\$1,202.26
WMCA Annual Dues	\$75.00
WOLFKILL- res/pump station vegetation ctl	\$353.24
WOLFKILL-fertilizer	\$552.01
WOLFKILL-marking lime	\$97.46
WSP Background check	\$12.00

YELLOW CAB / TAXI FOR DV CONFERENCE	\$7.92
YELLOW CARD SERVICES / TAXI FOR DV CONFERENCE	\$22.90
Zumar Project Signs	\$1,572.93
ZUMAR- signs	\$3,869.18
Total Paid to US Bank National Associatio ND	\$147,444.42
USPS-Hasler United States Postal	
postage usage reimbursement	\$2,500.00
Total Paid to USPS-Hasler United States Postal Service	\$2,500.00
Utilities Underground Location C	
locates	\$107.07
Total Paid to Utilities Underground Location Center	\$107.07
Wakefield Mark	
M Wakefield supplemental insur	\$104.90
Total Paid to Wakefield Mark	\$104.90
Warthan Ben	
B Warthan 5/4-5/6/16 AWC Conference per diem	\$125.97
B Warthan AWC conference Yakima mileage	\$166.32
Total Paid to Warthan Ben	\$292.29
Zachor & Thomas Inc. P.S.	
prosecuting attorney services	\$10,000.00
Total Paid to Zachor & Thomas Inc. P.S.	\$10,000.00
Grand Total	\$1,555,543.80



MONROE CITY COUNCIL

Agenda Bill No. 16-062

SUBJECT:	<i>Award Bid and Authorize the Mayor to Sign Contract with RRJ Company, LLC, for West Main Street Sidewalk Project</i>
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DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
05/17/2016	Public Works Design & Construction	Kim Klinkers	Scott Peterson	Consent Agenda #3

Discussion: 01/19/2016, 05/17/2016

Attachments: 1. Figure 1 - West Main Street Sidewalk Project Site Map

REQUESTED ACTION: Move to award the West Main Street Sidewalk Project to RRJ Company, LLC, in an amount of \$216,848.22, along with funds per Section 4.2.1.3 of the Procurement Policies and Procedures for possible change orders; authorize the Mayor to sign the construction contract thereto; and expressly authorize further minor revisions to the extent deemed necessary or appropriate.

DESCRIPTION/BACKGROUND

Bids were opened on Thursday, April 21, 2016, at 11:00 a.m. for the West Main Street Sidewalk Project. Five bids were received, ranging from \$216,848.22 to \$328,090.50. The Engineer's Estimate for this project was \$230,000.00.

Apparent Low: RRJ Company, LLC \$216,848.22

Second Apparent Low: Kamins Construction \$246,608.95

After review, state licensing verification, and reference calls, the lowest responsive bidder is RRJ Company, LLC.

IMPACT – BUDGET

This project is funded by a TIB grant (approximately seventy-five percent) and City funds (approximately twenty-five percent). The City portion will be approximately \$55,401.90. This amount is included in the 2016 budget for Fund 318 -- Street CIP.

TIME CONSTRAINTS

The contract needs to be awarded no later than May 24, 2016 in order to begin construction when school ends for the summer.

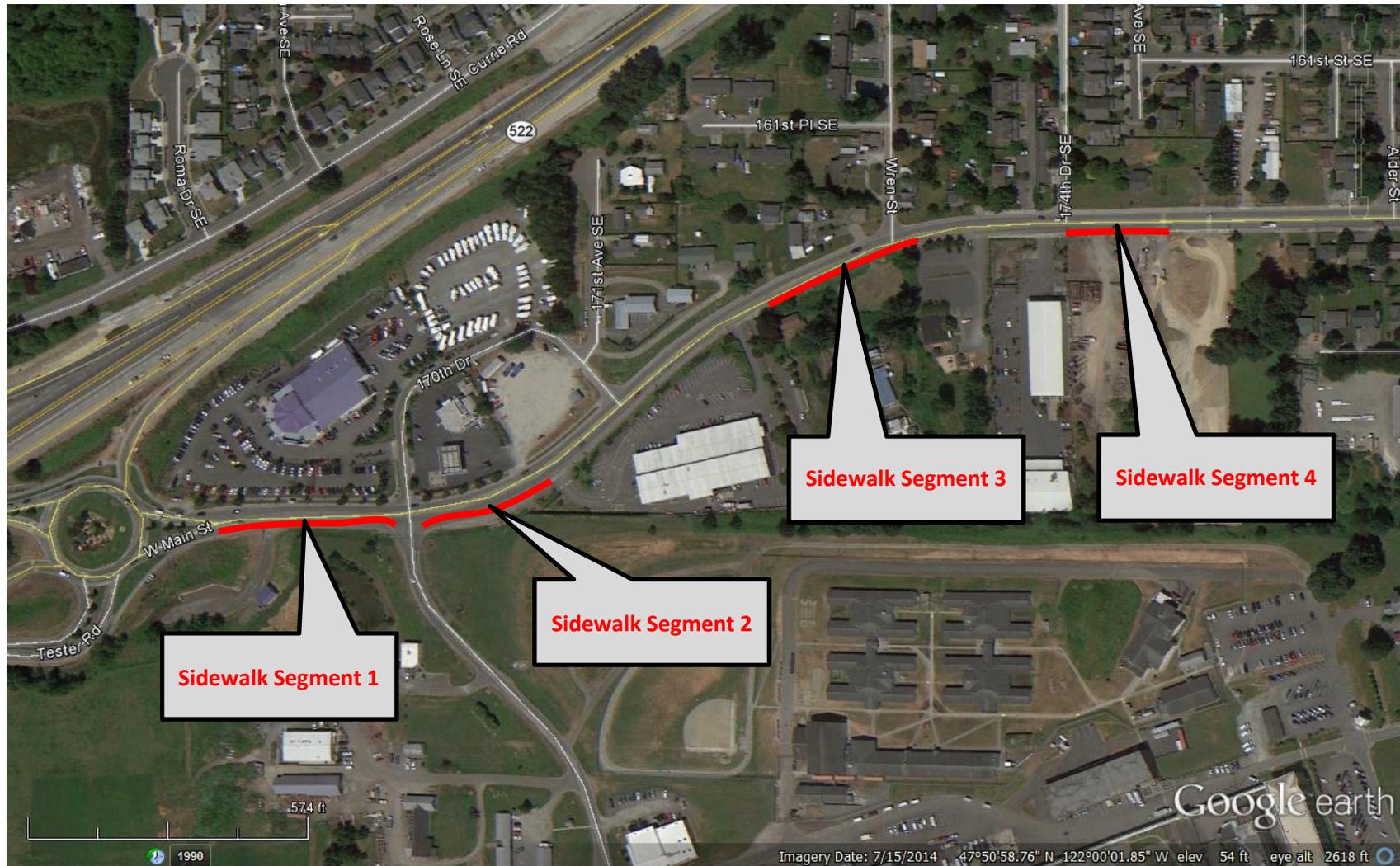


Figure 1
West Main Street Sidewalk Project Site Map (aerial photo from Google Earth)



MONROE CITY COUNCIL

Agenda Bill No. 16-063

SUBJECT:	<i>Discussion: Vaping Device Regulations</i>
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DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
05/17/2016	Police Department	Debbie Willis	Tim Quenzer	Unfinished Business #1

Discussion 04/26/2016; 05/17/2016

- Attachments:**
1. Final Bill Report ESSB 6328
 2. Full Text ESSB 6328

REQUESTED ACTION: Discussion and direction regarding vaping device regulations.

DESCRIPTION/BACKGROUND

On April 26, 2016, the Monroe City Council reviewed action recommendations received from the Monroe Community Coalition; and staff's assessment of these items. The City Council requested item No. 2 -- Making it unlawful for a person under the age of 18 to possess a vaping device -- be researched further in regards to the passage of recent State Law in this regard.

ESSB6328 was passed by the Washington State Senate on March 28, 2016; and the Washington State House on March 29, 2016; and makes it unlawful for a person under the age of 18 to possess a vaping device, and provides for enforcement by a peace officer or enforcement officer (*see Attachments 1 and 2*).

At this time, Staff does not recommend any additional changes to vaping regulations other than those provided by State Law and the passage of ESSB 6328.

IMPACT – BUDGET

N/A

TIME CONSTRAINTS

N/A

FINAL BILL REPORT

ESSB 6328

C 38 L 16 E 1
Synopsis as Enacted

Brief Description: Concerning youth vapor product substance use preve.

Sponsors: Senate Committee on Health Care (originally sponsored by Senators Dammeier, Hasegawa, Conway, O'Ban, Becker and Carlyle).

Senate Committee on Health Care
Senate Committee on Ways & Means

Background: Electronic cigarettes are battery-operated inhalers containing nicotine. The battery heats liquid in the cartridge, turning it into vapor that can be inhaled. The process of inhaling e-cigarette liquid is often called "vaping."

State Law. Washington currently defines a "vapor product" as: a noncombustible tobacco-derived product containing nicotine that employs a mechanical heating element, battery, or circuit, regardless of shape or size, that can be used to heat a liquid nicotine solution contained in cartridges. "Vapor product" does not include any product that is regulated by the United States food and drug administration under chapter V of the federal food, drug, and cosmetic act.

Vapor products may not be sold or given to any person under the age of 18.

WSIPP Study. In 2014 the Legislature directed the Washington Institute for Public Policy (WSIPP) to research e-cigarette prevention programs. After an extensive search for rigorous outcome evaluations of e-cigarette prevention and cessation programs, WSIPP was unable to locate any studies that met WSIPP's research standards. WSIPP found that relatively little research has been conducted on e-cigarettes as a cessation tool. Surveys suggest that e-cigarette use grew from 1 percent in 2009 to over 6 percent in 2011 among adults. WSIPP found use rates grew from 3 percent to 7 percent between 2011 and 2012 among adolescents. According to the National Monitoring the Future Project, as of 2014, 16 percent of tenth graders used e-cigs.

FDA Regulations. The Food and Drug Administration (FDA) proposed regulations in April 2014, that would include coverage of e-cigarettes under their tobacco authority. The proposed rules include the following:

- setting the federal minimum age of 18 for sales;
- banning vending machine sales;

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- mandating warning labels;
- prohibiting free samples; and
- requiring companies to register with the FDA to monitor compliance and quality.

The proposed rules were delivered to the White House Office of Management and Budget in October 2015, for final review.

Summary: Vapor Products. "Vapor products" are defined as any noncombustible product that may contain nicotine and that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor or aerosol from a solution or other substance. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container that may contain nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor product" does not include any product that meets the definition of marijuana, useable marijuana, marijuana concentrates, marijuana-infused products, cigarette, or tobacco products.

Preemption. Political subdivisions are preempted from adopting or enforcing requirements for licensure and regulations of promotions and sales. Political subdivisions are also preempted from imposing fees on retail outlets other than general business taxes or license fees. Political subdivisions may regulate the use of vapor products only in outdoor public places where children congregate, such as schools, playgrounds and parks. Political subdivisions may regulate the use of VPs in all indoor public places, except that tasting in vapor products retail outlets is specifically permitted, and vapor products use in and around schools, child care centers, elevators and school buses is specifically prohibited.

Licensing and Fees. Vapor Product retailers, distributors and delivery sellers must obtain a license from the Washington State Liquor and Cannabis Board (Board) in order to conduct business in Washington. Applications for licensing must be made through the business licensing system, on a form prescribed by the Board. Fees are set for all vapor product licenses, raised for certain tobacco retailers, and set for retailers with both vapor product and Tobacco licenses.

- Vapor product Retailers - \$175
- Vapor product Distributors - \$150
- Vapor product Delivery Sellers - \$250
- Tobacco & Other Tobacco Product Retailers - \$175
- Vapor product Retailer & Tobacco Product or Other Tobacco Product Retailer Combo Fee - \$250

Licenses must be renewed annually. Licenses must be exhibited in the retailer's place of business. The Board is given authorities, enumerated in the language of the bill, to enforce vapor product retailer licenses.

Enforcement. The Board may impose penalties, sanctions and other actions against licensees, and is given other powers and authorities as necessary to enforce the provisions of

this act. Monetary penalties for vapor product licensees are set, and monetary penalties for tobacco product retailers are changed to:

- \$200 for 1st offense w/in 3 years;
- \$600 for 2nd offense w/in 3 years;
- \$2000 for 3rd offense w/in 3 years, and if the violation is for selling to minors, suspension of the license for 6 months;
- \$3000 for 4th offense w/in 3 years and if the violation is for selling to minors, suspension of the license for 12 months; and,
- Revocation of license with no possibility of reinstatement for 5th offense w/in 3 years.

For persons holding dual vapor product and tobacco or other tobacco product licenses who are caught selling to minors, each subsequent offense counts as an additional violation during that 3 year period.

Signage. A person who holds a vapor product retailer license must display a sign concerning the prohibition of vapor product sales to minors, including specific language enumerated in the language of the bill. The signs must be provided, free of charge, by the Department of Health (DOH). DOH may issue a single tobacco and vapor product sign to cigarette retailers and wholesalers who are also vapor product retailers.

Sales Requirements. It is a class 3 civil infraction for any person under the age of 18 to purchase or attempt to purchase, possess, or obtain vapor products. Whenever there is a question as to whether someone is old enough to purchase vapor products, the retailer or their agent must require the purchaser to present an official form of photo identification. Vapor product retailers may not sell products containing cannabinoid, synthetic cannabinoid, cathinone, or methcathinone.

It is unlawful to sell or distribute vapor products at a retail store unless the customer has no direct access to the product except through assistance of the seller. It is also unlawful to sell vapor products from a self-service display. Retail establishments are exempt from both restrictions if they do not allow minors into the store.

No person may mail, ship or otherwise deliver any vapor products unless the purchase is made using a credit or debit card in the purchaser's name, and the name, birthdate and address of the purchaser is verified by a third party database.

Labeling Requirements. A manufacturer of an open system liquid nicotine container must label products with warnings about nicotine, keeping away from children, that vapor products are illegal for use by minors, and the milligrams per milliliter of nicotine and total volume of the e-liquid. Manufactures of closed system containers must provide DOH with disclosures of nicotine content in their products.

Child Resistant Packaging. Liquid nicotine containers that are sold in Washington must satisfy the child-resistant effectiveness standards, established by the poison prevention packaging act of 1970, and enforced by the federal Consumer Product Safety Commission.

Use Restrictions. The use of vapor products is prohibited, with certain exemptions enumerated in the bill, in the following areas:

- child care facilities;
- schools;
- within 500 feet of schools;
- school buses;
- elevators; and,
- playgrounds.

Vapor Product use is specifically permitted in the indoor areas of vapor product retail outlets, for purposes of tasting.

Tasting. Tastings may be offered in the indoor areas of licensed retail outlets. The vapor product liquids used for tasting must contain zero milligrams of nicotine unless the customer explicitly consents to tasting a product that contains nicotine. Disposable mouthpieces must be used, or the vapor device must be disposed of after each tasting.

Coupons. Coupons are allowed to be used for discounted vapor product sales. Coupons for free vapor products are only allowed as part of a contingency of a prior or the same purchase.

Youth Tobacco Prevention Account. The youth tobacco prevention account name is changed to the youth tobacco and vapor product prevention account. All licensing fees and fees collected by the Board for imposition of monetary penalties must be deposited into the youth tobacco prevention account.

Exemption. Motor carriers, freight forwarders and air carriers are exempted from the vapor product provisions in the bill.

Votes on Final Passage:

First Special Session

Senate	37	6
House	74	20

Effective: The bill contains several effective dates. Please refer to the bill.

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6328

64th Legislature
2016 1st Special Session

Passed by the Senate March 28, 2016
Yeas 37 Nays 6

President of the Senate

Passed by the House March 29, 2016
Yeas 74 Nays 20

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6328** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE SENATE BILL 6328

Passed Legislature - 2016 1st Special Session

State of Washington

64th Legislature

2016 Regular Session

By Senate Health Care (originally sponsored by Senators Dammeier, Hasegawa, Conway, O'Ban, Becker, and Carlyle)

READ FIRST TIME 02/05/16.

1 AN ACT Relating to youth vapor product substance use prevention,
2 and vapor product regulation, without permitting a tax on the sale or
3 production of vapor products; amending RCW 26.28.080, 70.155.120,
4 82.24.530, 70.155.100, 82.26.170, and 66.08.145; adding a new section
5 to chapter 70.155 RCW; adding a new chapter to Title 70 RCW;
6 prescribing penalties; providing a contingent effective date; and
7 providing a contingent expiration date.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 **Sec. 1.** RCW 26.28.080 and 2013 c 47 s 1 are each amended to read
10 as follows:

11 (1) Every person who sells or gives, or permits to be sold or
12 given, to any person under the age of eighteen years any cigar,
13 cigarette, cigarette paper or wrapper, tobacco in any form, or a
14 vapor product is guilty of a gross misdemeanor.

15 (2) It (~~shall be no~~) is not a defense to a prosecution for a
16 violation of this section that the person acted, or was believed by
17 the defendant to act, as agent or representative of another.

18 (3) For the purposes of this section, "vapor product" (~~means a~~
19 ~~noncombustible tobacco-derived product containing nicotine that~~
20 ~~employs a mechanical heating element, battery, or circuit, regardless~~
21 ~~of shape or size, that can be used to heat a liquid nicotine solution~~

1 ~~contained in cartridges. Vapor product does not include any product~~
2 ~~that is regulated by the United States food and drug administration~~
3 ~~under chapter V of the federal food, drug, and cosmetic)) has the~~
4 ~~same meaning as provided in section 4 of this act.~~

5 **Sec. 2.** RCW 70.155.120 and 1993 c 507 s 13 are each amended to
6 read as follows:

7 (1) The youth tobacco and vapor products prevention account is
8 created in the state treasury. All fees collected pursuant to RCW
9 82.24.520 ~~((and))~~, 82.24.530, 82.26.160, and 82.26.170 and funds
10 collected by the liquor ~~((control))~~ and cannabis board from the
11 imposition of monetary penalties ~~((and samplers' fees))~~ shall be
12 deposited into this account, except that ten percent of all such fees
13 and penalties shall be deposited in the state general fund.

14 (2) Moneys appropriated from the youth tobacco and vapor products
15 prevention account to the department of health shall be used by the
16 department of health for implementation of this chapter, including
17 collection and reporting of data regarding enforcement and the extent
18 to which access to tobacco products and vapor products by youth has
19 been reduced.

20 (3) The department of health shall enter into interagency
21 agreements with the liquor ~~((control))~~ and cannabis board to pay the
22 costs incurred, up to thirty percent of available funds, in carrying
23 out its enforcement responsibilities under this chapter. Such
24 agreements shall set forth standards of enforcement, consistent with
25 the funding available, so as to reduce the extent to which tobacco
26 products and vapor products are available to individuals under the
27 age of eighteen. The agreements shall also set forth requirements for
28 data reporting by the liquor ~~((control))~~ and cannabis board regarding
29 its enforcement activities.

30 (4) The department of health, the liquor and cannabis board, and
31 the department of revenue shall enter into an interagency agreement
32 for payment of the cost of administering the tobacco retailer
33 licensing system and for the provision of quarterly documentation of
34 tobacco wholesaler, retailer, and vending machine names and
35 locations.

36 (5) The department of health shall, within up to seventy percent
37 of available funds, provide grants to local health departments or
38 other local community agencies to develop and implement coordinated

1 tobacco and vapor product intervention strategies to prevent and
2 reduce tobacco and vapor product use by youth.

3 NEW SECTION. **Sec. 3.** PREEMPTION. (1) This chapter preempts
4 political subdivisions from adopting or enforcing requirements for
5 the licensure and regulation of vapor product promotions and sales at
6 retail. No political subdivision may impose fees or license
7 requirements on retail outlets for possessing or selling vapor
8 products, other than general business taxes or license fees not
9 primarily levied on such products.

10 (2) No political subdivision may regulate the use of vapor
11 products in outdoor public places, unless the public place is an area
12 where children congregate, such as schools, playgrounds, and parks.

13 (3) Subject to section 21 of this act, political subdivisions may
14 regulate the use of vapor products in indoor public places.

15 NEW SECTION. **Sec. 4.** DEFINITIONS. The definitions in this
16 section apply throughout this chapter unless the context clearly
17 requires otherwise.

18 (1) "Board" means the Washington state liquor and cannabis board.

19 (2) "Business" means any trade, occupation, activity, or
20 enterprise engaged in for the purpose of selling or distributing
21 vapor products in this state.

22 (3) "Child care facility" has the same meaning as provided in RCW
23 70.140.020.

24 (4) "Closed system nicotine container" means a sealed, prefilled,
25 and disposable container of nicotine in a solution or other form in
26 which such container is inserted directly into an electronic
27 cigarette, electronic nicotine delivery system, or other similar
28 product, if the nicotine in the container is inaccessible through
29 customary or reasonably foreseeable handling or use, including
30 reasonably foreseeable ingestion or other contact by children.

31 (5) "Delivery sale" means any sale of a vapor product to a
32 purchaser in this state where either:

33 (a) The purchaser submits the order for such sale by means of a
34 telephonic or other method of voice transmission, the mails or any
35 other delivery service, or the internet or other online service; or

36 (b) The vapor product is delivered by use of the mails or of a
37 delivery service. The foregoing sales of vapor products constitute a
38 delivery sale regardless of whether the seller is located within or

1 without this state. "Delivery sale" does not include a sale of any
2 vapor product not for personal consumption to a retailer.

3 (6) "Delivery seller" means a person who makes delivery sales.

4 (7) "Distributor" means any person who:

5 (a) Sells vapor products to persons other than ultimate
6 consumers; or

7 (b) Is engaged in the business of selling vapor products in this
8 state and who brings, or causes to be brought, into this state from
9 outside of the state any vapor products for sale.

10 (8) "Liquid nicotine container" means a package from which
11 nicotine in a solution or other form is accessible through normal and
12 foreseeable use by a consumer and that is used to hold soluble
13 nicotine in any concentration. "Liquid nicotine container" does not
14 include closed system nicotine containers.

15 (9) "Manufacturer" means a person who manufactures and sells
16 vapor products.

17 (10) "Minor" refers to an individual who is less than eighteen
18 years old.

19 (11) "Person" means any individual, receiver, administrator,
20 executor, assignee, trustee in bankruptcy, trust, estate, firm,
21 copartnership, joint venture, club, company, joint stock company,
22 business trust, municipal corporation, the state and its departments
23 and institutions, political subdivision of the state of Washington,
24 corporation, limited liability company, association, society, any
25 group of individuals acting as a unit, whether mutual, cooperative,
26 fraternal, nonprofit, or otherwise.

27 (12) "Place of business" means any place where vapor products are
28 sold or where vapor products are manufactured, stored, or kept for
29 the purpose of sale.

30 (13) "Playground" means any public improved area designed,
31 equipped, and set aside for play of six or more children which is not
32 intended for use as an athletic playing field or athletic court,
33 including but not limited to any play equipment, surfacing, fencing,
34 signs, internal pathways, internal land forms, vegetation, and
35 related structures.

36 (14) "Retail outlet" means each place of business from which
37 vapor products are sold to consumers.

38 (15) "Retailer" means any person engaged in the business of
39 selling vapor products to ultimate consumers.

1 (16)(a) "Sale" means any transfer, exchange, or barter, in any
2 manner or by any means whatsoever, for a consideration, and includes
3 and means all sales made by any person.

4 (b) The term "sale" includes a gift by a person engaged in the
5 business of selling vapor products, for advertising, promoting, or as
6 a means of evading the provisions of this chapter.

7 (17) "School" has the same meaning as provided in RCW 70.140.020.

8 (18) "Self-service display" means a display that contains vapor
9 products and is located in an area that is openly accessible to
10 customers and from which customers can readily access such products
11 without the assistance of a salesperson. A display case that holds
12 vapor products behind locked doors does not constitute a self-service
13 display.

14 (19) "Vapor product" means any noncombustible product that may
15 contain nicotine and that employs a heating element, power source,
16 electronic circuit, or other electronic, chemical, or mechanical
17 means, regardless of shape or size, that can be used to produce vapor
18 or aerosol from a solution or other substance.

19 (a) "Vapor product" includes any electronic cigarette, electronic
20 cigar, electronic cigarillo, electronic pipe, or similar product or
21 device and any vapor cartridge or other container that may contain
22 nicotine in a solution or other form that is intended to be used with
23 or in an electronic cigarette, electronic cigar, electronic
24 cigarillo, electronic pipe, or similar product or device.

25 (b) "Vapor product" does not include any product that meets the
26 definition of marijuana, useable marijuana, marijuana concentrates,
27 marijuana-infused products, cigarette, or tobacco products.

28 (c) For purposes of this subsection (19), "marijuana," "useable
29 marijuana," "marijuana concentrates," and "marijuana-infused
30 products" have the same meaning as provided in RCW 69.50.101.

31 NEW SECTION. **Sec. 5.** VAPOR PRODUCTS LICENSES. (1) The licenses
32 issuable by the board under this chapter are as follows:

33 (a) A vapor product retailer's license;

34 (b) A vapor product distributor's license; and

35 (c) A vapor product delivery sale license.

36 (2) Application for the licenses must be made through the
37 business licensing system under chapter 19.02 RCW. The board may
38 adopt rules regarding the regulation of the licenses. The board may
39 refuse to issue any license under this chapter if the board has

1 reasonable cause to believe that the applicant has willfully withheld
2 information requested for the purpose of determining the eligibility
3 of the applicant to receive a license, or if the board has reasonable
4 cause to believe that information submitted in the application is
5 false or misleading or is not made in good faith. In addition, for
6 the purpose of reviewing an application for a distributor's license,
7 retailer's license, or delivery seller's license, and for considering
8 the denial, suspension, or revocation of any such license, the board
9 may consider criminal conduct of the applicant, including an
10 administrative violation history record with the board and a criminal
11 history record information check within the previous five years, in
12 any state, tribal, or federal jurisdiction in the United States, its
13 territories, or possessions, and the provisions of RCW 9.95.240 and
14 chapter 9.96A RCW do not apply to such cases. The board may, in its
15 discretion, issue or refuse to issue the retailer's license,
16 distributor's license, and delivery sale license subject to the
17 provisions of RCW 70.155.100.

18 (3) The application processes for the retailer license and the
19 distributor license, and any forms used for such processes, must
20 allow the applicant to simultaneously apply for a delivery sale
21 license without requiring the applicant to undergo a separate
22 licensing application process in order to be licensed to conduct
23 delivery sales. However, a delivery sale license obtained in
24 conjunction with a retailer or distributor license under this
25 subsection remains a separate license subject to the delivery sale
26 licensing fee established under this chapter.

27 (4) No person may qualify for a retailer's license, distributor's
28 license, or delivery sale license under this section without first
29 undergoing a criminal background check. The background check must be
30 performed by the board and must disclose any criminal conduct within
31 the previous five years in any state, tribal, or federal jurisdiction
32 in the United States, its territories, or possessions. If the
33 applicant or licensee also has a license issued under chapter 66.24,
34 69.50, 82.24, or 82.26 RCW, the background check done under the
35 authority of chapter 66.24, 69.50, 82.24, or 82.26 RCW satisfies the
36 requirements of this subsection.

37 (5) Each license issued under this chapter expires on the
38 business license expiration date. The license must be continued
39 annually if the licensee has paid the required fee and complied with

1 all the provisions of this chapter and the rules of the board adopted
2 pursuant to this chapter.

3 (6) Each license and any other evidence of the license required
4 under this chapter must be exhibited in each place of business for
5 which it is issued and in the manner required for the display of a
6 business license.

7 NEW SECTION. **Sec. 6.** LICENSING REQUIRED. (1)(a) No person may
8 engage in or conduct business as a retailer, distributor, or delivery
9 seller in this state without a valid license issued under this
10 chapter, except as otherwise provided by law. Any person who sells
11 vapor products to ultimate consumers by a means other than delivery
12 sales must obtain a retailer's license under this chapter. Any person
13 who sells vapor products to persons other than ultimate consumers or
14 who meets the definition of distributor under this chapter must
15 obtain a distributor's license under this chapter. Any person who
16 conducts delivery sales of vapor products must obtain a delivery sale
17 license.

18 (b) A violation of this subsection is punishable as a class C
19 felony according to chapter 9A.20 RCW.

20 (2) No person engaged in or conducting business as a retailer,
21 distributor, or delivery seller in this state may refuse to allow the
22 enforcement officers of the board, on demand, to make full inspection
23 of any place of business or vehicle where any of the vapor products
24 regulated under this chapter are sold, stored, transported, or
25 handled, or otherwise hinder or prevent such inspection. A person who
26 violates this subsection is guilty of a gross misdemeanor.

27 (3) Any person licensed under this chapter as a distributor, any
28 person licensed under this chapter as a retailer, and any person
29 licensed under this chapter as a delivery seller may not operate in
30 any other capacity unless the additional appropriate license is first
31 secured, except as otherwise provided by law. A violation of this
32 subsection is a misdemeanor.

33 (4) No person engaged in or conducting business as a retailer,
34 distributor, or delivery seller in this state may sell or give, or
35 permit to sell or give, a product that contains any amount of any
36 cannabinoid, synthetic cannabinoid, cathinone, or methcathinone,
37 unless otherwise provided by law. A violation of this subsection (4)
38 is punishable according to RCW 69.50.401.

1 (5) The penalties provided in this section are in addition to any
2 other penalties provided by law for violating the provisions of this
3 chapter or the rules adopted under this chapter.

4 NEW SECTION. **Sec. 7.** DISTRIBUTOR LICENSING FEE. A fee of one
5 hundred fifty dollars must accompany each vapor product distributor's
6 license application or license renewal application under section 5 of
7 this act. If a distributor sells or intends to sell vapor products at
8 two or more places of business, whether established or temporary, a
9 separate license with a license fee of one hundred dollars is
10 required for each additional place of business.

11 NEW SECTION. **Sec. 8.** RETAILER LICENSING FEE. (1) A fee of one
12 hundred seventy-five dollars must accompany each vapor product
13 retailer's license application or license renewal application under
14 section 5 of this act. A separate license is required for each
15 separate location at which the retailer operates.

16 (2) A retailer applying for, or renewing, both a vapor products
17 retailer's license under section 5 of this act and retailer's license
18 under RCW 82.24.510 may pay a combined application fee of two hundred
19 fifty dollars for both licenses.

20 **Sec. 9.** RCW 82.24.530 and 2012 2nd sp.s. c 4 s 12 are each
21 amended to read as follows:

22 (1) A fee of ((~~ninety-three~~)) one hundred seventy-five dollars
23 must accompany each retailer's license application or license renewal
24 application. A separate license is required for each separate
25 location at which the retailer operates. A fee of thirty additional
26 dollars for each vending machine must accompany each application or
27 renewal for a license issued to a retail dealer operating a cigarette
28 vending machine. An additional fee of ninety-three dollars ((~~shall~~))
29 must accompany each application or renewal for a license issued to a
30 retail dealer operating a cigarette-making machine.

31 (2) A retailer applying for, or renewing, both a retailer's
32 license under RCW 82.24.510 and a vapor products retailer's license
33 under section 5 of this act may pay a combined application fee of two
34 hundred fifty dollars for both licenses.

35 NEW SECTION. **Sec. 10.** DELIVERY SALE LICENSING FEE. A fee of two
36 hundred fifty dollars must accompany each vapor product delivery sale

1 license application or license renewal application under section 5 of
2 this act.

3 NEW SECTION. **Sec. 11.** ENFORCEMENT—LICENSE SUSPENSION,
4 REVOCATION. (1) The board, or its enforcement officers, has the
5 authority to enforce provisions of this chapter.

6 (2) The board may revoke or suspend a retailer's, distributor's,
7 or delivery seller's license issued under this chapter upon
8 sufficient cause showing a violation of this chapter.

9 (3) A license may not be suspended or revoked except upon notice
10 to the licensee and after a hearing as prescribed by the board.

11 (4) Any retailer's licenses issued under chapter 82.24 or 82.26
12 RCW to a person whose vapor product retailer's license or licenses
13 have been suspended or revoked for violating RCW 26.28.080 must also
14 be suspended or revoked during the period of suspension or revocation
15 under this section.

16 (5) Any person whose license or licenses have been revoked under
17 this section may reapply to the board at the expiration of two years
18 of the license or licenses, unless the license was revoked pursuant
19 to section 22(2)(e) of this act. The license or licenses may be
20 approved by the board if it appears to the satisfaction of the board
21 that the licensee will comply with the provisions of this chapter.

22 (6) A person whose license has been suspended or revoked may not
23 sell vapor products or permit vapor products to be sold during the
24 period of suspension or revocation on the premises occupied by the
25 person or upon other premises controlled by the person or others or
26 in any other manner or form.

27 (7) Any determination and order by the board, and any order of
28 suspension or revocation by the board of the license or licenses
29 issued under this chapter, or refusal to reinstate a license or
30 licenses after revocation is reviewable by an appeal to the superior
31 court of Thurston county. The superior court must review the order or
32 ruling of the board and may hear the matter de novo, having due
33 regard to the provisions of this chapter and the duties imposed upon
34 the board.

35 (8) If the board makes an initial decision to deny a license or
36 renewal, or suspend or revoke a license, the applicant may request a
37 hearing subject to the applicable provisions under Title 34 RCW.

1 NEW SECTION. **Sec. 12.** SIGNAGE. (1) Except as provided in
2 subsection (2) of this section, a person who holds a retailer's
3 license issued under this chapter must display a sign concerning the
4 prohibition of vapor product sales to minors. Such sign must:

5 (a) Be posted so that it is clearly visible to anyone purchasing
6 vapor products from the licensee;

7 (b) Be designed and produced by the department of health to read:
8 "The sale of vapor products to persons under age eighteen is strictly
9 prohibited by state law. If you are under age eighteen, you could be
10 penalized for purchasing a vapor product; photo id required;" and

11 (c) Be provided free of charge by the department of health.

12 (2) For persons also licensed under RCW 82.24.510 or 82.26.150,
13 the board may issue a sign to read: "The sale of tobacco or vapor
14 products to persons under age eighteen is strictly prohibited by
15 state law. If you are under age eighteen, you could be penalized for
16 purchasing a tobacco or vapor product; photo id required," provided
17 free of charge by the board.

18 (3) A person who holds a license issued under this chapter must
19 display the license or a copy in a prominent location at the outlet
20 for which the license is issued.

21 NEW SECTION. **Sec. 13.** LABELING REQUIREMENTS. (1) A manufacturer
22 or distributor that sells, offers for sale, or distributes liquid
23 nicotine containers shall label the vapor product with a: (a) Warning
24 regarding the harmful effects of nicotine; (b) warning to keep the
25 vapor product away from children; (c) warning that vaping is illegal
26 for those under the legal age to use the product; and (d) except as
27 provided in subsection (2) of this section, the amount of nicotine in
28 milligrams per milliliter of liquid along with the total volume of
29 the liquid contents of the product expressed in milliliters.

30 (2) For closed system nicotine containers as defined in section 4
31 of this act, a manufacturer that sells, offers for sale, or
32 distributes vapor products in this state must annually provide the
33 department of health with a disclosure of the nicotine content of
34 such vapor product based on measurement standards to be established
35 by the department of health.

36 (3)(a) This section expires on the effective date of the final
37 regulations issued by the United States food and drug administration
38 or by any other federal agency, when such regulations mandate warning
39 or advertisement requirements for vapor products.

1 (b) The board must provide notice of the expiration date of this
2 section to affected parties, the chief clerk of the house of
3 representatives, the secretary of the senate, the office of the code
4 reviser, and others as deemed appropriate by the board.

5 NEW SECTION. **Sec. 14.** PURCHASING, POSSESSING BY PERSONS UNDER
6 EIGHTEEN—CIVIL INFRACTION—JURISDICTION. (1) A person under the age
7 of eighteen who purchases or attempts to purchase, possesses, or
8 obtains or attempts to obtain vapor products commits a class 3 civil
9 infraction under chapter 7.80 RCW and is subject to a fine as set out
10 in chapter 7.80 RCW or participation in up to four hours of community
11 restitution, or both. The court may also require participation in a
12 smoking cessation program. This provision does not apply if a person
13 under the age of eighteen, with parental authorization, is
14 participating in a controlled purchase as part of a board, law
15 enforcement, or local health department activity.

16 (2) Municipal and district courts within the state have
17 jurisdiction for enforcement of this section.

18 NEW SECTION. **Sec. 15.** AGE IDENTIFICATION REQUIREMENT. (1) When
19 there may be a question of a person's right to purchase or obtain
20 vapor products by reason of age, the retailer or agent thereof, must
21 require the purchaser to present any one of the following officially
22 issued forms of identification that shows the purchaser's age and
23 bears his or her signature and photograph: (a) Liquor control
24 authority card of identification of a state or province of Canada;
25 (b) driver's license, instruction permit, or identification card of a
26 state or province of Canada; (c) "identocard" issued by the
27 Washington state department of licensing under chapter 46.20 RCW; (d)
28 United States military identification; (e) passport; (f) enrollment
29 card, issued by the governing authority of a federally recognized
30 Indian tribe located in Washington, that incorporates security
31 features comparable to those implemented by the department of
32 licensing for Washington drivers' licenses. At least ninety days
33 prior to implementation of an enrollment card under this subsection,
34 the appropriate tribal authority must give notice to the board. The
35 board must publish and communicate to licensees regarding the
36 implementation of each new enrollment card; or (g) merchant marine
37 identification card issued by the United States coast guard.

1 (2) It is a defense to a prosecution under RCW 26.28.080 that the
2 person making a sale reasonably relied on any of the officially
3 issued identification as defined in subsection (1) of this section.
4 The board must waive the suspension or revocation of a license if the
5 licensee clearly establishes that he or she acted in good faith to
6 prevent violations and a violation occurred despite the licensee's
7 exercise of due diligence.

8 NEW SECTION. **Sec. 16.** VENDOR-ASSISTED SALES REQUIREMENT. (1) No
9 person may offer a tobacco product or a vapor product for sale in an
10 open, unsecured display that is accessible to the public without the
11 intervention of a store employee.

12 (2) It is unlawful to sell or distribute vapor products from
13 self-service displays.

14 (3) Retail establishments are exempt from subsections (1) and (2)
15 of this section if minors are not allowed in the store and such
16 prohibition is posted clearly on all entrances.

17 NEW SECTION. **Sec. 17.** MAIL AND INTERNET SALES. (1) No person
18 may conduct a delivery sale or otherwise ship or transport, or cause
19 to be shipped or transported, any vapor product ordered or purchased
20 by mail or through the internet to any person unless such seller has
21 a valid delivery sale license as required under this chapter.

22 (2) No person may conduct a delivery sale or otherwise ship or
23 transport, or cause to be shipped or transported, any vapor product
24 ordered or purchased by mail or through the internet to any person
25 under the minimum age required for the legal sale of vapor products
26 as provided under section 14 of this act.

27 (3) A delivery sale licensee must provide notice on its mail
28 order or internet sales forms of the minimum age required for the
29 legal sale of vapor products in Washington state as provided by
30 section 14 of this act.

31 (4) A delivery sale licensee must not accept a purchase or order
32 from any person without first obtaining the full name, birth date,
33 and residential address of that person and verifying this information
34 through an independently operated third-party database or aggregate
35 of databases, which includes data from government sources, that are
36 regularly used by government and businesses for the purpose of age
37 and identity verification and authentication.

1 (5) A delivery sale licensee must accept payment only through a
2 credit or debit card issued in the purchaser's own name. The licensee
3 must verify that the card is issued to the same person identified
4 through identity and age verification procedures in subsection (4) of
5 this section.

6 (6) Before a delivery sale licensee delivers an initial purchase
7 to any person, the licensee must verify the identity and delivery
8 address of the purchaser by mailing or shipping to the purchaser a
9 notice of sale and certification form confirming that the addressee
10 is in fact the person placing the order. The purchaser must return
11 the signed certification form to the licensee before the initial
12 shipment of product. Certification forms are not required for repeat
13 customers. In the alternative, before a seller delivers an initial
14 purchase to any person, the seller must first obtain from the
15 prospective customer an electronic certification, such as by email,
16 that includes a declaration that, at a minimum, the prospective
17 customer is over the minimum age required for the legal sale of a
18 vapor product, and the credit or debit card used for payment has been
19 issued in the purchaser's name.

20 (7) A delivery sale licensee must include on shipping documents a
21 clear and conspicuous statement which includes, at a minimum, that
22 the package contains vapor products, Washington law prohibits sales
23 to those under the minimum age established by this chapter, and
24 violations may result in sanctions to both the licensee and the
25 purchaser.

26 (8) A person who knowingly violates this section is guilty of a
27 class C felony, except that the maximum fine that may be imposed is
28 five thousand dollars.

29 (9) In addition to or in lieu of any other civil or criminal
30 remedy provided by law, a person who has violated this section is
31 subject to a civil penalty of up to five thousand dollars for each
32 violation. The attorney general, acting in the name of the state, may
33 seek recovery of the penalty in a civil action in superior court.

34 (10) The attorney general may seek an injunction in superior
35 court to restrain a threatened or actual violation of this section
36 and to compel compliance with this section.

37 (11) Any violation of this section is not reasonable in relation
38 to the development and preservation of business and is an unfair and
39 deceptive act or practice and an unfair method of competition in the
40 conduct of trade or commerce in violation of RCW 19.86.020. Standing

1 to bring an action to enforce RCW 19.86.020 for violation of this
2 section lies solely with the attorney general. Remedies provided by
3 chapter 19.86 RCW are cumulative and not exclusive.

4 (12)(a) In any action brought under this section, the state is
5 entitled to recover, in addition to other relief, the costs of
6 investigation, expert witness fees, costs of the action, and
7 reasonable attorneys' fees.

8 (b) If a court determines that a person has violated this
9 section, the court shall order any profits, gain, gross receipts, or
10 other benefit from the violation to be disgorged and paid to the
11 state treasurer for deposit in the general fund.

12 (13) Unless otherwise expressly provided, the penalties or
13 remedies, or both, under this section are in addition to any other
14 penalties and remedies available under any other law of this state.

15 (14) A licensee who violates this section is subject to license
16 suspension or revocation by the board.

17 (15) The board may adopt by rule additional requirements for mail
18 or internet sales.

19 (16) The board must not adopt rules prohibiting internet sales.

20 NEW SECTION. **Sec. 18.** CHILD-RESISTANT PACKAGING REQUIREMENT.

21 (1) Any liquid nicotine container that is sold at retail shall be
22 packaged in accordance with the child-resistant effectiveness
23 standards set forth in 16 C.F.R. Sec. 1700.15, as in effect on the
24 effective date of this section, as determined through testing in
25 accordance with the method described in 16 C.F.R. Sec. 1700.20, as in
26 effect on the effective date of this section.

27 (2) Any person that engages in retail sales of liquid nicotine
28 containers in violation of this section is guilty of a gross
29 misdemeanor.

30 NEW SECTION. **Sec. 19.** TASTINGS. (1) No person may offer a
31 tasting of vapor products to the general public unless:

32 (a) The person is a licensed retailer under section 5 of this
33 act;

34 (b) The tastings are offered only within the licensed premises
35 operated by the licensee and the products tasted are not removed from
36 within the licensed premises by the customer;

37 (c) Entry into the licensed premises is restricted to persons
38 eighteen years of age or older;

1 (d) The vapor product being offered for tasting contains zero
2 milligrams per milliliter of nicotine or the customer explicitly
3 consents to a tasting of a vapor product that contains nicotine; and

4 (e) If the customer is tasting from a vapor device owned and
5 maintained by the retailer, a disposable mouthpiece tip is attached
6 to the vapor product being used by the customer for tasting or the
7 vapor device is disposed of after each tasting.

8 (2) A violation of this section is a misdemeanor.

9 NEW SECTION. **Sec. 20.** COUPONS. (1) No person may give or
10 distribute vapor products to a person free of charge by coupon,
11 unless the vapor product was provided to the person as a contingency
12 of prior or the same purchase as part of an in-person transaction or
13 delivery sale.

14 (2) This section does not prohibit the use of coupons to receive
15 a discount on a vapor product as part of an in-person transaction or
16 delivery sale.

17 NEW SECTION. **Sec. 21.** USE OF VAPOR PRODUCTS IN CERTAIN PUBLIC
18 PLACES. (1) Indoor areas.

19 (a) The use of vapor products is prohibited in the following
20 indoor areas:

21 (i) Inside a child care facility, provided that a child care
22 facility that is home-based is excluded from this paragraph when
23 children enrolled in such child care facility are not present;

24 (ii) Schools;

25 (iii) Within five hundred feet of schools;

26 (iv) Schools buses; and

27 (v) Elevators.

28 (b) The use of vapor products is permitted for tasting and
29 sampling in indoor areas of retail outlets.

30 (2) Outdoor areas. The use of vapor products is prohibited in the
31 following outdoor areas:

32 (a) Real property that is under the control of a child care
33 facility and upon which the child care facility is located, provided
34 that a child care facility that is home-based is excluded from this
35 paragraph when children enrolled in such child care facility are not
36 present;

37 (b) Real property that is under the control of a school and upon
38 which the school is located; and

1 (c) Playgrounds, during the hours between sunrise and sunset,
2 when one or more persons under twelve years of age are present at
3 such playground.

4 NEW SECTION. **Sec. 22.** PENALTIES, SANCTIONS, AND ACTIONS AGAINST
5 LICENSEES. (1) The board may impose a monetary penalty as set forth
6 in subsection (2) of this section, if the board finds that the
7 licensee has violated RCW 26.28.080 or any other provision of this
8 chapter.

9 (2) Subject to subsection (3) of this section, the sanctions that
10 the board may impose against a person licensed under this chapter
11 based upon one or more findings under subsection (1) of this section
12 may not exceed the following:

13 (a) A monetary penalty of two hundred dollars for the first
14 violation within any three-year period;

15 (b) A monetary penalty of six hundred dollars for the second
16 violation within any three-year period;

17 (c) A monetary penalty of two thousand dollars for the third
18 violation within any three-year period and suspension of the license
19 for a period of six months for the third violation of RCW 26.28.080
20 within any three-year period;

21 (d) A monetary penalty of three thousand dollars for the fourth
22 or subsequent violation within any three-year period and suspension
23 of the license for a period of twelve months for the fourth violation
24 of RCW 26.28.080 within any three-year period;

25 (e) Revocation of the license with no possibility of
26 reinstatement for a period of five years for the fifth or more
27 violation within any three-year period.

28 (3) If the board finds that a person licensed under this chapter
29 and chapter 82.24 or 82.26 RCW has violated RCW 26.28.080, each
30 subsequent violation of either of the person's licenses counts as an
31 additional violation within that three-year period.

32 (4) Any retailer's licenses issued under chapter 82.24 or 82.26
33 RCW to a person whose vapor product retailer's license or licenses
34 have been suspended or revoked for violating RCW 26.28.080 must also
35 be suspended or revoked during the period of suspension or revocation
36 under this section.

37 (5) The board may impose a monetary penalty upon any person other
38 than a licensed retailer if the board finds that the person has
39 violated RCW 26.28.080.

1 (6) The monetary penalty that the board may impose based upon one
2 or more findings under subsection (5) of this section may not exceed
3 fifty dollars for the first violation and one hundred dollars for
4 each subsequent violation.

5 (7) The board may develop and offer a class for retail clerks and
6 use this class in lieu of a monetary penalty for the clerk's first
7 violation.

8 (8) The board may issue a cease and desist order to any person
9 who is found by the board to have violated or intending to violate
10 the provisions of this chapter or RCW 26.28.080, requiring such
11 person to cease specified conduct that is in violation. The issuance
12 of a cease and desist order does not preclude the imposition of other
13 sanctions authorized by this statute or any other provision of law.

14 (9) The board may seek injunctive relief to enforce the
15 provisions of RCW 26.28.080 or this chapter. The board may initiate
16 legal action to collect civil penalties imposed under this chapter if
17 the same have not been paid within thirty days after imposition of
18 such penalties. In any action filed by the board under this chapter,
19 the court may, in addition to any other relief, award the board
20 reasonable attorneys' fees and costs.

21 (10) All proceedings under subsections (1) through (8) of this
22 section must be conducted in accordance with chapter 34.05 RCW.

23 (11) The board may reduce or waive either the penalties or the
24 suspension or revocation of a license, or both, as set forth in this
25 chapter where the elements of proof are inadequate or where there are
26 mitigating circumstances. Mitigating circumstances may include, but
27 are not limited to, an exercise of due diligence by a retailer.
28 Further, the board may exceed penalties set forth in this chapter
29 based on aggravating circumstances.

30 **Sec. 23.** RCW 70.155.100 and 2006 c 14 s 5 are each amended to
31 read as follows:

32 (1) The liquor (~~control~~) and cannabis board may suspend or
33 revoke a retailer's license issued under RCW 82.24.510(1)(b) or
34 82.26.150(1)(b) held by a business at any location, or may impose a
35 monetary penalty as set forth in subsection (~~(2)~~) (3) of this
36 section, if the liquor (~~control~~) and cannabis board finds that the
37 licensee has violated RCW 26.28.080, 70.155.020, 70.155.030,
38 70.155.040, 70.155.050, 70.155.070, or 70.155.090.

1 (2) Any retailer's licenses issued under section 5 of this act to
2 a person whose license or licenses under chapter 82.24 or 82.26 RCW
3 have been suspended or revoked for violating RCW 26.28.080 must also
4 be suspended or revoked during the period of suspension or revocation
5 under this section.

6 (3) The sanctions that the liquor (~~control~~) and cannabis board
7 may impose against a person licensed under RCW 82.24.530 or 82.26.170
8 based upon one or more findings under subsection (1) of this section
9 may not exceed the following:

10 (a) For violations of RCW 26.28.080 (~~or~~), 70.155.020, or 21
11 C.F.R. Sec. 1140.14, and for violations of RCW 70.155.040 occurring
12 on the licensed premises:

13 (i) A monetary penalty of (~~one~~) two hundred dollars for the
14 first violation within any (~~two-year~~) three-year period;

15 (ii) A monetary penalty of (~~three~~) six hundred dollars for the
16 second violation within any (~~two-year~~) three-year period;

17 (iii) A monetary penalty of (~~one~~) two thousand dollars and
18 suspension of the license for a period of six months for the third
19 violation within any (~~two-year~~) three-year period;

20 (iv) A monetary penalty of (~~one~~) three thousand (~~five~~
21 ~~hundred~~) dollars and suspension of the license for a period of
22 twelve months for the fourth violation within any (~~two-year~~) three-
23 year period;

24 (v) Revocation of the license with no possibility of
25 reinstatement for a period of five years for the fifth or more
26 violation within any (~~two-year~~) three-year period;

27 (b) If the board finds that a person licensed under chapter 82.24
28 or 82.26 RCW and section 5 of this act has violated RCW 26.28.080,
29 each subsequent violation of either of the person's licenses counts
30 as an additional violation within that three-year period.

31 (c) For violations of RCW 70.155.030, a monetary penalty in the
32 amount of one hundred dollars for each day upon which such violation
33 occurred;

34 (~~(c) For violations of RCW 70.155.040 occurring on the licensed~~
35 ~~premises:~~

36 (~~i) A monetary penalty of one hundred dollars for the first~~
37 ~~violation within any two-year period;~~

38 (~~ii) A monetary penalty of three hundred dollars for the second~~
39 ~~violation within any two-year period;~~

1 ~~(iii) A monetary penalty of one thousand dollars and suspension~~
2 ~~of the license for a period of six months for the third violation~~
3 ~~within any two-year period;~~

4 ~~(iv) A monetary penalty of one thousand five hundred dollars and~~
5 ~~suspension of the license for a period of twelve months for the~~
6 ~~fourth violation within any two-year period;~~

7 ~~(v) Revocation of the license with no possibility of~~
8 ~~reinstatement for a period of five years for the fifth or more~~
9 ~~violation within any two-year period;))~~

10 (d) For violations of RCW 70.155.050, a monetary penalty in the
11 amount of ~~((three))~~ six hundred dollars for each violation;

12 (e) For violations of RCW 70.155.070, a monetary penalty in the
13 amount of ~~((one))~~ two thousand dollars for each violation.

14 ~~((+3))~~ (4) The liquor ~~((control))~~ and cannabis board may impose
15 a monetary penalty upon any person other than a licensed cigarette or
16 tobacco product retailer if the liquor ~~((control))~~ and cannabis board
17 finds that the person has violated RCW 26.28.080, 70.155.020,
18 70.155.030, 70.155.040, 70.155.050, 70.155.070, or 70.155.090.

19 ~~((+4))~~ (5) The monetary penalty that the liquor ~~((control))~~ and
20 cannabis board may impose based upon one or more findings under
21 subsection ~~((+3))~~ (4) of this section may not exceed the following:

22 (a) For violation of RCW 26.28.080 or 70.155.020, ~~((fifty))~~ one
23 hundred dollars for the first violation and ~~((one))~~ two hundred
24 dollars for each subsequent violation;

25 (b) For violations of RCW 70.155.030, ~~((one))~~ two hundred dollars
26 for each day upon which such violation occurred;

27 (c) For violations of RCW 70.155.040, ~~((one))~~ two hundred dollars
28 for each violation;

29 (d) For violations of RCW 70.155.050, ~~((three))~~ six hundred
30 dollars for each violation;

31 (e) For violations of RCW 70.155.070, ~~((one))~~ two thousand
32 dollars for each violation.

33 ~~((+5))~~ (6) The liquor ~~((control))~~ and cannabis board may develop
34 and offer a class for retail clerks and use this class in lieu of a
35 monetary penalty for the clerk's first violation.

36 ~~((+6))~~ (7) The liquor ~~((control))~~ and cannabis board may issue a
37 cease and desist order to any person who is found by the liquor
38 ~~((control))~~ and cannabis board to have violated or intending to
39 violate the provisions of this chapter, RCW 26.28.080 ~~((or))~~,
40 82.24.500, or 82.26.190 requiring such person to cease specified

1 conduct that is in violation. The issuance of a cease and desist
2 order (~~(shall)~~) does not preclude the imposition of other sanctions
3 authorized by this statute or any other provision of law.

4 (~~(7)~~) (8) The liquor (~~(control)~~) and cannabis board may seek
5 injunctive relief to enforce the provisions of RCW 26.28.080 (~~(or)~~),
6 82.24.500, 82.26.190 or this chapter. The liquor (~~(control)~~) and
7 cannabis board may initiate legal action to collect civil penalties
8 imposed under this chapter if the same have not been paid within
9 thirty days after imposition of such penalties. In any action filed
10 by the liquor (~~(control)~~) and cannabis board under this chapter, the
11 court may, in addition to any other relief, award the liquor
12 (~~(control)~~) and cannabis board reasonable attorneys' fees and costs.

13 (~~(8)~~) (9) All proceedings under subsections (1) through (~~(6)~~)
14 (7) of this section shall be conducted in accordance with chapter
15 34.05 RCW.

16 (~~(9)~~) (10) The liquor (~~(control)~~) and cannabis board may reduce
17 or waive either the penalties or the suspension or revocation of a
18 license, or both, as set forth in this chapter where the elements of
19 proof are inadequate or where there are mitigating circumstances.
20 Mitigating circumstances may include, but are not limited to, an
21 exercise of due diligence by a retailer. Further, the board may
22 exceed penalties set forth in this chapter based on aggravating
23 circumstances.

24 NEW SECTION. **Sec. 24.** LIQUOR AND CANNABIS BOARD AUTHORITY. (1)

25 The board must have, in addition to the board's other powers and
26 authorities, the authority to enforce the provisions of this chapter.

27 (2) The board and the board's authorized agents or employees have
28 full power and authority to enter any place of business where vapor
29 products are sold for the purpose of enforcing the provisions of this
30 chapter.

31 (3) For the purpose of enforcing the provisions of this chapter,
32 a peace officer or enforcement officer of the board who has
33 reasonable grounds to believe a person observed by the officer
34 purchasing, attempting to purchase, or in possession of vapor
35 products is under eighteen years of age, may detain such person for a
36 reasonable period of time and in such a reasonable manner as is
37 necessary to determine the person's true identity and date of birth.
38 Further, vapor products possessed by persons under eighteen years of

1 age are considered contraband and may be seized by a peace officer or
2 enforcement officer of the board.

3 (4) The board may work with local county health departments or
4 districts and local law enforcement agencies to conduct random,
5 unannounced, inspections to assure compliance.

6 (5) Upon a determination by the secretary of health or a local
7 health jurisdiction that a vapor product may be injurious to human
8 health or poses a significant risk to public health:

9 (a) The board, in consultation with the department of health and
10 local county health jurisdictions, may cause a vapor product
11 substance or solution sample, purchased or obtained from any vapor
12 product retailer, distributor, or delivery sale licensee, to be
13 analyzed by an analyst appointed or designated by the board;

14 (b) If the analyzed vapor product contains an ingredient,
15 substance, or solution present in quantities injurious to human
16 health or posing a significant risk to public health, as determined
17 by the secretary of health or a local health jurisdiction, the board
18 may suspend the license of the retailer or delivery sale licensee
19 unless the retailer or delivery sale licensee agrees to remove the
20 product from sales; and

21 (c) If upon a finding from the secretary of health or local
22 health jurisdiction that the vapor product poses an injurious risk to
23 public health or significant public health risk, the retailer or
24 delivery sale licensee does not remove the product from sale, the
25 secretary of health or local health officer may file for an
26 injunction in superior court prohibiting the sale or distribution of
27 that specific vapor product substance or solution.

28 (6) Nothing in subsection (5) of this section permits a total ban
29 on the sale or use of vapor products.

30 NEW SECTION. **Sec. 25.** SOURCE AND USE OF FUNDS. All license fees
31 collected and funds collected by the board from the imposition of
32 monetary penalties pursuant to this chapter must be deposited into
33 the youth tobacco and vapor products prevention account created in
34 RCW 70.155.120.

35 NEW SECTION. **Sec. 26.** EXEMPTIONS. This chapter does not apply
36 to a motor carrier or a freight forwarder as defined in 49 U.S.C.
37 Sec. 13102 or an air carrier as defined in 49 U.S.C. Sec. 40102.

1 NEW SECTION. **Sec. 27.** SEVERABILITY. If any provision of this
2 act or its application to any person or circumstance is held invalid,
3 the remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 **Sec. 28.** RCW 82.26.170 and 2005 c 180 s 13 are each amended to
6 read as follows:

7 (1) A fee of (~~ninety-three~~) one hundred seventy-five dollars
8 shall accompany each retailer's license application or license
9 renewal application. A separate license is required for each separate
10 location at which the retailer operates.

11 (2) The fee imposed under subsection (1) of this section does not
12 apply to any person applying for a retailer's license or for renewal
13 of a retailer's license if the person has a valid retailer's license
14 under RCW 82.24.510 for the place of business associated with the
15 retailer's license application or renewal application.

16 (3) A retailer applying for, or renewing, both a retailer's
17 license under RCW 82.26.170 and a vapor products retailer's license
18 under section 5 of this act may pay a combined application fee of two
19 hundred fifty dollars for both licenses.

20 **Sec. 29.** RCW 66.08.145 and 2007 c 221 s 1 are each amended to
21 read as follows:

22 (1) The liquor (~~control~~) and cannabis board may issue subpoenas
23 in connection with any investigation, hearing, or proceeding for the
24 production of books, records, and documents held under this chapter
25 or chapters 70.155, 70.158, 70.--- (the new chapter created in
26 section 31 of this act), 82.24, and 82.26 RCW, and books and records
27 of common carriers as defined in RCW 81.80.010, or vehicle rental
28 agencies relating to the transportation or possession of cigarettes
29 or other tobacco products.

30 (2) The liquor (~~control~~) and cannabis board may designate
31 individuals authorized to sign subpoenas.

32 (3) If any person is served a subpoena from the board for the
33 production of records, documents, and books, and fails or refuses to
34 obey the subpoena for the production of records, documents, and books
35 when required to do so, the person is subject to proceedings for
36 contempt, and the board may institute contempt of court proceedings
37 in the superior court of Thurston county or in the county in which
38 the person resides.

1 NEW SECTION. **Sec. 30.** A new section is added to chapter 70.155
2 RCW to read as follows:

3 (1) A person who holds a license issued under chapter 82.24 or
4 82.26 RCW or section 5 of this act must conduct the business and
5 maintain the premises in compliance with Titles 9 and 9A RCW and
6 chapter 69.50 RCW.

7 (2) The board may revoke or suspend a license issued under
8 chapter 82.24 or 82.26 RCW or section 5 of this act upon sufficient
9 cause showing a violation of this section.

10 NEW SECTION. **Sec. 31.** NEW CHAPTER CREATION. Sections 3 through
11 8, 10 through 22, and 24 through 26 of this act constitute a new
12 chapter in Title 70 RCW.

13 NEW SECTION. **Sec. 32.** EFFECTIVE DATE. (1) Sections 5 through 10
14 and 28 of this act take effect thirty days after the Washington state
15 liquor and cannabis board prescribes the form for an application for
16 a license required under section 6 of this act.

17 (2) The Washington state liquor and cannabis board must provide
18 written notice of the effective date of sections 5 through 10 and 28
19 of this act to affected parties, the chief clerk of the house of
20 representatives, the secretary of the senate, the office of the code
21 reviser, and others as deemed appropriate by the department.

--- END ---



MONROE CITY COUNCIL

Agenda Bill No. 16-064

SUBJECT: *Presentation: 2016 Building Code Update - 2015 Code Adoption*

DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
05/17/2016	Community Development	Richard Karns	Richard Karns	New Business #1

Discussion: 05/17/2016
First Reading: *Scheduled for 06/07/2016*
Adoption: *Scheduled for 06/14/2016*

Attachments: 1. Draft Ordinance No. XXX/2016, Amending MMC 15.04

REQUESTED ACTION: Discussion. Staff to present and respond to questions, if any.

DESCRIPTION/BACKGROUND

What are commonly referred to as the “Building Codes” are a series of documents updated every three years by the International Code Council (ICC) and the International Association of Plumbing and Mechanical Officials.

The most recent additions were published in 2015. Following publication, the Washington State Building Code Council review and amend these documents and then adopt the new “Building Code” for all jurisdictions within the State of Washington to be effective July 1, 2016.

The State of Washington in (Title 51 Washington Administrative Code) will be adopting the 2015 editions of the following:

- International Energy Conservation Code;
- International Building Code and Appendix E (Supplementary Accessibility Requirements);
- International Existing Building Code;
- International Residential Code and Appendices F (Radon Control Methods), Appendix Q (Dwelling Unit Fire Sprinkler Systems) and exempting Chapters 11 and 25-43;
- International Mechanical Code;
- International Fuel Gas Code;
- International Fire Code; and
- Uniform Plumbing Code.

In the past the City of Monroe has also adopted the following:

- International Building Code Appendix J (Grading);
- 1997 Uniform Code for the Abatement of Dangerous Buildings;
- International Fire Code:
 - Appendix B (Fire-Flow Requirements for Buildings);
 - Appendix C (Fire Hydrant Locations and Distribution); and
 - Appendix D (Fire Apparatus Access Roads);
- International Property Maintenance Code.

The City Council is allowed to amend the “Building Code” so long as the minimum performance standards are maintained. However, amendments that affect one and two family dwelling units must be approved by the State Building Code Council.

Topics of Consideration:

- Not adopting IRC Appendix V requiring all one and two family dwelling to be sprinklered.

Adoption Schedule:

- 05/17/2016 - Discussion/questions.
- 06/07/2016 - Ordinance - First reading.
- 06/14/2016 - Ordinance - Adoption.

IMPACT – BUDGET

N/A

TIME CONSTRAINTS

The 2015 International Code group as adopted by the State of Washington is mandated to become effective July 1, 2016.

**CITY OF MONROE
ORDINANCE NO. XXX/2016**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMMENDING CHAPTER 15.04 OF THE MONROE MUNICIPAL CODE TO ADOPT THE 2015 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL EXISITNG BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIOANL FUEL GAS CODE, INTERNATIONAL ENERGY CODE, INTERNATIONAL FIRE CODE, AND THE UNIFORME PLUMBING CODE AS AMENDED BY THE STATE OF WASHINGTON AND THE 1997 EDITION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS AND AS AMENDED HERIN, AND PROVIDING FOR SERVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Washington State Legislature adopted the International Building Code and Appendix E (Supplementary Accessibility Requirements) and Appendix J (Grading), International Existing Building Code, International Residential Code and Appendix F (Radon Control Methods) and Appendix Q (Dwelling Unit Fire Sprinkler Systems), International Mechanical Code, International Fuel Gas Code, International Energy Code, International Fire Code, and the Uniform Plumbing Code, and directed that the State Building Code Council adopt these codes as part of eth state building code; and

WHEREAS, the State Building Code Council adopted the 2015 editions of such codes, effective as of July 1, 2016, in all Washington cities; and

WHEREAS, the City Council has determined that adoption of the 2015 codes with certain local amendments is in the public interest.

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

Section 1. Amendment of MMC 15.04.040. Subsection 15.04.040(B), Referenced Codes, of the Monroe Municipal Code is hereby amended as follows:

B. Copies of Codes on File. The city clerk shall maintain on file, for reference by the general public, not less than one copy of the following codes and state statutes and regulations, or parts thereof, as herein adopted by reference, together with the amendments and supplements thereto herein made a part of this chapter. The copy of codes on file may be placed by the city clerk in the custody of the office of the building

official in order to make them more readily available for inspection and use by the general public:

1. The International Energy Conservation Code, published by the International Code Council, [2012]2015 Edition;
2. The International Building Code, published by the International Code Council, [2012]2015 Edition;
3. The International Existing Building Code, published by the International Code Council, [2012]2015 Edition;
4. The International Residential Code, published by the International Code Council, [2012]2015 Edition;
5. The International Mechanical Code, published by the International Code Council, [2012]2015 Edition;
6. The International Fuel Gas Code, published by the International Code Council, [2012]2015 Edition;
7. The International Fire Code, published by the International Code Council, 2012 Edition;
8. The Uniform Plumbing Code, and standards, published by the International Association of Plumbing and Mechanical Officials, [2012]2015 Edition;
9. The Uniform Code for the Abatement of Dangerous Buildings, published by the International Code Council, 1997 Edition;
10. The State Building Code, Chapter 19.27 RCW;
11. All amendments, supplements, modifications, exclusions, exemptions, and additions to the codes identified in subsections (B)(1) through (10) of this section ("codes") adopted by the Washington State Building Code Council, and published in Chapter 19.27 RCW and WAC Title 51, including but not limited to Chapters 51-11C, 51-50, 51-51, 51-52, 51-54A, and 51-56 WAC.

Section 2. Amendment of MMC 15.04.070. Section 15.04.070, International Building Code adopted, of the Monroe Municipal Code is hereby amended as follows:

15.04.070 International Building Code adopted.

The International Building Code (IBC), [2012]2015 Edition, published by the International Code Council, including the fire-resistive assemblies listed in the Fire Resistance Design Manual, Twentieth Edition, dated 2012, including Appendix E (Supplementary Accessibility Requirements), [APPENDIX H (SIGNS)], and Appendix J (Grading), together with amendments and/or additions thereto, is hereby adopted by

reference. The ~~[2012]~~**2015** Edition of the International Building Code is amended to include the following new and amended provisions. In the event of any conflict between any provision of the IBC and this section, the provisions of this section shall apply. New sections or subsections shall be deemed deleted from the IBC and the amended provisions inserted in their place in accordance with the direction of this section.

- A. IBC Section 101.1 Amended. Section 101.1 of the IBC is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Building Code of the City of Monroe, hereinafter referred to as "IBC" or "this code."

- B. IBC Section 101.2.2 Added. A new Section 101.2.2 is hereby added to the IBC to read as follows:

101.2.2 Existing Buildings. Existing buildings undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the International Existing Building Code.

~~[C. IBC SUBSECTIONS 105.1.1 AND 105.1.2 DELETED. SUBSECTIONS 105.1.1 AND 105.1.2 ARE HEREBY DELETED IN THEIR ENTIRETY.]~~

- C[D]. IBC Section 105.2 Amended. Section 105.2 of the IBC is hereby amended as follows:

1. The subsection entitled "Building" is amended as follows:

a. Subsection 105.2(1) is hereby amended to read as follows:

One-story detached structures accessory to a one- or two-family dwelling, used as tool and storage sheds, patio covers, playhouses, tree-supported structures used for play and similar uses, gazebos, hot tub enclosures and similar uses provided the floor area does not exceed 200 sf. Accessory buildings must be considered to be portable and may not be constructed on permanent foundations such as poured-in-place concrete footings or poured-in-place concrete poles or posts.

2. The subsection entitled "Electrical" is hereby deleted.

- D[E]. IBC Section 109.2 Amended. Section 109.2 of the IBC is hereby amended to provide as follows:

109.2 Schedule of permit fees. On buildings, structures, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the periodic fee resolution of the Monroe City Council and Table 1-A and Table 103.4.2(A) thereto.

Plan Review Fees. When submitted documents are required, a plan review fee shall be paid at the time of submitting the submittal documents for plan review.

Said plan review fee shall be 75 percent of the building permit fee as shown in Table 1-A of the Monroe Fees Resolution. The plan review fees specified in this section are separate from and in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.2, an additional plan review fee shall be charged at the rate shown in Table 1-A of the Monroe Fees Resolution.

E[F]. IBC Section 109.3 Amended. Section 109.3 of the IBC is hereby amended to provide as follows:

Table of valuations. Building Valuation Data – Square Foot Construction Costs Table (latest edition) from the Building Safety Journal published by ICC.

F[G]. IBC Section 109.6 Amended. Section 109.6 of the IBC is hereby amended to read as follows:

109.6 Refunds. The building official may authorize the refund of fees paid upon filing of a written application by the original permittee not later than 180 days after the date of fee payment, as follows:

1. 100% of any fee erroneously paid or collected;
2. Up to 80% of the permit fee paid when no work has been done under a permit issued in accordance with the periodic fee resolution of the Monroe City Council; or
3. Up to 80% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review is performed.
4. The request for a refund must be in writing, prior to the expiration date of the 180 day plan review period, or the expiration date of the building permit, and with justifiable cause.

G[H]. IBC Section 111.3 Amended. IBC Section 111.3 is hereby amended by adding the following sentence to the end of the subsection:

The fee for a Temporary Certificate of Occupancy shall be as set by periodic fee resolution of the Monroe City Council.

H[I]. IBC Section 113 Amended. Section 113 of the IBC is hereby amended to provide as follows:

Section 113 – APPEALS.

113.1 Appeals. All appeals of orders, decisions, interpretations or determinations made by the building official relative to the application and interpretation of the IBC shall be to the City of Monroe Hearing Examiner in accordance with MMC Title 21. The Hearing Examiner shall have no authority to waive requirements of this code.

113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The hearing examiner shall have no authority to waive requirements of this code.

I][J]. IBC Section 114.2 Amended. Subsection 114.2 is hereby amended to provide as follows:

114.2 Code Enforcement. Enforcement of violations of this code shall be in accordance with Chapter [1.04](#) of the Monroe Municipal Code.

J][K]. IBC Section 114.3 Deleted. Subsection 114.3 is deleted in its entirety.

K][L]. IBC Section 114.4 Deleted. Subsection 114.4 is deleted in its entirety.

L][M]. IBC Section 115.2 Amended. IBC Section 115.2 is hereby amended by adding the following sentence to the end of the section:

115.2 Issuance. There shall be a fee imposed for issuance of a Stop Work Order in the amount set by periodic fee resolution of the Monroe City Council.

M][N]. IBC Section 115.4 Added. A new subsection 115.4 of the IBC is hereby added to read as follows:

115.4 Unauthorized tampering. Signs, tags, or seals posted or affixed by the building official shall not be mutilated, destroyed, tampered with, or removed without authorization from the building official. The fine for the removal, mutilation, destruction of, or tampering with said notice, sign, tags, or seals shall be as set forth in the Monroe Municipal Code, Section 15.04.200.

N][O]. IBC Section 202 Amended. Definitions of substantial damage and substantial improvement are hereby amended as follows:

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the assessed value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the assessed value of the structure before the

improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the code official and that are the minimum necessary to assure safe living conditions.
2. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the code official and that are the minimum necessary to assure safe living conditions. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

P. IBC Subsection 501.2 Amended. Subsection 501.2 of the IBC is hereby amended to read as follows:

[F] 501.2 Address identification. New and existing buildings shall be provided with approved address numbers or letters. The size of each character shall be as specified in Table 501.2. They shall be installed on a contrasting background and be plainly visible from the street or road fronting the property. When required by the code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure. Address numbers shall be maintained.

Table 501.2 Address Numbering Size Table

DISTANCE FROM STREET OR ROAD	MINIMUM SIZE
0 – 50 feet	6" H x 3/4" Stroke Width
51 – 150 feet	8" H x 1" Stroke Width
151 – 200 feet	10" H x 1 1/4" Stroke Width
201 feet and farther	12" H x 1 1/2" Stroke Width

Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) shall have numbers or building identification in compliance with this section, but with a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

P. IBC Section [F] 903.2.13 Added. A new section [F] 903.2.13 of the IBC is hereby added to read as follows:

[F] 903.2.13 Other sprinkler requirements. In addition to the requirements of Section 903.2, approved automatic fire sprinkler systems shall be installed throughout all buildings and structures described in this Section 903.2.13. For the purposes of this Section 903.2.13, fire walls, fire barriers, fire partitions and fire-resistance-rated horizontal assemblies do not constitute separate buildings.

1. In all new buildings and structures with an Occupancy Classification assigned under the IBC and with a gross floor area of five thousand or greater square feet, regardless of type or use.

Exceptions: Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by fire barriers consisting of not less than 1-hour fire-resistance-rated walls and 2-hour fire-resistance-rated floor/ceiling assemblies.

2. In existing buildings with a gross floor area of ten thousand or greater square feet undergoing additions, repairs, reconstruction, or improvements exceeding sixty percent of the assessed value of such building or structure.

Q[R]. IBC Section [F] 903.3.7 Added. A new subsection [F] 903.3.7 of the IBC is hereby added to read as follows:

[F] 903.3.7 Fire department connections. Fire department connections shall be installed remote from the building in an approved location. Fire department connections shall be installed outside the collapse zone of the structure, and within 50 feet of a fire hydrant. The fire department connection shall be a 4" Storz connection with a 30-degree down angle installed in accordance with City of Monroe standards.

R[S]. IBC Section [F] 903.3.8 Added. A new section [F] 903.3.8 of the IBC is hereby added to read as follows:

[F] 903.3.8 Fire Control Room. All multiple tenant buildings; buildings constructed speculatively ("spec") as shells or warehouses, and all buildings in excess of 20,000 square feet which require fire sprinkler protection shall be constructed with a dedicated fire control room in accordance with Section 903.3.8.

[F] 903.3.8.1 Size and construction. The fire control room shall be adequately sized to allow 3 feet of clearance around the circumference of the sprinkler riser for inspection, testing, and maintenance. The construction of the fire control room shall consist of materials similar to adjacent areas, except that there shall be no requirements to provide fire resistive construction on the interior walls which form the fire control room.

[F] 903.3.8.2 Location. The fire control room shall be located adjacent to an outside wall of the building, and a dedicated outside entrance with a minimum 36" swinging door shall be provided.

[F] 903.3.8.3 Contents. The fire control room shall contain only the fire sprinkler riser(s), fire alarm control panel, fire pump(s), and other necessary fire protection appliances and communications equipment. No storage of combustible items is allowed inside the fire control room.

[F] 903.3.8.4 Signage. The outside door providing access to the fire control room shall bear a sign or placard with minimum 4" white lettering on a red background which reads: "FIRE CONTROL ROOM."

S[F]. IBC Section 1612.3 Amended. Section 1612.3 of the IBC is amended in its entirety to read as follows:

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for Snohomish County, Washington and Incorporated Areas," dated September 16, 2005, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

~~[U]. IBC SECTION 3412.2 AMENDED. SECTION 3412.2 OF THE IBC IS HEREBY AMENDED TO READ AS FOLLOWS:~~

~~3412.2 APPLICABILITY. STRUCTURES EXISTING PRIOR TO MAY 1, 1987 IN WHICH THERE IS WORK INVOLVING ADDITIONS, ALTERATIONS OR CHANGES OF OCCUPANCY SHALL BE MADE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION OR THE PROVISIONS OF SECTIONS 3403 THROUGH 3409. THE PROVISIONS IN SECTIONS 3412.2.1 THROUGH 3412.2.5 SHALL APPLY TO EXISTING OCCUPANCIES THAT WILL CONTINUE TO BE, OR ARE PROPOSED TO BE, IN GROUPS A, B, E, F, M, R, S AND U. THESE PROVISIONS SHALL NOT APPLY TO BUILDINGS WITH OCCUPANCIES IN GROUP H OR I.~~

~~V. APPENDIX H (SIGNS) AMENDED. APPENDIX H (SIGNS) OF THE IBC IS HEREBY AMENDED AS FOLLOWS:~~

~~1. THE FOLLOWING SECTIONS OF APPENDIX H (SIGNS) OF THE IBC ARE HEREBY DELETED IN THEIR ENTIRETY:~~

- ~~A. SUBSECTION H101.2;~~
- ~~B. SECTION H102;~~

- C. SECTION H106;
- D. SUBSECTION H107.1.3;
- E. SECTION H108;
- F. SECTION H110;
- G. SECTION H114 INCLUDING TABLES 4-A AND 4-B; AND
- H. SECTION H115 ICC EC-2003.

~~2. SECTION H101.1 IS HEREBY AMENDED BY ADDING THE FOLLOWING SENTENCE TO THE BEGINNING OF SECTION H101.1: SIGNS SHALL BE GOVERNED BY THIS APPENDIX H AS AMENDED AND MMC CHAPTER 18.80.~~

~~3. SECTION 104.1 IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:~~

~~H104.1 IDENTIFICATION. EVERY OUTDOOR ADVERTISING DISPLAY SIGN HEREAFTER ERECTED, CONSTRUCTED OR MAINTAINED, FOR WHICH A PERMIT IS REQUIRED SHALL BE PLAINLY MARKED WITH THE NAME OF THE PERSON, FIRM OR CORPORATION ERECTING AND MAINTAINING SUCH SIGN.~~

~~4. SECTION H109.1 IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:~~

~~H109.1 HEIGHT RESTRICTIONS. THE STRUCTURAL FRAME OF GROUND SIGNS SHALL NOT BE ERECTED OF COMBUSTIBLE MATERIALS TO A HEIGHT OF MORE THAN 35 FEET (10668 MM) ABOVE THE GROUND. GROUND SIGNS CONSTRUCTED ENTIRELY OF NONCOMBUSTIBLE MATERIAL SHALL NOT BE ERECTED TO A HEIGHT OF GREATER THAN 45 FEET (13716 MM) ABOVE THE GROUND. GREATER HEIGHTS ARE PERMITTED, APPROVED AND LOCATED SO AS NOT TO CREATE A HAZARD OR DANGER TO THE PUBLIC.]~~

I[W]. IBC Appendix J (Grading) Amended. Appendix J (Grading) of the IBC is hereby amended as follows:

1. Subsection J101.1 of Appendix J shall continue to say that all references to the building official shall reference to the city engineer.

2. Subsection J101.2 of Appendix J (Grading) of the IBC is hereby deleted in its entirety.

Section 2. Amendment of MMC 15.04.080. Section 15.04.080, International Mechanical Code adopted, of the Monroe Municipal Code is hereby amended as follows:

15.04.080 International Mechanical Code adopted.

The International Mechanical Code (IMC), [2012]2015 Edition, Chapter 51-52 WAC published by the International Code Council, together with the [2012]2015 state-wide amendments effective July 1, 2013, is hereby adopted by reference; provided, however, that the standards for liquefied petroleum gas installations shall be [2011]2014 NFPA 58 (Liquefied Petroleum Gas Code) and [2012]2015 ANSI Z223.1/NFPA 54 (National Fuel Gas Code).

- A. IMC Section 101.1 Amended. Section 101.1 of the IMC is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Mechanical Code of the City of Monroe, hereinafter referred to as the "IMC" or "this code."

- B. MC Section 106.4.3 Amended. Section 106.4.3 of the IMC is hereby amended to read as follows:

106.4.3 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The code official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be in writing and justifiable cause demonstrated.

- C. IMC Section 106.4.4 Deleted. Section 106.4.4 of the IMC is hereby deleted in its entirety.

- D. IMC Section 106.5.2 Amended. Section 106.5.2 of the IMC is hereby amended to read as follows:

106.5.2 Schedule of permit fees. The fee for each permit required under the Mechanical Code shall be as set by periodic fee resolution of the Monroe City Council.

- E. IMC Section 106.5.3 Amended. Section 106.5.3 of the IMC is hereby amended to read as follows:

106.5.3 Refunds. The[BUILDING]code official may authorize the refund of fees paid upon filing of a written application by the original permittee not later than 180 days after the date of fee payment, as follows:

1. 100% of any fee erroneously paid or collected;
2. Up to 80% of the permit fee paid when no work has been done under a permit issued in accordance with the City of Monroe Fees Resolution; or

3. Up to 80% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review is done.

The request for a fee refund must be made in writing, prior to the expiration date of the 180 day plan review period, or the expiration date of the mechanical permit, and with justifiable cause.

F. IMC Section 108.2 Amended. Subsection 108.2 is hereby amended to provide as follows:

108.2 Code Enforcement. Enforcement of violations of this code shall be in accordance with Chapter 1.04 of the Monroe Municipal Code. Signs, tags, or seals posted or affixed by the building official shall not be mutilated, destroyed, tampered with, or removed without authorization from the building official. The fine for the removal, mutilation, destruction of, or tampering with said notice, sign, tags, or seals shall be as set forth in the Monroe Municipal Code, Section 15.04.200.

G. IMC Section 108.3 Deleted. Subsection 108.3 is deleted in its entirety.

H. IMC Section 108.4 Deleted. Subsection 108.4 is deleted in its entirety.

I. IMC Section 108.5 Deleted. Subsection 108.5 is deleted in its entirety.

J. IMC Section 108.6 Deleted. Subsection 108.6 is deleted in its entirety.

K. IMC Section 109 Amended. Section 109 of the IMC is hereby amended to read as follows:

Section 109 – APPEALS

109.1 Appeals. All appeals of orders, decisions, interpretations or determinations made by the building official relative to the application and interpretation of the IMC shall be to the City of Monroe Hearing Examiner in accordance with MMC Title 21. The Hearing Examiner shall have no authority to waive requirements of this code.

1. 109.1.1, Limitation of authority – Amended. Section 109.1.1 of the IMC is hereby amended by replacing the term “board of appeals” with “hearing examiner.”

Section 3. Amendment of MMC 15.04.090. Section 15.04.090, Uniform Plumbing Code adopted, of the Monroe Municipal Code is hereby amended as follows:

15.04.090 Uniform Plumbing Code adopted.

The Uniform Plumbing Code (UPC), [2012]2015 Edition, Chapter 51-56 WAC with [2012]2015 state-wide amendments, effective July 1, [2013]2016, published by the International Association of Plumbing and Mechanical Officials, including Appendices A, B, and I, as amended, are hereby adopted by reference, as amended herein; provided, that **chapters 12 and 14 of this code are not adopted**[NOTHING IN THIS SECTION SHALL APPLY TO FUEL GAS PIPING].

- A. UPC Section 101.1 Amended. Section 101.1 of the UPC is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Plumbing Code of the City of Monroe, hereinafter referred to as the “UPC” or “this code.”

- B. UPC Section 102.2.2 Amended. Section 102.2.2 of the UPC is hereby amended to read as follows:

102.2.2 Code Enforcement. Enforcement of violations of this code shall be in accordance with Chapter 1.04 of the Monroe Municipal Code.

Signs, tags, or seals posted or affixed by the building official shall not be mutilated, destroyed, tampered with, or removed without authorization from the building official. The fine for the removal, mutilation, destruction of, or tampering with said notice, sign, tags, or seals shall be as set forth in the Monroe Municipal Code, Section 15.04.200.

- C. UPC Section 102.3 Amended. Section 102.3 of the UPC is hereby amended to read as follows:

102.3 Appeals. All appeals of orders, decisions, interpretations or determinations made by the building official relative to the application and interpretation of the UPC shall be to the City of Monroe Hearing Examiner in accordance with MMC Title 21. The Hearing Examiner shall have no authority to waive requirements of this code.

102.3.1 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The hearing examiner shall have no authority to waive requirements of this code.

- D. UPC Section 103.3.4 Amended. Section 103.3.4 of the UPC is hereby amended to read as follows:

103.3.4 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The

authority having jurisdiction is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

- E. UPC Section 103.4 Amended. Section 103.4 of the UPC is hereby amended to read as follows:

103.4 Schedule of fees. The fee for each permit and other fee required under the Plumbing Code shall be as by periodic fee resolution of the Monroe City Council.

- F. UPC Section 103.4 Amended. Subsection 103.4.1 of the UPC is hereby amended to read as follows:

103.4.1 Plan Review Fees. When a plan or other data is required to be submitted by Section 103.2.1, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for plumbing work shall be as by periodic fee resolution of the Monroe City Council. The plan review fees specified in this subsection are separate from and in addition to the permit fees. When plans are incomplete or changed so as to require additional review, a fee shall be charged at the rate set by periodic fee resolution of the Monroe City Council.

- G. UPC Section 103.4.4 Amended. Section 103.4.4 of the UPC is hereby amended to read as follows:

103.4.4 Refunds. The building official may authorize the refund of fees paid upon filing of a written application by the original permittee not later than 180 days after the date of fee payment, as follows:

1. 100% of any fee erroneously paid or collected;
2. Up to 80% of the permit fee paid when no work has been done under a permit issued in accordance with the City of Monroe Fees Resolution; or
3. Up to 80% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review is done.

The request for a fee refund must be made in writing, prior to the expiration date of the 180 day plan review period, or the expiration date of the plumbing permit, and with justifiable cause.

Section 4. Amendment of MMC 15.04.100. Section 15.04.100, International Residential Building Code adopted, of the Monroe Municipal Code is hereby amended as follows:

15.04.100 International Residential Building Code adopted.

The International Residential Building Code published by the International Code Council, [2012]2015 Edition, including Appendix F (Radon Control Methods), [APPENDIX G (SWIMMING POOLS, SPAS, AND HOT TUBS),] and Appendix [R]Q (Dwelling Unit Fire Sprinkler Systems), together with amendments and/or additions thereto, is hereby adopted by reference. The 2012 Edition of the International Residential Code is amended to include the following new and amended provisions. In the event of any conflict between any provision of the IRC and this section, the provisions of this section shall apply. New sections or subsections shall be deemed deleted from the IRC and the amended provisions inserted in their place in accordance with the direction of this section.

- A. IRC Section R101.1 Amended. Section R101.1 of the IRC is hereby amended to read as follows:

R101.1 Title. These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the City of Monroe, and shall be cited as such and will be referred to herein as the "IRC" or "this code."

- B. **IRC Section R102.5 Amended. Section R102.5 shall continue to read that IRC Appendix F, Passive Radon Gas Controls and Appendix Q, Dwelling Unit Fire Sprinkler Systems, are adopted.**

- C. IRC Section 105.2 Amended. Section 105.2 of the IRC is hereby amended to read as follows:

1. The subsection entitled "Building" is amended as follows:

- a. Subsection 105.2(1) is hereby amended to read as follows:

One-story detached structures accessory to a one- or two-family dwelling, used as tool and storage sheds, patio covers, playhouses, tree-supported structures used for play and similar uses, gazebos, hot tub enclosures and similar uses provided the floor area does not exceed 200 sf. Accessory buildings must be considered to be portable and may not be constructed on permanent foundations such as poured-in-place concrete footings[~~OR Poured-in-place concrete poles or posts~~].

2. The subsection entitled "Electrical" is deleted.

- D[G]. IRC Section 105.3.1.1 Amended. Section 105.3.1.1 of the IRC is hereby amended in its entirety to read as follows:

R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas. For applications for reconstruction, rehabilitation, addition or other improvement of existing buildings or structures located in an area prone to flooding as established by Table 301.2(1), the code

official shall examine or cause to be examined the construction documents and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its predamage condition. If the code official finds that the value of proposed work equals or exceeds 50 percent of the assessed value of the building or structure before the damage has occurred or the improvement is started, the finding shall be provided to the hearing examiner for a determination of substantial improvement of substantial damage. Applications determined by the hearing examiner to constitute substantial improvement or substantial damage shall meet the requirements of Section R322.

E[D]. IRC Section R105.5 Amended. Section R105.5 of the IRC is hereby amended to read as follows:

R105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

E[E]. IRC Section 108.2 Amended. Section 108.2 of the IRC is hereby amended to read as follows:

108.2 Schedule of permit fees. On buildings, structures, gas, mechanical, and plumbing systems or alterations requiring a permit, the fee for each permit shall be as set by periodic fee resolution of the Monroe City Council and Table 1-A and Table 103.4.2(A) attached thereto.

Plan Review Fees. When submitted documents are required, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 75 percent of the building permit fee as shown in Table 1-A of the Monroe Fees Resolution. The plan review fees specified in this section are separate from and in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items, an additional plan review fee shall be charged at the rate shown in Table 1-A of the Monroe Fees Resolution.

E[F]. Section R108.5 Amended. Section R108.5 of the IRC is hereby amended to read as follows:

R108.5 Refunds. The building official may authorize the refund of fees paid upon filing of a written application by the original permittee not later than 180 days after the date of fee payment, as follows:

1. 100% of any fee erroneously paid or collected;
2. Up to 80% of the permit fee paid when no work has been done under a permit issued in accordance with the periodic fee resolution of the Monroe City Council; or
3. Up to 80% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review is done.

The request for a fee refund must be made in writing, prior to the expiration date of the 180 day plan review period, or the expiration date of the building permit, and with justifiable cause.

H[G] IRC Section R110.1 Amended. Section R110.1 of the IRC is hereby amended by adding a sentence to the end of the first paragraph to read as follows:

Approval of the final inspection on the building site job card shall be considered to be final approval and the signed job card shall serve as the "Certificate of Occupancy" as stated on the job card.

I[H] IRC Section R112 Amended. Section R112 of the IRC is hereby amended to provide as follows:

Section 112 – APPEALS

112.1 Appeals. All appeals of orders, decisions, interpretations or determinations made by the building official relative to the application and interpretation of the IRC shall be to the City of Monroe Hearing Examiner in accordance with MMC Title 21. The hearing examiner shall have no authority to waive the requirements of this code.

R112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The hearing examiner shall have no authority to waive requirements of this code.

112.2.1 Determination of substantial improvement in areas prone to flooding. When the building official provides a finding required in Section R105.3.1.1, the hearing examiner shall determine whether the value of the proposed work constitutes a substantial improvement. A substantial improvement means any repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the assessed value of the building or structure before the improvement or repair is started. If the building or structure has sustained substantial damage, all repairs are considered

substantial improvement regardless of the actual repair work performed. The term substantial improvement does not include:

1. Improvements of a building or structure required to correct existing health, sanitary or safety code violations identified by the building official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of an historic building or structure provided that the alteration will not preclude the continued designation as an historic building or structure.

For the purpose of this exclusion, an historic building is:

- 2.1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or
- 2.2. Determined by the Secretary of the U.S. Department of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or
- 2.3. Designated as historic under a state or local historic preservation program that is approved by the Department of the Interior.

R112.3 Administration. The building official shall take immediate action in accordance with the decision of the hearing examiner.

J[I]. IRC Section R113.2 Amended. Subsection R113.2 is hereby amended to provide as follows:

R112.2 Code Enforcement. Enforcement of violations of this code shall be in accordance with Chapter 1.04 of the Monroe Municipal Code.

K[J]. IRC Section R113.3 Deleted. Subsection R113.3 is deleted in its entirety.

L[K]. IRC Section R113.4 Deleted. Subsection 113.4 is deleted in its entirety.

M[L]. IRC Section R114 Amended. Section R114 of the IRC is hereby amended to read as follows:

R114.1 Notice to owner. Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work and shall state the conditions under which work will be permitted to resume. There shall be a fee imposed for issuance of a Stop Work Order in the amount set by periodic fee resolution of the Monroe City Council.

R114.2 Unlawful continuance. Any person who shall continue work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to an investigative fee of which shall be a fee equal to the building permit fee in addition to the required permit fees by Monroe City Council by periodic resolution.

R114.3 Unauthorized tampering. Signs, tags, or seals posted or affixed by the building official shall not be mutilated, destroyed, tampered with, or removed without authorization from the building official. The fine for the removal, mutilation, destruction of, or tampering with said notice, sign, tags, or seals shall be as set forth in the Monroe Municipal Code, Section 15.04.200.

N[M]. IRC Table R301.2(1) Amended. Table R301.2(1) of the IRC is hereby amended to read as follows:

Table R301.2(1)

Climatic and Geographic Design Criteria

Ground Snow Load	Wind Speed ^d	Topographic Effects ^k	Seismic Design Category ^f	Weathering ^a	Frost line depth ^b	Termites ^c	Winter Design Temp ^e	Ice Barrier Underlayment Required ^h	Flood Hazards ^g	Air Freeze Index ⁱ	Mean Annual Temp ^j
25 lbs/ft ²	85 mph	YES	D1/D2	Moderate	18"	Slight	26°	No	See MMC 14.01	174	51.2°

Q[N]. IRC Section R329 Added. A new Section R329 of the IRC is hereby added to read as follows:

R329 Fire Sprinklers. All zero lot line townhouses constructed, where the aggregate area of all connected townhouses totals five thousand square feet or greater, shall have installed throughout the building an automatic fire sprinkler system approved pursuant to Section 903 of the IFC. For the purposes of this Section, fire walls, fire barriers, fire partitions and fire-resistance-rated horizontal assemblies do not constitute separate buildings.

Section 5. Amendment of MMC 15.04.130. Section 15.04.130, International Energy Conservation Code adopted, of the Monroe Municipal Code is hereby amended as follows:

15.04.130 International Energy Conservation Code adopted.

The International Energy Conservation Code, [2012]2015 Edition, Chapter 51-11C WAC, published by the International Code Council, together with the [2012]2015 state-wide amendments, effective July 1, [2013]2016, is hereby adopted by reference.

Section 6. Amendment of MMC 15.04.145. Section 15.04.130, International Fuel Gas Code adopted, of the Monroe Municipal Code is hereby amended as follows:

15.04.145 International Fuel Gas Code adopted.

The 2012 International Fuel Gas Code (IFGC), [2012]2015 Edition, Chapter 51-52 WAC, published by the International Code Council, together with the [2012]2015 state-wide amendments, effective July 1, [2013]2016, is hereby adopted by reference; provided, however, that the standards for liquefied petroleum gas installations shall be 2011 NFPA 58 (Liquefied Petroleum Gas Code) and 2012 ANSI Z223.1/NFPA 54 (National Fuel Gas Code).

- A. IFGC Section 101.1 Amended. Section 101.1 of the IFGC is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Monroe, hereinafter referred to as the "IFGC" or "this code."

- B. IFGC Section 106.5.3 Amended. Section 106.5.3 of the IFGC is hereby amended to read as follows:

106.5.3 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The code official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be in writing and justifiable cause demonstrated.

- C. IFGC Section 106.5.4 Deleted. Section 106.5.4 of the IFGC is hereby deleted in its entirety.

- D. IFGC Section 106.6.2 Amended. Section 106.6.2 of the IFGC is hereby amended to read as follows:

106.6.2 Schedule of permit fees. The fee for each permit required under the Fuel Gas Code shall be as set by periodic fee resolution of the Monroe City Council.

- E. IFGC Section 106.6.3 Amended. Section 106.6.3 of the IFGC is hereby amended to read as follows:

106.6.3 Refunds. The building official may authorize the refund of fees paid upon filing of a written application by the original permittee not later than 180 days after the date of fee payment, as follows:

1. 100% of any fee erroneously paid or collected;
2. Up to 80% of the permit fee paid when no work has been done under a permit issued in accordance with the City of Monroe Fees Resolution; or

3. Up to 80% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review is done.

The request for a fee refund must be made in writing, prior to the expiration date of the 180 day plan review period, or the expiration date of the mechanical permit, and with justifiable cause.

F. IFGC Section 108.2 Amended. Subsection 108.2 is hereby amended to provide as follows:

108.2 Code Enforcement. Enforcement of violations of this code shall be in accordance with Chapter 1.04 of the Monroe Municipal Code. Signs, tags, or seals posted or affixed by the building official shall not be mutilated, destroyed, tampered with, or removed without authorization from the building official. The fine for the removal, mutilation, destruction of, or tampering with said notice, sign, tags, or seals shall be as set forth in the Monroe Municipal Code, Section 15.04.200.

G. IFGC Section 108.3 Deleted. Subsection 108.3 is deleted in its entirety.

H. IFGC Section 108.4 Deleted. Subsection 108.4 is deleted in its entirety.

I. IFGC Section 108.5 Deleted. Subsection 108.5 is deleted in its entirety.

J. IFGC Section 108.6 Deleted. Subsection 108.6 is deleted in its entirety.

K. IFGC Section 109 Amended. Section 109 of the IFGC is hereby amended to read as follows:

Section 109 – APPEALS

109.1 Appeals. All appeals of orders, decisions, interpretations or determinations made by the building official relative to the application and interpretation of the IFGC shall be to the City of Monroe Hearing Examiner in accordance with MMC Title 21. The Hearing Examiner shall have no authority to waive requirements of this code.

Section 7. Severability. If any section, sentence, clause or phrase of this ordinance should be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 8. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this _____ day of _____, 2016.

Adoption:
Published:
Effective:

CITY OF MONROE, WASHINGTON:

(SEAL)

Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:

Elizabeth M. Smoot, MMC, City Clerk

J. Zachary Lell, City Attorney

DRAFT



MONROE CITY COUNCIL

Agenda Bill No. 16-065

SUBJECT:	Ordinance No. 005/2016 Downtown Fee Waiver Extension, First Reading
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DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
05/17/2016	Community Development	Dave Osaki	Dave Osaki	New Business #2

Discussion: 04/26/2016, 05/17/2016

Attachments:

1. Proposed Ordinance No. 005/2016
2. Ordinance No. 009/2015
3. Downtown Planning Area Permit Fee Waiver Spreadsheet

REQUESTED ACTION: Move to accept as first reading Ordinance No. 005/2016, extending for an additional one year period the temporary elimination of fees for certain permits associated with development in the downtown area and fixing a time when the same shall become effective.

DESCRIPTION/BACKGROUND

On June 2, 2015, the Monroe City Council passed Ordinance No. 009/2015 (*Attachment 2*) temporarily eliminating certain fees for certain permits associated with development in the downtown. Ordinance No. 009/2015 is to automatically expire one year after its effective date (June 14, 2015) unless repealed sooner by the City Council.

On April 26, 2016, staff presented the City Council with a report on the costs and benefits to the City of Monroe as a result of Ordinance No. 009/2015. The report fulfilled the requirement of Section 7 of Ordinance No. .009/2005 which stated, in part:

“Section 7. Approximately 45 days before the automatic expiration of this ordinance, the Director of Community Development, or his designee, shall report to the City Council on the costs and benefits to the City of Monroe as a result of this ordinance.”

Based on the April 26, 2016, report, the City Council directed the Mayor and staff to prepare an ordinance extending the downtown fee waiver program for an additional year. Proposed Ordinance No. 005/2016 (*Attachment 1*) implements this direction.

In addition, based on City Council discussion, staff is currently working on means for outreach for the downtown fee waiver program and is preparing a questionnaire/survey for those that have so far used the program.

Attachment 3 is a table that itemizes issued permits subject to the downtown fee waiver program. Permit application type, location, applicant, and the waived permit fee amount are among the information included in the table. Thirty permits have been issued totaling \$9,778.79 in waived fees. The fees waived range from \$45.19 to \$1,451.63. Each permit is listed separately in Attachment 3; consequently, an applicant may be listed multiple times if multiple permit types were issued for a project located at a single address.

IMPACT – BUDGET

\$9,778.79 in permit fees in the Downtown Planning Area has been waived since the City Council adoption of Ordinance No. 009/2015.

However, it is possible that certain development activity (and its associated permit revenue) would not have occurred without the adoption of Ordinance No. 009/2015. Further, in cases where development has been incentivized by the downtown permit fee waiver, the City may benefit from other permit revenue that might not otherwise have resulted (e.g. sales tax revenue).

TIME CONSTRAINTS

The existing temporary fee waiver ordinance, (Ordinance No. 009/2015) will expire June 14, 2016, unless extended.

CITY OF MONROE
ORDINANCE NO. 005/2016

AN ORDINANCE OF THE CITY OF MONROE,
WASHINGTON, EXTENDING FOR AN ADDITIONAL ONE
YEAR PERIOD THE TEMPORARY ELIMINATION OF FEES
FOR CERTAIN PERMITS ASSOCIATED WITH
DEVELOPMENT IN THE DOWNTOWN AREA AND FIXING
A TIME WHEN THE SAME SHALL BECOME EFFECTIVE

WHEREAS, the City of Monroe processes permits required for development of land; and

WHEREAS, a condition precedent for processing any application for said permits is the payment of fees associated therewith; and

WHEREAS, development in the downtown area of the City of Monroe has been lagging those in other areas of the City; and

WHEREAS, the slowdown in development in the downtown area of the City is resulting in lower tax revenues for the City; and

WHEREAS, on June 2, 2015, the Monroe City Council passed Ordinance No. 009/2015, temporarily eliminating fees for certain permits associated with development in the downtown area; and

WHEREAS, Ordinance No. 009/2015 is set to expire one year after its June 14, 2015, effective date; and

WHEREAS, the City Council finds it is desirable and beneficial to the City of Monroe to continue to encourage development in the downtown area of the City by extending the temporary elimination of fees for certain permits associated with development in the downtown area for an additional one year period beyond the June 14, 2016 expiration date provided for in Ordinance No. 009/2015.

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

Section 1. The City of Monroe shall not charge any fee as a condition precedent for processing applications for any city permit that is listed in Exhibit A, attached hereto and incorporated herein by this reference, for developments in the Downtown Area. Fee waivers do not apply to Single-family dwelling permits.

Section 2. Downtown Area shall exclusively include those areas within the City as set forth in Exhibit B, attached hereto and incorporated herein by this reference.

Section 3. The following fees shall remain unaffected by the adoption of this ordinance: (1) fees for application for City permit that are not listed in Exhibit A; (2) fees for any application for permit that are listed in Exhibit C, attached hereto and incorporated herein by this reference; (3) fees for any application for non-City permits, including but not limited to those required by or originating from the State of Washington or special purpose districts; (4) fees associated with third party consultant work necessary to process any application for permit; and (5) fees for application for permit for development outside the Downtown Benefit District.

Section 4. Any question or ambiguity relating to whether a certain fee is affected by the adoption of this ordinance as provided in Section 1, or remain unaffected as provided in Section 3, shall be decided in favor of the latter.

Section 5. Future amendments to what is commonly referred to as the City of Monroe's Fee Resolution shall be consistent with this ordinance.

Section 6. The City of Monroe shall not increase, as a direct result of this ordinance, the fees for any application for permit for development outside the Downtown Area, for which there is no fee for the same application within the Downtown Area.

Section 7. Unless sooner repealed by action of the City Council, this ordinance shall automatically expire on June 14, 2017. Approximately forty-five days before the automatic expiration of this ordinance, the Director of Community Development, or his designee, shall report to the City Council on the costs and benefits to the City of Monroe as a result of this ordinance.

Section 8. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 9. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law. The one-year implementation period of this ordinance shall commence with the June 14, 2016, expiration date of Ordinance No. 009/2015, and shall expire June 14, 2017.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this _____ day of _____, 2016.

1st Reading May 17, 2016
Final Reading:
Published:
Effective:

CITY OF MONROE, WASHINGTON:

(SEAL)

Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:

Elizabeth M. Smoot, MMC, City Clerk

J. Zachary Lell, City Attorney

EXHIBIT A

FEES TO BE WAIVED:

- Accessory dwelling units
- Boundary line adjustment
- Environmental (SEPA) review (DNS and Mitigated only; environmental consultant fees not waived)
- Short plat
- Plat amendments
- Site plan review
- Building permits -
 - Building plan review fees (structural consultant review fees not waived)
 - Building permit fees (State's \$4.50 building permit fee not waived)
- Plumbing and mechanical fees
- Public works construction fees
- Right-of-way permits
- Utility availability letter
- Grading plan review fees
- Grading permit
- Sign Permits
- Tenant Improvement Permits
- Demolition Permits

EXHIBIT B

Area included within the "Downtown Area".

The area bordered by the following: Madison Street on the west, McDougall Street on the south, Al Borlin Park on the east and US 2 on the north. Where the boundaries are indicated by a street, the boundary shall be the centerline of that street. Where the boundaries are irregular, the study area boundary shown on the Downtown Master Plan shall control.

EXHIBIT C

FEES NOT WAIVED:

Contract and binding site plan
Land clearing permits
Model homes
Subdivisions
Planned residential development
Rezone application
Shoreline permits (includes variances, conditional uses, substantial development;
environmental consultant)
Special use permit
Variance
Conditional use permit
Fire flow test
Street right-of-way vacation fees
Special flood hazard area development permit

Any State fees on permits
Capital improvement fees
Consultant charges
Fire District fees
Reimbursement agreement fees
Transportation concurrency fees
Water service connection fees
Sewer connection fees
Water, sanitary sewer and storm sewer frontage fees
Park Plan, Transportation Plan, and School impact fees
SEPA concurrency fees

**CITY OF MONROE
ORDINANCE NO. 009/2015**

AN ORDINANCE OF THE CITY OF MONROE,
WASHINGTON, TEMPORARILY ELIMINATING FEES FOR
CERTAIN PERMITS ASSOCIATED WITH DEVELOPMENT
IN THE DOWNTOWN AREA AND FIXING A TIME WHEN
THE SAME SHALL BECOME EFFECTIVE

WHEREAS, the City of Monroe processes permits required for development of land; and

WHEREAS, a condition precedent for processing any application for said permits is the payment of fees associated therewith; and

WHEREAS, development in the downtown area of the City of Monroe has been lagging those in other areas of the City; and

WHEREAS, the slowdown in development in the downtown area of the City is resulting in lower tax revenues for the City; and

WHEREAS, the City Council finds it is desirable and beneficial to the City of Monroe to encourage development in the downtown area of the City.

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

Section 1. The City of Monroe shall not charge any fee as a condition precedent for processing applications for any city permit that is listed in Exhibit A, attached hereto and incorporated herein by this reference, for developments in the Downtown Area. Fee waivers do not apply to Single-family dwelling permits.

Section 2. Downtown Area shall exclusively include those areas within the City as set forth in Exhibit B, attached hereto and incorporated herein by this reference.

Section 3. The following fees shall remain unaffected by the adoption of this ordinance: (1) fees for application for city permit that are not listed in Exhibit A; (2) fees for any application for permit that are listed in Exhibit C, attached hereto and incorporated herein by this reference; (3) fees for any application for non-city permits, including but not limited to those required by or originating from the State of Washington or special purpose districts; (4) fees associated with third party consultant work necessary to process any application for permit; and (5) fees for application for permit for development outside the Downtown Benefit District.

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Section 6. The City of Monroe shall not increase, as a direct result of this ordinance, the fees for any application for permit for development outside the Downtown Area, for which there is no fee for the same application within the Downtown Area.

Section 7. Unless sooner repealed by action of the City Council, this ordinance shall automatically expire one year after its effective date. Approximately forty-five days before the automatic expiration of this ordinance, the Director of Community Development, or his designee, shall report to the City Council on the costs and benefits to the City of Monroe as a result of this ordinance.

Section 8. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 9. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law. PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 2nd day of June, 2015.

1st Reading June 2, 2015
Final Reading: Waived
Published: June 9, 2015
Effective: June 14, 2015

CITY OF MONROE, WASHINGTON:

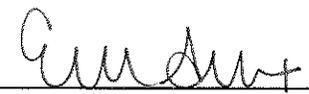


Geoffrey Thomas, Mayor

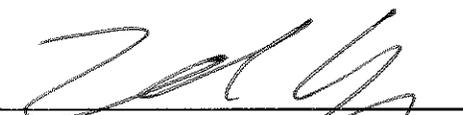
(SEAL)

APPROVED AS TO FORM:

ATTEST:



Elizabeth M. Smoot, CMC, City Clerk



J. Zachary Lell, City Attorney

EXHIBIT A

FEES TO BE WAIVED:

- Accessory dwelling units
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- Environmental (SEPA) review (DNS and Mitigated only; environmental consultant fees not waived)
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 - Building permit fees (State's \$4.50 building permit fee not waived)
- Plumbing and mechanical fees
- Public works construction fees
- Right-of-way permits
- Utility availability letter
- Grading plan review fees
- Grading permit
- Sign Permits
- Tenant Improvement Permits
- Demolition Permits

EXHIBIT B

Area included within the "Downtown Area".

The area bordered by the following: Madison Street on the west, McDougall Street on the south, Al Borlin Park on the east and US 2 on the north. Where the boundaries are indicated by a street, the boundary shall be the centerline of that street. Where the boundaries are irregular, the study area boundary shown on the Downtown Master Plan shall control.

EXHIBIT C

FEES NOT WAIVED:

Contract and binding site plan
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Subdivisions
Planned residential development
Rezone application
Shoreline permits (includes variances, conditional uses, substantial development;
environmental consultant)
Special use permit
Variance
Conditional use permit
Fire flow test
Street right-of-way vacation fees
Special flood hazard area development permit

Any State fees on permits
Capital improvement fees
Consultant charges
Fire District fees
Reimbursement agreement fees
Transportation concurrency fees
Water service connection fees
Sewer connection fees
Water, sanitary sewer and storm sewer frontage fees
Park Plan, Transportation Plan, and School impact fees
SEPA concurrency fees



MONROE CITY COUNCIL

Agenda Bill No. 16-066

SUBJECT:	<i>Presentation of 2017-2022 Transportation Improvement Plan (TIP)</i>
-----------------	---

DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
05/17/2016	Public Works Design & Construction	Scott Peterson	Scott Peterson	New Business #3

Discussion: 05/17/2016

- Attachments:**
1. Adopted 2016 – 2021 Transportation Improvement Program
 2. Proposed 2017 – 2022 Transportation Improvement Program

REQUESTED ACTION: Discussion and direction as necessary

DESCRIPTION/BACKGROUND

RCW 35.77.010 requires the City Council to adopt a six-year Transportation Improvement Program each year by July 1, through a public hearing process. The 2017-2022 Transportation Improvement Program included with this agenda bill is consistent with the 2015-2035 Comprehensive Transportation Plan adopted by the Monroe City Council on December 8, 2015. This Transportation Improvement Program focuses on projects to reduce traffic congestion and maintain roadways and, as such, is consistent with the Monroe Transportation Benefit District priorities.

The 2017-2022 TIP is similar to the 2016-2021 TIP with the completed projects removed and estimated costs updated.

IMPACT – BUDGET

Adoption of the TIP in itself has no budget impacts.

TIME CONSTRAINTS

- Proposed schedule – May17, 2016
- Discussion – May 17, 2016
- Public Hearing – June 14, 2016
- Adopt Resolution – on or before June 28, 2016

CITY OF MONROE 2016-202610 TRANSPORTATION IMPROVEMENT PROGRAM									
DRAFT 05/14/2015									
Priority	PROJECT		2016	2017	2018	2019	2020	2021	Total
			6,636,623	720,851	3,515,245	5,866,882	11,076,610	8,426,421	36,242,632
1	Road Maintenance - Preventative	design	12,696	13,204	13,646				39,545
		R/W							0
		Const.	114,262	118,832	122,812				355,906
2	Road Maintenance - Major	design	17,200	15,711	16,339				49,250
		R/W							0
		Const.	154,800	141,399	147,055				443,254
3	Road Maintenance - Rehabilitation	design	32,797	34,109	45,410	46,843	46,843	46,843	252,846
		R/W							0
		Const.	295,176	306,983	408,686	421,591	421,591	421,591	2,275,618
4	Road Maintenance - Reconstruction	design				59,146			59,146
		R/W							0
		Const.				532,312			532,312
5	Tjerne PI - Chain Lake to Woods Creek	design							0
		R/W							0
		Const.	3,325,000						3,325,000
6	179th Pedestrian Improvements	design							0
		R/W	36,000						36,000
		Const.	307,451						307,451
7	Woods Creek/Tjerne Signal	design							0
		R/W							0
		Const.	175,000						175,000
8	179th/147th Signal	design		40,613					40,613
		R/W							0
		Const.			365,517				365,517
9	Main Street Gateway	design							0
		R/W		50,000					50,000
		Const.			1,575,000				1,575,000
10	E/W Connector - South of US 2	design			243,281	364,922			608,203
		R/W				2,764,598	1,843,065		4,607,664
		Const.					2,736,913	2,736,914	5,473,827

Priority	PROJECT		2016	2017	2018	2019	2020	2021	Total
11	E/W Connector - 191st to Chain Lake Road	design				552,825			552,825
		R/W				55,283	55,283		110,565
		Const.					1,730,883	2,888,875	4,619,758
12	Oak St - Woods Creek to Old Owen	design				326,634			326,634
		R/W				386,978			386,978
		Const.					2,439,500		2,439,500
13	Oak St/Old Owen Rd Signal	design				50,000			50,000
		R/W				80,000			80,000
		Const.					183,750		183,750
14	Woods Creek Road Improvements, PH I	design	52,500						52,500
		R/W							0
		Const.	2,113,741						2,113,741
15	Chain Lake Road Phase 2A Multi-Purpose Trail	design			210,000				210,000
		R/W			367,500	225,750			593,250
		Const.						1,050,000	1,050,000
16	Downtown Parking Facility	design							0
		R/W					1,618,782		1,618,782
		Const.						535,817	535,817
17	Centennial Trail	design						323,190	323,190
		R/W						323,191	323,191
		Const.							0
18	Railroad Overpass	design						100,000	100,000
		R/W							0
		Const.							0
19	Main Street Sidewalk	design	30,500						30,500
		R/W							0
		Const.	464,640						464,640

CITY OF MONROE 2017-2022 TRANSPORTATION IMPROVEMENT PROGRAM											
DRAFT 05/11/2016											
Priority	PROJECT		2017	2018	2019	2020	2021	2022	Total	City Funds	Other Funds
			1,300,000	2,020,100	9,880,000	4,370,000	8,725,000	8,812,000	34,357,100		
1	Road Maintenance - Preventative (Transportation Benefit District)	design							-	-	-
		R/W							-	-	-
		Const.	70,000	72,100	85,000	75,000	80,000	80,000	392,100	392,100	-
2	Road Maintenance - Major (Transportation Benefit District)	design							-	-	-
		R/W							-	-	-
		Const.	140,000	144,000	150,000	160,000	160,000	170,000	784,000	784,000	-
3	Road Maintenance - Rehabilitation (Transportation Benefit District)	design							-	-	-
		R/W							-	-	-
		Const.	540,000	556,000	500,000	300,000	300,000	320,000	1,976,000	1,976,000	-
4	Road Maintenance - Reconstruction (Transportation Benefit District)	design			60,000		80,000		140,000	140,000	-
		R/W							-	-	-
		Const.				285,000	225,000	300,000	810,000	810,000	-
5	179th/147th Signal	design		65,000					65,000	Unfunded	
		R/W							-	-	
		Const.			225,000				225,000	Unfunded	
6	Main Street Gateway	design							-	-	
		R/W							-	Unfunded	
		Const.						2,010,000	2,010,000	Unfunded	
7	E/W Connector - South of US 2	design				250,000	380,000		630,000	Unfunded	
		R/W					2,900,000	1,900,000	4,800,000	Unfunded	
		Const.					2,900,000	2,900,000	5,800,000	Unfunded	
8	E/W Connector - 191st to Chain Lake Road or Galaxy Way	design	400,000	280,000					680,000	Unfunded	
		R/W		250,000					250,000	Unfunded	
		Const.			4,100,000				4,100,000	Unfunded	
9	Oak St - Woods Creek to Old Owen	design			400,000				400,000	Unfunded	
		R/W			1,300,000				1,300,000	Unfunded	
		Const.				3,000,000			3,000,000	Unfunded	
10	Oak St/Old Owen Rd Signal	design			50,000				50,000	Unfunded	
		R/W			200,000				200,000	Unfunded	
		Const.				300,000			300,000	Unfunded	
11	Chain Lake Road Phase 2A Multi-Purpose Trail	design	150,000	60,000					210,000	115,198	CMAQ \$94,802
		R/W		593,000					593,000	104,525	CMAQ \$488,725
		Const.			2,810,000				2,810,000	Unfunded	
12	Downtown Parking Facility	design							-	-	
		R/W					1,700,000		1,700,000	Unfunded	
		Const.						563,000	563,000	Unfunded	

Priority	PROJECT		2017	2018	2019	2020	2021	2022	Total			
13	Centennial Trail	design						130,000	130,000	Unfunded		
		R/W						339,000	339,000	Unfunded		
		Const.							-	-		
14	Railroad Overpass	design						100,000	100,000	Unfunded		
		R/W							-	-		
		Const.							-	-		
15	Pedestrian Safety Improvements	design		20,000		25,000		30,000	75,000	Unfunded		
		R/W							-	-		
		Const.			60,000		60,000			120,000	Unfunded	
16	154th St / 182nd Ave / W. Columbia Sidewalk Improvements	design	20,000	47,000					67,000	Unfunded		
		R/W		50,000	47,000					97,000	Unfunded	
		Const.			650,000	196,000				846,000	Unfunded	
17	US Hwy 2 Non-Motorized Shared Path	design	17,000	102,000					119,000	Unfunded		
		R/W								-	-	
		Const.								-	-	
				PSRC = Puget Sound Regional Council (FHWA)								



MONROE CITY COUNCIL

Agenda Bill No. 16-067

SUBJECT:	<i>Discussion: City Council Rules of Procedure – Proposed Amendments</i>
-----------------	--

DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
05/10/2016	Administration	Gene Brazel Elizabeth Smoot	Gene Brazel	New Business #4

Discussion - Council 05/10/2016
Discussion - Committee 03/08/2016, 04/12/2016, 05/10/2016

- Attachments:**
1. City Council Rules of Procedure – Proposed Amendments
 2. Alternatives to Allow for Abstentions

REQUESTED ACTION: Discussion and direction regarding proposed amendments and alternatives to allow for abstentions (if desired).

DESCRIPTION/BACKGROUND

The City Council Legislative Affairs Committee has reviewed proposed amendments to the Council Rules of Procedure to bring the procedures up to date with current practices and to align with Roberts Rules of Order (see *Attachment 1*). In addition, the Committee has proposed changes to the following sections:

- Section 3 – council seating arrangement – “Council shall choose their seating arrangements on the dais at the first meeting of every even year; selection order to be determined by seniority of each council member and the number of years served on City Council.”
- Section 5.1.6 – Comments from Citizens – “~~Three~~**Five** minutes will be allowed per speaker when addressing council.”
- Section 8.8 and 8.9 – potential amendments to allow for abstentions; multiple options have been requested for discussion (see *Attachment 2*).

IMPACT – BUDGET

N/A

TIME CONSTRAINTS

N/A

**MONROE CITY COUNCIL
RULES OF PROCEDURE**

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MONROE CITY COUNCIL RULES OF PROCEDURE

SECTION 1. AUTHORITY

- 1.1 The Monroe City Council hereby establishes the following procedures for the conduct of Council meetings, proceedings, and business. These procedures shall be in effect upon adoption by the Council and until such time as they are amended or new procedures are adopted in the manner provided by these rules.

SECTION 2. FORM OF GOVERNMENT

- 2.1 The City of Monroe is organized as a municipality under the Revised Code of Washington (RCW) as a non-charter, code city, Mayor/Council form of government. As such, roles and responsibilities of the Mayor and Council are defined in the RCW.

- 2.2 RCW 35A.11.020 lists the specific powers vested in the City Council. The following is a summary list of City Council powers:

- Define the functions of officers and employees
- Define the powers and duties of officers and employees
- Fix compensation of officers and employees
- Fix working conditions of officers and employees
- Maintain civil service or merit employment system
- Maintain retirement and pensions systems
- Adopt and enforce ordinances regulating local affairs and municipal affairs
- Impose fines and penalties for violation of city ordinances
- Exercise all powers possible for a city or a town to exercise under the Constitution so long as the power is not specifically denied to code cities by law
- Regulate the acquisition, sale, ownership, improvement, maintenance, protection, restoration, regulation, use, leasing, disposition, vacation, abandonment or beautification of public ways, all public real property, all waterways, and all structures and any other improvement
- Engage in collective bargaining
- Render social services
- Render recreational services
- Render educational services
- Render corporate services
- Operate and supply utilities
- Impose taxes if not prohibited by other state law
- Approve claims against the city (RCW 34A.31.030)
- Engage in Interlocal Agreements, to accept gifts and to accept grants (RCW 35A11.040)
- To cause the city to participate in economic opportunity programs (RCW 35A.11.060)

MONROE CITY COUNCIL RULES OF PROCEDURE

- 2.3 The duties of the Mayor, who is the chief executive officer of the city, are listed in Sections 35A.12.090 and 35A.12.100 of the RCW. The following is a summary list of the duties of the Mayor:
- To oversee the departments and the employees
 - To appoint and remove any administrative officer or assistant
 - To see that laws are enforced
 - To provide general supervision of the government and city interest
 - To approve the official faithful performance bonds for officers and employees
 - To approve payment and performance bonds of city contractors
 - To enforce contracts
 - To bring lawsuits but only with the approval of a majority of the council
 - To preside over council meetings, but to vote only to break ties not involving the passage of an ordinance, the acceptance of a grant, the revocation of a franchise or a license, or a resolution to pay money
 - To report to the council on financial and other needs of the city
 - To recommend council action
 - To prepare a proposed budget
 - To veto ordinances, but subject to an override by the council
 - To perform as ceremonial head of the city
- 2.4 Council compensation ~~will be reviewed at least every five (5) years by the Council Legislative Review Committee.~~ shall be established by the Monroe Salary Commission as set forth in Monroe Municipal Code 2.24.060.
- 2.5 Council may have a School District Student Representative position appointed to serve per Resolution No. 2012/023.

SECTION 3. COUNCIL MEETINGS

The Monroe City Council may hold one of two types¹ of official meetings when a quorum of its members is present. "Quorum" is defined as at least four members of the City Council. Council shall choose their seating arrangements on the dais at the first meeting of every even year; selection order to be determined by seniority of each council member and the number of years served on City Council. ~~be seated to the right of the Mayor starting with the Council At-Large Position, then Council Position No. 6, and descending to Council Position No. 1.~~

- 3.1 **REGULAR MEETINGS:** Regular meetings of the Monroe City Council will be held the first four Tuesdays of each month at the Council Chambers in City Hall.² However, Council reserves the right as deemed necessary to cancel, adjourn, or continue any regular meeting in accordance with state law.

¹ RCW provides for only two types of meetings, "regular" and "special."

² MMC 2.04.010: Provides for day and time of meetings. Also provides for study sessions.

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- 3.1.1 Regular meetings will begin at 7:00 PM, and will be scheduled to end at 10:00 PM; provided that meetings may be extended by majority vote of the Council.
- 3.1.2 Separate from public hearings and the designated Comments from Citizens portion of each meeting, participation in City Council discussions is limited to Council members and those invited to speak by the Council.
- 3.2 **SPECIAL MEETINGS:** Any Council meeting other than a regular meeting, which has been called for the purpose of conducting official action. Written notice shall be given to the members of the Council and the media at least 24 hours in advance, except that no notice shall be required if the meeting is necessary to address an emergency as contemplated in RCW 42.30.070 or 42.30.080. A Special Council meeting may be scheduled by the Mayor, or the City Administrator, or by a majority of the City Council.
- 3.3 All official meetings, minutes, and records of the Council shall be open to the public with the exception of executive sessions.
- 3.4 All public meetings of the City Council shall be open to the media, freely subject to recording by radio, television, and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meeting.
- 3.5 The City Council may choose to hold official City Council meetings in the community, or as joint meetings with other cities, or in other cities, provided that appropriate notice of such meeting is given in accordance with state law. Council cannot take final action on a resolution or ordinance at a meeting outside City limits. RCW 35A.12.110.
- 3.6 If any Tuesday on which a meeting is scheduled falls on a legal holiday, the meeting may by Council motion be rescheduled or cancelled. A special meeting may be called by the Mayor on a holiday if such meeting is necessary to conduct pending business.
- 3.7 The City Clerk will keep an account of all proceedings of the Council in accordance with statutory requirements and a summary of proceedings will be entered into a minute book constituting the official record of the Council. The official Council record shall be available for public review on the City's Website, or at City Hall during City Hall's regular business hours.
- 3.8 Citizens' comment sign-up sheets will be available at each Council meeting for the use of citizens wishing to address the Council. Public hearing sign-up sheets will be available for the meetings with a public hearing scheduled.

SECTION 4. PRESIDING OFFICER

- 4.1 The presiding officer at all meetings shall be the Mayor and in the absence of the Mayor, the Mayor Pro-Tem shall act in that capacity. If both the Mayor and the

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Mayor Pro Tem are absent, Councilmembers present shall elect one of their members to serve as presiding officer until the return of the Mayor or Mayor Pro-Tem.

- 4.2 The presiding officer shall:
- 1) Preserve order and decorum in the Council Chambers.
 - 2) Observe and enforce all policies and procedures adopted by Council.
 - 3) Appoint Councilmembers to serve on ad-hoc committees, if necessary.
 - 4) Recognize Councilmembers requesting the floor in the order in which they operate their signal light. It is the policy of the Monroe City Council to encourage its members to:
 - Speak one time to an issue taking care not to reiterate previous comments or arguments;
 - Rebut opposing arguments only once;
 - Speak only twice on the same subject without permission of the presiding officer;
 - Wait for presentations to conclude before offering comments and asking questions; and
 - Speak to the merits of an issue and avoid references to personalities.
- 4.3 When a Councilmember serves as presiding officer, the Councilmember shall have only those rights and shall be governed in all matters and issues by the same rules and restrictions as other Councilmembers.

SECTION 5. ORDER OF REGULAR COUNCIL MEETING AGENDA

- 5.1 The following is the usual order of the agenda for the Monroe City Council's regular meeting; however, the order may be changed by the Mayor or Council. Changes to the order may also be made by the City Administrator, which shall be deemed approved unless a majority of Council members object:
- 5.1.1 CALL TO ORDER: The presiding officer calls the meeting to order.
- 5.1.2 ROLL CALL: The City Clerk shall call the roll, and the presiding officer shall indicate any Councilmember who is not in attendance whether or not the Councilmember has an excused absence. Councilmembers may make a motion to excuse absent Councilmembers. (Councilmembers are to inform the Mayor, the City Administrator, or the City Clerk if they are unable to attend any Council meeting or if they knowingly will be late to any meeting.)
- 5.1.3 PLEDGE OF ALLEGIANCE
- 5.1.4 ANNOUNCEMENTS/PRESENTATIONS³

³ See Section 11, Presentations.

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- 5.1.5 PUBLIC HEARINGS: At the time and place specified in the hearing notice, the presiding officer will open the public hearing, announce the time allotted for individual speakers, and call upon staff to describe the matter under consideration.

Following questions from Council regarding the matter, the presiding officer will call for comments from proponents, opponents, and all other individuals wishing to speak on the matter.

The presiding officer closes the public hearing or continues it to a future time certain. The presiding officer may request that final action be taken at close of the hearing, rather than later on the agenda.

- 5.1.6 COMMENTS FROM CITIZENS:⁴ This time is set aside for members of the audience to speak to the City Council on any issue related to the City of Monroe, except any pending quasi-judicial matter subject to a public hearing (citizens wanting to voice concerns about quasi-judicial matters must do so during and in accordance with the public hearing process). Those items are marked with an *. You are welcome to address the council on any other subject. Council usually does not take action on matters brought up during audience participation and may, if appropriate, schedule the matter for a subsequent meeting. Before making comments, the speaker is encouraged to state for the official record their name and address. ~~Three~~Five minutes will be allowed per speaker when addressing council. Documents received from citizens will not be read into the record by City Officials or staff but rather filed as part of the record. It may however be read into the record by the author or the author's designee. It is encouraged that the author for the official record, write their name and address on the document.

- 5.1.7 STUDENT REPRESENTATIVE REPORT. This time is set aside for the Student Representative to report on activities and events at the high school.

- 5.1.8 CONSENT AGENDA:⁵

5.1.8.1 When the City Administrator or designee determines that any item of business requires action by the council but is of a routine and noncontroversial nature, such item may be presented at a regular meeting of the council as part of a Consent Agenda.

5.1.8.2 The Consent Agenda shall be introduced by a motion "To approve the Consent Agenda" and shall be considered by the council as a single item.

⁴ See Section 11, Presentations.

⁵ Section 5.1.7, *Consent Agenda* is copied from Resolution 96/16, *Adopting a Consent Agenda*, December 11, 1996.

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5.1.8.3 There shall be no debate or discussion by any member of the council regarding any item on the Consent Agenda, beyond asking questions for simple clarification.

5.1.8.4 On objection by any member of the council to inclusion of any item on the Consent Agenda, that item shall be removed from the Consent Agenda forthwith. Such objection may be made at any time prior to the taking of a vote on the motion to approve the Consent Agenda. All such items shall be considered individually, immediately following the Consent Agenda.

5.1.8.5 Approval of the motion to approve the Consent Agenda shall be fully equivalent to approval, adoption, or enactment of each motion, resolution, ordinance, or other item of business thereon, exactly as if each had been acted upon individually.

5.1.8.6 Consent Agenda items may include; but, shall not be limited by this reference: approval of all Council minutes, final approval of leases and contracts, final acceptance of grants, deeds or easements, setting dates for public hearings, approval of change orders, acknowledging receipt of claims for damages against the city, approval of claims or vouchers, passage of resolutions and/or ordinances requiring no further public hearing and which the Council has given directions to prepare, and any other such routine items as the City Administrator/designee, may deem appropriate to be placed upon such a Consent Agenda.

5.1.9 UNFINISHED BUSINESS: Unfinished Business consists of subjects that have previously been introduced to or considered by the Council, but have not been finalized. Final approval/adoption may be taken during this portion of the meeting. First readings of ordinances may be placed as Unfinished Business, if the subject had been introduced to Council at a previous meeting.

5.1.10 NEW BUSINESS:⁶ New Business consists of subjects which have not previously been considered by the Council and which may require discussion and action. The first reading of proposed ordinances may occur at this time. Official final action may also be taken on items under "New Business".

5.1.11 FINAL ACTION: Discussions and deliberations on items listed in this section have been completed and it is anticipated Council is prepared to take an official final action. Except for unforeseen matters reasonably

⁶ Section 12.3: certain "correspondence" is placed under New Business or Final Action, with backup information. See 12.1 - 12.4 for all types of correspondence.

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requiring immediate or short-term attention, every effort will be made to provide meeting materials to the Council twenty-four hours in advance. In general, items should be reviewed during “New Business” in a prior meeting before being placed under “Final Action.”

5.1.12 COUNCILMEMBER REPORTS: Councilmembers report on Council committee meetings, other regional meetings, and activities in which they have participated.

5.1.13 STAFF/DEPARTMENT REPORTS. Verbal or written reports are given by staff on issues of interest to the Council that does not require official action that night.

5.1.14 MAYOR/ADMINISTRATIVE STAFF REPORTS: Reports by the Mayor and City Administrator, if any, are made to the Council on issues of interest to the Council that do not require official action. The draft agenda for the next Council meeting is presented at this time, as well.

5.1.15 EXECUTIVE SESSIONS: Executive Sessions may be held during regular, special, or emergency meetings, or may be held as separate meetings. Executive Session subjects are limited to considering matters relating to real property acquisition and sale, public bid contract performance, complaints against public officers and employees, personnel issues, litigation, and other matters authorized by RCW Chapter 42.30. Before convening an Executive Session, the Mayor or designee shall announce the purpose of the meeting and the anticipated amount of time needed for the Session. At the conclusion of the Executive Session, if appropriate, the public meeting will reconvene and action taken.

5.1.16 ADJOURNMENT: The presiding officer adjourns the meeting after a motion to adjourn is made, seconded, and passed.

5.2 The Mayor, City Council, or City Administrator may add items to an agenda and Council may take action on items not listed on the agenda. (Pursuant to Section 10.1, an addition by City Council must be at the request of at least two Councilmembers.)

SECTION 6. COUNCIL DISCUSSION

6.1 All Council discussion unless otherwise noted here, shall be governed by ROBERT’S RULES OF ORDER, THE MODERN EDITION.

SECTION 7. TYPES OF COUNCIL ACTION

7.1 The City Council may take action only during an official Council meeting by adopting a minute order, a resolution, or an ordinance. These actions are listed in order of complexity and formality – a minute order is easier to issue and change than an ordinance.

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- 7.2 Minute Order. An adopted motion of the City Council recorded in the official record. A minute order may adopt proclamations of recognition, signify Council's acknowledgement or recognition of staff action, or serve as a marker in the official record documenting Council's deliberations or conclusions. A minute order may be adopted by a majority of those present at a meeting.
- 7.3 Resolution. An action of the City Council in which Council resolves to direct certain of action. A resolution may be changed by a subsequent resolution. A resolution may be adopted by a majority of those present at a meeting.
- 7.4 Ordinances. Ordinances are official acts of the legislative body enacting local law and must receive a minimum of four affirmative votes (see section 8.9). They are the most permanent and binding form of Council actions and may be changed or repealed only by a subsequent ordinance. Ordinances shall be read two times before adoption unless the Council waives a second reading. Adopting an ordinance on a first reading shall waive the second reading by implication if no express waiver is made.

Ordinances normally become effective five days after publication in the city's official newspaper. If an ordinance is subject to Initiative or Referendum process, there is a thirty-day waiting period. If legally sufficient petitions are filed, the ordinance may be rescinded or subject to a public vote.

The Mayor holds the exclusive power to review and veto Council's ordinances.⁷ Ordinances vetoed by the Mayor will be considered by Council in accordance with state law. Five affirmative votes, not including recusals, must be cast by Council members to override the Mayor's veto.

SECTION 8. MOTIONS

- 8.1 Motions shall be clear and concise and shall not include arguments for the motion within the motion. If a motion does not receive a second it dies. Motions that do not need a second include: nominations, withdrawal of motion, agenda order, request for a roll call vote, and point of order.
- 8.2 After a motion and a second, the presiding officer shall restate the motion, state the names of the Councilmembers making the motion and second, and Council will be given the opportunity to ~~discuss their opinions on the issue~~debate prior to the vote. No further citizen comments without council request or permission may be heard once a motion and second is on the floor.
- 8.3 A motion may be withdrawn or modified by the maker of the motion, at any time prior to the motion being restated by the presiding officer, without the consent of Council. Once restated, a motion may be withdrawn or modified by the maker only through a request for permission to withdraw or modify, and granted by the Council.

⁷ RCW allows Mayor 10 days from date of passage to veto.

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- 8.4 A motion to “lay on the table” (to set the pending matter aside in order to address an item of immediate urgency or an item which needs to be addressed prior to the pending matter) requires a second and, is not debatable ~~except that such debate shall not debate the issue under consideration. If a motion to table prevails, the Presiding Officer shall move to the next item on the agenda. A tabled item can be reconsidered at the same meeting or at the next regular meeting.~~ Any member may make a motion to “take from the table” ~~move to remove the item from the table for consideration any time during the same meeting, or the next regular meeting, as long as no question is pending.~~ Such an item requires a second and a majority vote of those present. If the item is not ~~removed~~ taken from the table by the end of the next regular meeting, it shall be considered expired.
- 8.5 A motion to “postpone to a certain time” requires a second, is debatable, is amendable, and may be reconsidered only at the same meeting ~~or a future meeting~~. The question being postponed must be considered at that later time.
- 8.6 A motion to “call for the question” shall close debate on the main motion and is non-debatable. This motion must receive a second and fails without a two-thirds vote of those present. (If 7 Councilmembers are present, then 5 must vote in the affirmative to meet this 2/3 requirement.) Debate is reopened if the motion fails.
- 8.7 A motion to “amend” is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, or substituting.
- 8.8 The motion maker, the Mayor, or the City Clerk, should repeat the motion prior to voting. The City Clerk shall take a roll call vote, if requested by the Mayor, a Councilmember, or when required by law. At the conclusion of any vote, the Mayor shall inform the Council of the results of the vote. A motion that receives a tie vote is deemed to have failed, unless the Mayor chooses to break the tie by casting an affirmative for those items that the Mayor is allowed to break the tie (section 8.4412) vote of those present. Any Councilmember present who fails to vote without a valid disqualification shall be declared to have voted in the affirmative on the question.
- 8.9 Each member present shall vote on all questions put to the Council except on matters in which he or she has been disqualified for a conflict of interest or under the appearances of fairness doctrine as defined by applicable State Law. Such members shall disqualify themselves prior to any discussions of the matter and shall leave the Council Chambers if considered necessary by the City Attorney. When disqualification of a member or members results or would result in the inability of the Council to act on a matter on which it is required by law to take action, any member absent or who had been disqualified under the appearances of fairness doctrine may subsequently participate provided such member first shall have reviewed all materials and listened to all tapes of the proceedings in which the member did not participate.

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- 8.10 A motion to “reconsider” may be made during the same meeting in which a question has been decided, by any Councilmember who voted in the majority on the question. Such an item requires a second and a majority vote of those present. ~~may move for reconsideration. To reconsider a decided question after a council meeting has been adjourned, the matter must be listed on a future Council agenda in accordance with the provisions of section 10.1.~~
- 8.11 A motion to “rescind” or “amend something previously adopted⁸” at a previous meeting requires a second, is debatable, is amendable, and requires a majority vote with previous notice, and a two-thirds vote without previous notice.
- 8.12 In accordance with the RCW, the Mayor does not participate in Council votes, unless it becomes necessary to break a tie vote. The Mayor shall not break tie Council votes involving the passage of an ordinance, the acceptance of a grant, the revocation of a franchise or a license, or the payment of money.
- 8.13 The City Attorney, or City Clerk in absence of the City Attorney, shall decide all questions of interpretations of these policies and procedures and all other questions of a parliamentary nature, which may arise at a Council meeting. All cases not provided for in these policies and procedures shall be governed by ROBERT’S RULES OF ORDER, THE MODERN EDITION. In the event of a conflict, these policies and procedures shall prevail.
- 8.14 A tie vote, (3-3, 2-2) on an Ordinance or matter requiring four affirmative votes for passage, shall not be final action of the matter voted upon, but shall be deemed to have tabled-postponed the matter until the next regular meeting at which all seven Councilmembers are present. At that meeting, any member may move to take the matter off the table. Failure to do so kills the matter. Staff will insure all members are reminded that the Ordinance or matter is scheduled for an appropriate agenda.pending.
- 8.15 A non-tie vote (3-2, 2-3, 3-1, 1-3) which fails for a lack of four affirmative votes, if the matter requires four affirmative votes for passage, shall be deemed to defeat the matter voted upon. But, any Councilmember may move to reconsider the matter at the same or next succeeding regular meeting if all seven Councilmembers are present; or two Councilmembers may request to bring the item back for action at a future meeting where all seven Councilmembers are present.-

SECTION 9. COUNCIL MEETING STAFFING

- 9.1 The City Administrator, or designee, shall attend all meetings of the City Council unless excused by the Mayor. The City Administrator may make recommendations to the Council and may take part in discussions of the Council, but shall have no vote.

⁸ NOTE: A “motion to amend something previously adopted” is not necessary for items regularly updated, such as contract renewals/extensions/addendums/etc. and adoption of updated plans and policies, etc.

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- 9.2 The City Attorney, or designee, shall attend all meetings of the Council unless excused by the Mayor or the City Administrator and shall, upon request, give a legal opinion, either written or oral, on legal questions and matters. The City ~~attorney~~ Attorney, or City Clerk in the absence of the City Attorney, shall act as the Council's parliamentarian. The City Attorney shall refrain from providing personal opinions or recommendations unless specifically requested.
- 9.3 The City Clerk, or designee, shall attend all regular meetings of the City Council, keep the official records and minutes, and perform such other duties as may be needed for the orderly conduct of the meeting. The City Clerk shall attend other meetings when requested by the Mayor, the City Administrator, or City Council.

SECTION 10. AGENDA PREPARATION⁹

- 10.1 The City Administrator, or designee, with the approval of the Mayor, will prepare an agenda for each Council meeting specifying the time and place of the meeting and setting forth a brief general description of each item to be considered by the Council. An item may be placed on the agenda by the Mayor, the City Administrator, a Department Head, with the concurrence of the City Administrator, or at the request of at least two Councilmembers. During the meeting subject to the agenda, Council members may by majority vote modify the agenda, including additions and deletions, to the extent authorized by law.

The City Administrator, presiding officer, or designee shall present the agenda for the next meeting.

- 10.2 Some agenda items may be listed on the agenda for a time certain. Such listing will mean that an item will be heard as soon as reasonably possible after the specified time. However, legally required and advertised public hearings will have a higher priority over other time-scheduled agenda items that have been scheduled for convenience rather than for statutory or other legal reasons.
- 10.3 The City will endeavor to schedule sufficient time between public hearings and other items so the public is not kept unduly waiting and so the Council will have sufficient time to hear testimony and to deliberate matters among themselves.
- 10.4 Public hearings will be scheduled as needed.
- 10.5 To the extent possible, agenda items continued from one meeting will have preference on the next agenda.
- 10.6 The City Administrator, or designee, shall attempt to have the meeting agenda finalized by 5:12:00 PM on the ~~Wednesday~~ Friday prior to the Council meeting. The agenda and available documents will be made available to Council Members, the media and the public on the City Website.

⁹ The City Administrator establishes guidelines and deadlines for submitting items to administer this process.

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SECTION 11. PRESENTATIONS TO COUNCIL

- 11.1 Remarks made to Council should address the Council as a whole. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, disruptive, or personally abusive may be requested to leave the meeting.
- 11.2 The presiding officer has the authority to preserve order at all meetings of the Council, to cause removal of any person from any meeting for disorderly conduct, and to enforce the rules of the Council. The presiding officer may command assistance of any peace officer to enforce all lawful orders of the presiding officer to restore order at any meeting.
- 11.3 Citizens wishing to address complaints, concerns or questions to the City Council are encouraged to first contact the City Administrator or can, however, contact the City Council directly. If the issue is not resolved at the staff level, the City Administrator may place the matter on a council agenda with the appropriate background information.

SECTION 12. APPEALS BEFORE COUNCIL

- 12.1 Purpose; Scope. The purpose of this Section 12 is to establish rules governing certain administrative appeals before the City Council. The provisions of this section apply exclusively to appeals for which: (i) the City Council has been designated as the appellate venue by ordinance, and (ii) the specific procedures for which are not set forth in the MMC or other ordinance. Without limitation of the foregoing, the following procedures shall expressly not apply to appeals within the scope of Chapter 21.50 MMC or Chapter 21.60 MMC.
- 12.2 Construction. The provisions of this Section 12 are intended to supplement, and not contradict or supersede, the applicable provisions of the MMC and other City ordinances. To the extent that the provisions of this Section 12 are inconsistent with any applicable provision of the MMC or other ordinance, the MMC or ordinance provision shall control.
- 12.3 Commencing an appeal.
 - 12.3.1 Who may appeal. Standing to file an administrative appeal to the City Council shall be limited to those parties authorized by ordinance.
 - 12.3.2 Form of appeal. Except as otherwise provided by ordinance, an appeal shall be submitted to the City Clerk's Office in writing and shall set forth:
 - 12.3.2.1 Facts demonstrating that the person is adversely affected by the challenged administrative decision;

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12.3.2.2 A concise statement identifying each alleged error of fact, law, or procedure, and the manner in which the challenged administrative decision fails to satisfy the applicable decision criteria;

12.3.2.3 The specific relief requested.

12.3.3 Time to Appeal. Except as otherwise provided by ordinance, the written appeal must be received by the Monroe City Clerk's Office no later than 5:00 p.m. on the fourteenth day following the issuance date of the decision being appealed.

12.4 Appeal Proceeding Before Council.

12.4.1 Scheduling/Notice. Following receipt of a written appeal, staff shall schedule the appeal hearing to occur before the City Council at a meeting within 30 days as an action item under New Business and shall provide written notice to the parties to the appeal.

12.4.2 Types of Appeals. Any appeal from an administrative decision for which there has already been an open-record hearing or similar evidentiary proceeding as part of the underlying administrative process shall be a closed-record appeal. All other appeals shall be open-record appeals.

12.4.3 Submission of Written Materials.

12.4.3.1 For open-record appeals, all evidence, written statements, and identification of witnesses to be called at the hearing (if appropriate) from the parties to the appeal shall be submitted to the City Clerk's Office 7 working days prior to the scheduled appeal hearing.

12.4.3.2 For closed-record appeals, staff shall provide the City Council with a copy of the administrative record underlying the challenged decision 7 working days prior to the hearing date. Any written statements from the parties shall be submitted to the City Clerk's office 7 working days prior to the hearing date. No information, evidence, or facts shall be cited to or considered by the City Council unless the same is contained within the administrative record.

12.4.4 Conduct of the appeal proceeding.

12.4.4.1 Who may participate: Only the appellant, the owner(s) of property subject to the underlying application or decision (if different from the appellant), and the respondent (typically City staff), or the representatives of these parties, may participate in

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the appeal hearing. Provided, that properly identified witnesses may testify in open-record appeal hearings.

12.4.4.2 Issues. The City Council shall limit its consideration to those alleged errors clearly identified in the appellant's original written appeal.

12.4.4.3 Appeal proceeding sequence of events.

12.4.4.3.1 The presiding officer will introduce the matter being heard, review the applicable rules of procedure, and address the appearances of fairness doctrine.

12.4.4.3.2 Appellant Testimony. The appellant shall be given 15 minutes to present oral argument to the City Council. For open-record appeals, any presentation of witnesses shall occur within this timeframe. (New information, evidence or facts is only allowed for open-record appeals).

12.4.4.3.3 Respondent Testimony. The respondent shall be given 15 minutes to present oral argument to the City Council. (New information, evidence or facts is only allowed on open record appeals).

12.4.4.3.4 Rebuttal testimony. Appellant shall be given 5 minutes for rebuttal.

12.4.4.3.5 Questions from the hearing body. The City Council may ask clarifying questions of the parties at the close of testimony.

12.5 City Council Decision on Appeal.

12.5.1 Standards. The City Council may grant the appeal, grant the appeal with modifications, or deny the appeal. The Council's review shall be de novo, and no presumption of validity shall attach to the challenged administrative decision.

12.5.2 Conditions. The City Council may impose reasonable conditions as part of the granting of an appeal or granting of an appeal with modification to reasonably ensure conformance with the criteria under which the application was made.

12.5.3 Findings. The City Council shall adopt written findings and conclusions which support its decision on the appeal. The City Council shall reasonably endeavor to adopt such findings and conclusions within 14 working days of the appeal hearing. The City Council's written findings

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and conclusions shall serve as the City's final, appealable decision with respect to the matter at issue.

12.5.4 Required Vote. A vote to grant the appeal or grant the appeal with modifications must be by a majority vote unless a different vote requirement is established by ordinance or law. A tie vote shall be decided by the vote of the Mayor. Any other vote constitutes denial of the appeal.

SECTION 13. WRITTEN CORRESPONDENCE WITH THE COUNCIL

Access to the City Council by written correspondence is a significant right of all members of the general public, including in particular citizens of the City. The City Council desires to encourage the exercise of this access right by the general public to bring to the attention of the Council, matters of concern to Monroe residents. In order to do this most effectively, some orderly procedure for the handling of written correspondence is essential. Documents received from citizens will not be read into the record by City Officials or staff but rather filed as part of the record. They may however be read into the record by the author or the author's designee, subject to the applicable speaking time limitations established by these Rules of Procedure.

One concern is application of the appearance of fairness doctrine to correspondence addressed to the Council, concerning matters which will be coming before the City Council in a quasi-judicial or land use hearing context. Special care in the way the content of those letters is brought to the attention of the individual members of the Council is essential in order that an unintended violation of the appearance of fairness doctrine does not result.

The Council believes that the following procedure for handling of written correspondence addressed to the Council will best accommodate the desires and concerns of the Council as set forth in this section.

- 13.1 Correspondence of an Information Only nature – correspondence which is purely of an informational nature and does not require a response or action and Routine Requests – items of a routine nature (minor complaints, routine requests, referrals, etc.) will be transmitted to the Councilmembers either by e-mail, a hard copy in their City mailbox, or a hard copy distributed at the Council meeting.
- 13.2 Significant Correspondence – Written correspondence which obviously requires some Council discussion, is of a policy nature or for which a non-routine official action or response is required, shall be placed on the regular council agenda, either under New Business or if appropriate, Final Action, and shall be accompanied by backup information as are all other agenda items.
- 13.3 Correspondence Directly Relating to Pending Quasi-Judicial Hearing Matters – Copies of such correspondence shall not then be included within the agenda materials, but shall be placed in a City Council communication holding file, or directly into the appropriate hearing file, so that they will be circulated to City Councilmembers at the time that the matter comes before the City Council for its

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quasi-judicial consideration, and as a part of the hearing course. PROVIDED, that such materials shall not be circulated to Councilmembers where the pending quasi-judicial matter is a closed record proceeding.

SECTION 14. RESPECTING ROLES AND RESPONSIBILITIES

- 14.1 The City Council and the Mayor shall continue to demonstrate their mutual respect of each other's respective roles and responsibilities. The Mayor acknowledges the Council as the policy making body for the city and the Council acknowledges the Mayor as the city's chief administrative officer responsible for implementing council's policies.
- 14.2 The Mayor shall refer policy questions to the City Council and shall endeavor to fully and completely implement Council's policy decisions and legislative directives.
- 14.3 Councilmembers shall not attempt to influence staff in the selection, or direction of personnel, the awarding of contracts, the selection of consultants, the processing of development applications, or the granting of City licenses or permits. The Council shall not attempt to change or interfere with the operating rules and practices of any city department. Councilmembers are not prohibited from discussing policy issues, requesting information from or asking questions of the Mayor or City Administrator.

SECTION 14A. COUNCIL LEGISLATIVE COMMITTEES

- 14A.1 Purpose. The purpose of a council legislative committee is to formulate policy recommendations and gather policy information for the City Council in order to provide for more efficient and effective use of City Council meeting time. Committees will address issues assigned to them by the City Council. The committees are not intended to oversee or interfere with the administration.
- 14A.2 Staffing. Administrative support to and attendance of committees is provided at discretion of the Mayor. The Mayor or City Administrator may participate as an ex-officio member of each committee. Meeting agendas, if any, and committee minutes, and committee reports may be prepared by staff if directed by the Mayor and requested by the committee.¹⁰
- 14A.3 Committees Established. A council legislative committee shall consist of up to three council members with two making a quorum. Legislative committees have the following functions:
- A. Transportation and Planning Committee, Public Works, Parks & Recreation, and Public Safety Committee. The primary purpose of the transportation and planning committee is to review and advise upon matters of policy assigned by the City Council involving the physical and economic development of the city as well as matters involving planning for transportation

¹⁰ Minutes required, see Sec. 13A.5.

MONROE CITY COUNCIL RULES OF PROCEDURE

systems and facilities, also involving public health, welfare and safety as well as City infrastructure, excluding traffic and including animal control, public safety, water and sewer utilities, parks ~~& and~~ recreation and property management, sales and acquisitions.

B. Finance and Human Resources Committee. The primary purpose of the Finance and Human Resources Committee is to review and advise upon on matters of policy assigned by the City Council involving city financial affairs, including budget development goals and major financial policies such as reserves and fund balance levels, grants and Interlocal Agreements, personnel matters (e.g. union negotiations, employee benefits), and approval of warrants.

C. Legislative Affairs Committee: The primary purpose of the Legislative Affairs Committee is to review and advise upon legislative matters at county, state, and federal levels of interest to the city council; and city council policies and procedures ~~.; and council compensation (see Section 2.4)~~.

14A.4 Performance of Tasks. The committees created in this chapter shall perform such tasks in line with the subjects described in Section 13A.3, or as may be referred to them by the council. Committee functions are to be flexibly applied and issues such as committee workload and member expertise may be as important as or more important than committee function in assigning tasks to committees. The committees shall not preclude the Council from creating any other ad hoc or other committee with similar functions.

14A.5 Committee Minutes and Reports. Committee minutes shall be written, including time, date, and location of meeting, attendance, topics discussed, and any reports to council. Committee reports should be very brief, giving subject matter and date(s) during which subject was discussed. Reminders of upcoming Committee meeting dates may be given, but are not considered "reports".

14A.6 Assignment of Members - Chairperson. Councilmembers shall be assigned to a committee as determined by the city council annually in January. A chairperson for each committee shall be selected by the committee members to preside over committee meetings. After January assignments have been made, the committees shall discuss and establish regular meeting dates, which are open to the public as required by the Open Public Meeting Act, Chapter 42.30 RCW.

SECTION 15. REPRESENTING THE POSITION OF THE CITY

15.1 If a Councilmember or the Mayor appears on behalf of the city before another Governmental Agency, a community organization or the media for the purpose of commenting on an issue, the majority position of the council, if known, is to be stated. Personal opinions and comments which differ from the Council majority may be expressed if it is clearly stated the comments do not reflect the majority council position.

MONROE CITY COUNCIL RULES OF PROCEDURE

- 15.2 A Councilmember's concurrence shall be obtained before a second party shares that Councilmembers view or position with the media, another governmental agency, or a community organization.
- 15.3 Letters, written statements, newspaper, guest opinions, etc., which state a Council opinion shall be submitted to the full Council for review, comment, and final approval prior to their release. In some cases, it may be appropriate to provide for the signatures of the full Council.

SECTION 16. CONFIDENTIALITY

- 16.1 Councilmembers shall keep confidential all written materials and verbal information provided to them during executive sessions to ensure that the city's position is not compromised. Confidentially also includes information provided to Councilmembers outside of executive sessions when the information is considered to be exempt from disclosure under exemptions set forth in the RCW.
- 16.2 If the Council, in executive session, has given direction or consensus to city staff on proposed terms and conditions for any type of issue, all contact with the other party shall be done by the designated city staff representative handling the issue. Prior to discussing the information with anyone other than fellow Councilmembers, the Mayor, the City Attorney, or staff designated by the City Administrator, Councilmembers should review such potential discussion with the City Administrator or City Attorney. Any Councilmember having such contact or discussion is to make a full disclosure to the Mayor or City Council in a timely manner.

SECTION 17. SUSPENSION AND AMENDMENT OF RULES

- 17.1 Any provision of these rules not governed by state law or ordinance may be temporarily waived suspended by a majority vote of the Council, except as otherwise specified in these rules or required by law. Any formal action of the City Council in violation or disregard of these rules shall be deemed as an implied waiver thereof.
- 17.2 These rules may be amended or new rules adopted, by a majority vote of the Council.

SECTION 18. EFFECT OF RULES

- 18.1 These rules are for the sole convenience of the City Council, and may only be enforced by Council Members. Nothing in these rules shall be construed as creating any enforceable right, entitlement, or cause of action in or for any other party.
- 18.2 If any sentence, clause or provision of these rules irreconcilably conflicts with an applicable provision of state or federal law or is otherwise invalidated by a court of competent jurisdiction, the offending sentence, clause or provision of these rules shall be severable from the remainder.

ALTERNATIVE LANGUAGE TO ALLOW FOR ABSTENTIONS

8.8 CURRENT LANGUAGE:

The motion maker, the Mayor, or the City Clerk, should repeat the motion prior to voting. The City Clerk shall take a roll call vote, if requested by the Mayor, a Councilmember, or when required by law. At the conclusion of any vote, the Mayor shall inform the Council of the results of the vote. A motion that receives a tie vote is deemed to have failed, unless the Mayor chooses to break the tie by casting an affirmative for those items that the Mayor is allowed to break the tie (section 8.12) vote of those present. Any Councilmember present who fails to vote without a valid disqualification shall be declared to have voted in the affirmative on the question.

ALTERNATIVES TO REPLACE CURRENT LANGUAGE:

- A. A Councilmember may choose to abstain from voting on an item; an abstention shall be declared to have voted in the affirmative on the question; however, will be noted in the minutes accordingly.
- B. A Councilmember may choose to abstain from voting on an item; an abstention shall be declared to have voted in the negative on the question; however, will be noted in the minutes accordingly.
- C. A Councilmember may choose to abstain from voting on an item; an abstention will not count as a vote in the affirmative or the negative on the question; and will be noted in the minutes accordingly.

8.9 PROPOSED LANGUAGE:

Each member present shall may vote or abstain on all questions put to the Council except on matters in which he or she has been disqualified for a conflict of interest or under the appearances of fairness doctrine as defined by applicable State Law. Such members shall disqualify themselves prior to any discussions of the matter and shall leave the Council Chambers if considered necessary by the City Attorney. When disqualification of a member or members results or would result in the inability of the Council to act on a matter on which it is required by law to take action, any member absent or who had been disqualified under the appearances of fairness doctrine may subsequently participate provided such member first shall have reviewed all materials and listened to all tapes of the proceedings in which the member did not participate.



MONROE CITY COUNCIL

Agenda Bill No. 16-068

SUBJECT:	Ordinance No. 004/2016, 2016 Budget Amendment; Final Reading
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DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
05/17/2016	Finance	Dianne Nelson	Dianne Nelson	Final Action #1

Discussion 05/10/2016; 05/17/2016

- Attachments:**
1. Ordinance No. 004/2016
 Exhibit A – Budget Amendment Detail Listing
 Exhibit B – Budget Amendment Summary
 Exhibit C – Beginning Fund Balance Analysis

REQUESTED ACTION: Move to adopt Ordinance No. 004/2016, amending the budget for fiscal year 2016 to account for actual beginning fund balances and new revenues and expenditures; providing for severability; and establishing an effective date.

DESCRIPTION/BACKGROUND

Note: An item has been added to this final ordinance that was not included in the first reading on Tuesday, May 10, 2016 -- an expenditure for \$10,000 from the Contingency Fund to pay for new chairs (\$7,000) and tables (\$3,000) for the Council Chambers.

When the 2016 Budget was adopted in December 2015 the beginning fund balances were estimates. It is now known what the beginning fund balances are, and this amendment adjusts them to the actual amounts. This is detailed in Exhibit C, which lists each fund's estimated beginning fund balance, the actual beginning fund balance, and the difference, along with explanations of the differences.

There are some additional revenues and expenditures that have come to light subsequent to the budget adoption that need to be added to the budget. There are eleven items, and they are listed in Exhibit A, along with a description of what the items are, and why they are now being added to the budget.

First Reading of this ordinance was accepted on Tuesday, May 10, 2016; changes noted above.

IMPACT – BUDGET

Beginning Fund Balances increase \$3,793,352
 Revenues increase \$416,800
 Expenditures increase \$508,700
 Ending Fund Balances increase \$3,701,452

TIME CONSTRAINTS

N/A

CITY OF MONROE
ORDINANCE NO. 004/2016

AN ORDINANCE OF THE CITY OF MONROE,
WASHINGTON, AMENDING THE BUDGET FOR FISCAL
YEAR 2016 TO ACCOUNT FOR ACTUAL BEGINNING
FUND BALANCES AND NEW REVENUES AND
EXPENDITURES; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council adopted the budget for fiscal year 2016 through Ordinance No. 019/2015 on December 8, 2015; and

WHEREAS, the beginning fund balances set forth in the 2016 budget were only estimates in 2015 and are now known amounts; and

WHEREAS, certain expenditures, the necessity and/or amount of which were largely unexpected by the City, have come to light; and

WHEREAS, new revenues and corresponding expenditures need to be realized in and reflected by the adopted budget through an amendment thereof; and

WHEREAS, per RCW 35A.33.120, the City Council finds that it is in the best interest of the City to decrease, revoke, or recall all or portions of the total appropriations provided for certain funds as set forth in the previously adopted budget, and to re-appropriate the same for another purpose or purposes, as provided herein.

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

Section 1. Findings. The above recitals and the content of Exhibit A, B, and C, attached hereto and incorporated herein by the reference as if set forth in full, are hereby adopted as finding in support of this ordinance. The City Council further adopts by reference the Agenda Item cover memorandum as findings.

Section 2. Budget Amendment. The budget for the fiscal year 2016 is hereby amended as follows:

Fund	Name	Amended Beginning Balance	Original Budgeted Revenues	Amended Revenues	Original Budgeted Expenditures	Amended Expenditures	Amended Restricted Fund Balance	Amended Undesignated Fund Balance
001	General Fund	\$ 2,943,177	\$ 11,766,949	\$ 11,791,749	\$ 11,967,398	\$ 12,101,098	\$ 2,221,153	\$ 412,675
002	Contingency Fund	327,604	3,000	3,000	40,000	50,000	280,604	-
008	Donation Fund	5,325	6,600	6,600	6,600	6,600	-	5,325
105	Street Fund	287,546	606,966	606,966	683,883	683,883	-	210,629
109	Tourism Fund	65,792	66,826	66,826	80,908	80,908	-	51,710
114	Narcotics Fund	28,561	10,000	10,000	50,000	30,000	-	8,561
117	Real Estate Excise Tax Fund	577,702	501,500	501,500	365,000	365,000	-	714,202
203	North Kelsey Debt Service	1,571	95,000	95,000	100,190	93,190	-	3,381
307	General Capital Projects	441,415	-	-	100,000	100,000	-	341,415
317	Parks CIP Fund	1,096,949	241,586	241,586	738,614	738,614	28,493	571,428
318	Street CIP Fund	1,142,596	5,901,030	5,901,030	6,618,545	6,618,545	-	425,081
319	North Kelsey Development	1,500,339	5,000	5,000	841,009	841,009	-	664,330
411	Water Fund	2,656,232	3,835,423	4,227,423	3,936,771	4,328,771	392,179	2,162,705
412	Water CIP Fund	5,873,194	340,000	340,000	4,396,842	4,396,842	24,214	1,792,138
421	Sewer Fund	2,147,478	7,398,759	7,398,759	7,322,656	7,322,656	406,207	1,817,374
422	Sewer CIP Fund	4,498,779	2,521,920	2,521,920	3,875,655	3,875,655	152,422	2,992,622
431	Stormwater Fund	270,572	1,587,743	1,587,743	1,508,889	1,508,889	166,729	182,697
432	Stormwater CIP Fund	1,287,962	3,283,987	3,283,987	313,411	313,411	4,567	4,253,971
441	Solid Waste Fund	1,153,754	3,394,125	3,394,125	3,443,533	3,443,533	-	1,104,346
450	Revenue Bond Reserve	1,983,629	8,000	8,000	60,000	60,000	1,924,271	7,358
510	Info Tech Services Fund	216,230	385,749	385,749	529,321	529,321	60,000	12,658
520	Equipment & Fleet Fund	2,797,523	1,729,197	1,729,197	1,042,359	1,042,359	3,398,065	86,296
530	Facilities Management Fund	88,967	1,249,843	1,249,843	1,210,564	1,210,564	126,000	2,246
	Totals	\$ 31,392,897	\$ 44,939,203	\$ 45,356,003	\$ 49,232,148	\$ 49,740,848	\$ 9,184,904	\$ 17,823,148

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall take effect five (5) days after publication.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this _____ day of _____, 2016.

First Reading: May 10, 2016
Adoption: May 17, 2016
Published: May 24, 2016
Effective: May 29, 2016

CITY OF MONROE, WASHINGTON:

(SEAL)

Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:

Elizabeth M. Smoot, MMC, City Clerk

J. Zachary Lell, City Attorney

**EXHIBIT A
2016 Budget Amendment #1 - Detail**

Item #	Amount	Funds	Description	Account Numbers
		GENERAL FUND		
		Police Department		
1	\$ 30,000	Expenditure	Increase LEOFF1 Medical Bills from \$20,000 to \$50,000 due to changes in health circumstances for retiree M. Wakefield	001.000.004.521.10.49.01
		Community Development Department		
2	\$ 75,000	Expenditure	The CD Department's Land Use Attorney allocation of \$15,000 was exceeded in January alone due to work on East Monroe. Through March, over \$51,000 in Land Use Attorney fees had been expended. Very little of this would have been for non-East Monroe items. This does not include work done on East Monroe since the 4/1/16 Hearing Board's order	001.000.110.558.60.41.10
3	\$ 2,500	Expenditure	Increase Building overtime from \$500 to \$3,000 to account for needs given increased development activity (permit technician & permit supervisor)	001.000.110.559.30.11.00
4	\$ 500	Expenditure	Increase Planning postage from \$2,500 to \$3,000 due to development activity related notice mailings	001.000.110.558.60.42.02
5	\$ 900	Expenditure	Increase Planning operating supplies from \$1,250 to \$2,150 in order to purchase 50 more public notice signs needed to address development activity (20 signs cost \$600 & 30 signs cost \$700)	001.000.110.558.60.41.09
		Parks Department		
6	\$ 9,600	Revenue & Expenditure	Snohomish County LTAC Grant for street banners	001.000.010.337.20.00.00 & 001.000.010.576.80.35.01
7	\$ 15,200	Revenue & Expenditure	Snohomish County TPA Grant for event fencing	001.000.010.337.21.00.00 & 001.000.010.576.80.35.02
		Fund Balance		
8	\$ 6,513	Fund Balance	Increase police restricted fund balance from sales tax revenue (revised estimates)	001.000.000.508.13.00.00
		NARCOTICS FUND		
9	\$ 20,000	Expenditure	Reduce estimated expenditures to align with reduced beginning fund balance	114.000.004.521.21.49.00
		NORTH KELSEY DEBT FUND		
10	\$ 7,000	Expenditure	Reduce debt interest payment from estimated amount to actual	203.000.000.592.73.83.00
		WATER FUND		
11	\$ 392,000	Revenue & Expenditure	Per direction from the state auditor's office, water utility tax must first be receipted into the Water Fund, and then paid to the General Fund. Past practice was to receipt it directly into the General Fund.	411.000.130.343.40.03.00 & 411.000.130.534.80.51.00
		CONTINGENCY FUND		
12	\$ 10,000	Expenditure	Purchase new chairs (\$7,000) and tables (\$3,000) for the council chambers	002.000.000.519.10.35.00

**EXHIBIT B
2015 Budget Amendment #1**

Fund	Name	Budgeted Beginning Balance	Actual Beginning Balance	Budgeted Revenues	Amended Revenues	Budgeted Expenditures	Amended Expenditures	Budgeted Restricted Fund Balance	Budgeted Undesignated Fund Balance	Amended Restricted Fund Balance	Amended Undesignated Fund Balance
001	General Fund	2,488,209	2,943,177	11,766,949	11,791,749	11,967,398	12,101,098	2,214,640	73,120	2,221,153	412,675
002	Contingency Fund	327,458	327,604	3,000	3,000	40,000	50,000	290,458	-	280,604	-
008	Donation Fund	7,232	5,325	6,600	6,600	6,600	6,600	-	7,232	-	5,325
105	Street Fund	171,076	287,546	606,966	606,966	683,883	683,883	-	94,159	-	210,629
109	Tourism Fund	48,777	65,792	66,826	66,826	80,908	80,908	-	34,695	-	51,710
114	Narcotics Fund	41,773	28,561	10,000	10,000	50,000	30,000	-	1,773	-	8,561
117	Real Estate Excise Tax Fund	336,542	577,702	501,500	501,500	365,000	365,000	-	473,042	-	714,202
203	North Kelsey Debt Service	8,590	1,571	95,000	95,000	100,190	93,190	-	3,400	-	3,381
307	General Capital Projects	438,935	441,415	-	-	100,000	100,000	-	338,935	-	341,415
317	Parks CIP Fund	1,103,786	1,096,949	241,586	241,586	738,614	738,614	28,493	578,265	28,493	571,428
318	Street CIP Fund	966,521	1,142,596	5,901,030	5,901,030	6,618,545	6,618,545	-	249,006	-	425,081
319	North Kelsey Development	1,114,824	1,500,339	5,000	5,000	841,009	841,009	-	278,815	-	664,330
411	Water Fund	1,802,617	2,656,232	3,835,423	4,227,423	3,936,771	4,328,771	392,179	1,309,090	392,179	2,162,705
412	Water CIP Fund	5,686,384	5,873,194	340,000	340,000	4,396,842	4,396,842	24,214	1,605,328	24,214	1,792,138
421	Sewer Fund	1,487,024	2,147,478	7,398,759	7,398,759	7,322,656	7,322,656	406,207	1,156,920	406,207	1,817,374
422	Sewer CIP Fund	5,090,205	4,498,779	2,521,920	2,521,920	3,875,655	3,875,655	152,422	3,584,048	152,422	2,992,622
431	Stormwater Fund	185,142	270,572	1,587,743	1,587,743	1,508,889	1,508,889	166,729	97,267	166,729	182,697
432	Stormwater CIP Fund	92,079	1,287,962	3,283,987	3,283,987	313,411	313,411	4,567	3,058,088	4,567	4,253,971
441	Solid Waste Fund	1,105,792	1,153,754	3,394,125	3,394,125	3,443,533	3,443,533	-	1,056,384	-	1,104,346
450	Revenue Bond Reserve	1,980,151	1,983,629	8,000	8,000	60,000	60,000	1,924,271	3,880	1,924,271	7,358
510	Info Tech Services Fund	203,581	216,230	385,749	385,749	529,321	529,321	60,000	9	60,000	12,658
520	Equipment & Fleet Fund	2,810,943	2,797,523	1,729,197	1,729,197	1,042,359	1,042,359	3,398,065	99,716	3,398,065	86,296
530	Facilities Management Fund	101,904	88,967	1,249,843	1,249,843	1,210,564	1,210,564	126,000	15,183	126,000	2,246
	Totals	27,599,545	31,392,897	44,939,203	45,356,003	49,232,148	49,740,848	9,188,245	14,118,355	9,184,904	17,823,148

Exhibit C
2016 Beginning Cash Balance vs. Budgeted Beginning Balances

Fund	Description	Budgeted Beginning Balance	Actual Cash Beginning Balance	Difference	Comments
001	General Fund	2,488,209	2,943,177	454,968	Revenues* came in \$214k more than estimated & Expenditures** came in \$267K less than estimated.
002	Contingency Fund	327,458	327,604	146	
008	Donation Fund	7,232	5,325	(1,907)	
105	Street Fund	171,076	287,546	116,470	Fuel tax \$86k more than estimated & fees/misc. revenue \$17k over; expenditures \$13k under
109	Tourism/Lodging Tax Fund	48,777	65,792	17,015	Lodging tax \$5k more than estimated & expenditures 12k under
114	Narcotic/Drug Buy Fund	41,773	28,561	(13,212)	
117	REET Fund	336,542	577,702	241,160	Real Estate Excise Tax revenues higher than estimated
203	North Kelsey Debt Fund	8,590	1,571	(7,019)	
307	General CIP Fund	438,935	441,415	2,480	
317	Parks CIP Fund	1,103,786	1,096,949	(6,837)	
318	Street CIP Fund	966,521	1,142,596	176,075	Revenues*** came in \$2,148,418 more than estimated & expenditures were \$1,971,965 (mostly construction projects) more than estimated
319	North Kelsey Development Fund	1,114,824	1,500,339	385,515	Capital construction expenditures less than estimated
411	Water Fund	1,802,617	2,656,232	853,615	Revenues \$615k more than estimated & expenses \$232k less than estimated (\$127k is water purchase)
412	Water CIP Fund	5,686,384	5,873,194	186,810	Capital fee revenue \$86k over estimate & Interest income \$32k over estimate; Construction project expenses \$67k under estimate
421	Sewer Fund	1,487,024	2,147,478	660,454	Revenues \$112k more than estimated & expenses \$546k less than estimated (\$500k is interfund transfer to Sewer CIP Fund)
422	Sewer CIP Fund	5,090,205	4,498,779	(591,426)	Revenues \$531k less than estimated (\$500k is transfer from sewer operations; \$55k is capital fees) & expenses \$61k more than estimated
431	Stormwater Fund	185,142	270,572	85,430	Revenues \$9k more than estimated & expenses \$76k less than estimated
432	Stormwater CIP Fund	92,079	1,287,962	1,195,883	Grant revenue \$767,188 more than estimated & construction project expenses \$428,479 less than estimated
441	Solid Waste Fund	1,105,792	1,153,754	47,962	Revenues \$15k more than estimated & expenses \$33k less than estimated
450	Revenue Bond Reserve Fund	1,980,151	1,983,629	3,478	
510	Info Technology Fund	203,581	216,230	12,649	Revenues \$2,000 less than estimated & expenses \$14,663 less than estimated
520	Fleet & Equipment Fund	2,810,943	2,797,523	(13,420)	Revenues \$19k more than estimated & expenses \$33k more than estimated
530	Facilities Management Fund	101,904	88,967	(12,937)	Revenues \$2,938 more than estimated & expenses \$15,875 more than estimated
		27,599,545	31,392,898	3,793,353	

<p>* General Fund Revenues: Property taxes \$25k more than estimates (collection of old delinquent taxes) Sales taxes \$93k more than estimated (includes PD levy & PD county taxes) Utility taxes \$81k more than estimated Liquor excise taxes \$11k more than estimated</p>
<p>** General Fund Expenditures: Professional Services (across the board) \$133k less than estimated Planning Comp Plan \$149k less than estimated</p>
<p>*** Street CIP Fund Revenues: PUD contribution of \$750k for Tjerne extension not in estimate GMA impact fees \$97k more than estimated Grants (TIB for Tjerne) \$1,214,000 more than estimated Transfer from Transportation Concurrency Fund \$85k more than estimated</p>



MONROE CITY COUNCIL

Agenda Bill No. 16-046

SUBJECT:	Resolution No. 004/2016 regarding Growth Management Hearing Board (GMHB) Compliance for East Monroe
-----------------	--

DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
04/12/2016 05/17/2016	Community Development	Dave Osaki	David Osaki	Final Action #2

Discussion: 04/05/2016; 04/12/2016

Attachments: 1. Resolution No. 004/2016

REQUESTED ACTION: Move to approve Resolution No. 004/2016, formally expressing the City Council's intent to achieve compliance in CPSGMHB Case No. 14-3-0006c by discontinuing further attempts to reclassify and rezone the East Monroe area from Limited Open Space (LOS) to General Commercial (GC); authorizing and directing the Mayor and the City Attorney to take all necessary and appropriate measures to convey the City Council's position to the Growth Board and obtain a finding of compliance; and establishing an effective date.

DESCRIPTION/BACKGROUND

On April 1, 2016, the Growth Management Hearings Board (GMHB) issued an Order finding continuing non-compliance for the East Monroe Comprehensive Plan Map amendment and Zoning Map amendment (GMHB Case No. 14-3-0006c).

The GMHB Order found the City of Monroe Supplemental Environmental Impact Statement (SEIS) issued November 2, 2015 inadequate, remanded Ordinance No. 015/2015 (East Monroe Comprehensive Plan Map amendment) and Ordinance No 016/2015 (East Monroe Zoning Map Amendment) back to the City to be brought into compliance with the GMA and the State Environmental Policy Act (RCW Chapter 41.21C), and also invalidated the two ordinances.

At its April 5, 2016, meeting, the Monroe City Council passed a motion to have the Mayor direct staff to bring back to the City Council a resolution formally disavowing the City Council's current intent to proceed with the East Monroe reclassification and rezone and declare publicly that the City Council considers the original Heritage Baptist Church applications to be effectively closed. The motion also requested the resolution be brought back on the April 12, 2016, City Council meeting agenda.

Resolution No. 004/2016 implements the City Council's April 5, 2016, direction.

IMPACT – BUDGET

N/A

TIME CONSTRAINTS

The GMHB Order Finding Continuing Non-Compliance sets a compliance due date of September 28, 2016.

NOTE: Item deferred to a later date by City Council Action at the April 12, 2016, Meeting; At the May 10, 2016, Council Meeting, Councilmembers Cudaback and Scarboro requested this item be added to the May 17, 2016, Meeting Agenda.

ALTERNATIVES TO REQUESTED ACTION

City Council may:

1. Defer consideration of Resolution No. 004/2016 to a later date.
2. Seek GHMB compliance through the preparation of environmental documentation.
3. File an appeal of the GMHB Order through court action.
4. Discuss with staff and City Attorney potential different options, if any, to achieve compliance.

**CITY OF MONROE
RESOLUTION NO. 004/2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, FORMALLY EXPRESSING THE CITY COUNCIL'S INTENT TO ACHIEVE COMPLIANCE IN CPSGMHB CASE NO. 14-3-0006C BY DISCONTINUING FURTHER ATTEMPTS TO RECLASSIFY AND REZONE THE EAST MONROE AREA FROM LIMITED OPEN SPACE (LOS) TO GENERAL COMMERCIAL (GC); AUTHORIZING AND DIRECTING THE MAYOR AND THE CITY ATTORNEY TO TAKE ALL NECESSARY AND APPROPRIATE MEASURES TO CONVEY THE CITY COUNCIL'S POSITION TO THE GROWTH BOARD AND OBTAIN A FINDING OF COMPLIANCE; ENTERING LEGISLATIVE FINDINGS; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Monroe's previous actions reclassifying and rezoning the East Monroe area from Limited Open Space to General Commercial under Ordinance Nos. 022/2013, 024/2013, 015/2015 and 016/2015 have been rejected and invalidated by the Growth Management Hearings Board in CPSGMHB Case No. 14-3-0006c; and

WHEREAS, the Monroe City Council now desires to discontinue its efforts to re-designate the East Monroe area, and to achieve compliance in CPSGMHB Case No. 14-3-0006c by formally expressing said intent.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONROE AS FOLLOWS:

Section 1. Findings. The above recitals are hereby adopted by reference as findings in support of this resolution. The City Council further enters the following findings:

1.1 On December 26, 2013, the Monroe City Council adopted Ordinance Nos. 022/2013 and 024/2013, which, *inter alia*, amended the City's Comprehensive Plan Land Use Map and Zoning Map to reclassify and rezone a forty-three (43) acre area of vacant land commonly known as the East Monroe area from Limited Open Space (LOS) to General Commercial (GC).

1.2 The East Monroe reclassification and rezone (collectively "the East Monroe Proposal") was subsequently challenged before the Growth Management Hearings Board (GMHB) by multiple parties.

1.3 After briefing and a hearing on the merits, the GMHB issued its Final Decision and Order (FDO) in CPSGMHB Case No. 14-3-0006c on August 26, 2014.

1.4 Although the FDO rejected the vast majority of the legal challenges that had been asserted against the East Monroe Proposal, the GMHB ultimately determined that the Final Environmental Impact Statement (FEIS) that had been prepared in conjunction with the East Monroe Proposal was inadequate due to a few alleged deficiencies. As a result of this conclusion, the GMHB issued a finding of noncompliance and a determination of invalidity with respect to the East Monroe Proposal.

1.5 In response to the August 26, 2014, FDO, the City of Monroe coordinated with consultants hired by landowner/applicant Heritage Baptist Church to prepare a Supplemental Environmental Impact Statement (SEIS) to address the deficiencies identified by the GMHB. The SEIS was issued on November 2, 2015.

1.6 On November 24, 2015, the Monroe City Council passed Ordinance No. 015/2015 and Ordinance No. 016/2015, which readopted the substance of the East Monroe Proposal with the support of the SEIS.

1.7 On April 1, 2016, the GMHB issued an Order Finding Continuing Noncompliance deeming the SEIS inadequate under State Environmental Policy Act (RCW Chapter 43.21C), remanding Ordinance No. 015/2015 and Ordinance No. 016/2015 to the City to be brought into compliance with the GMA and Chapter 43.21C, and entering a determination of invalidity with regards to said ordinances.

1.8 After thorough analysis, discussion, and debate, the City Council has determined that it is in the City's best interests to achieve compliance in GMHB Case No. Case No. 14-3-0006c by formally notifying the GMHB of the City's intent to immediately discontinue further efforts to advance, process, defend or otherwise consider the East Monroe Proposal.

1.9 Pursuant to WAC 242-03-910, this resolution is intended to serve as the legislation adopted or other action taken by the City to comply with the GMHB's Order.

Section 2. Attainment of Compliance; Discontinuation of East Monroe Proposal. Based upon the above findings, the Monroe City Council hereby resolves to achieve compliance in CPSGMHB Case No. 14-3-0006c by formally expressing the City Council's intent to discontinue further efforts to reclassify and rezone the East Monroe area from Limited Open Space to General Commercial. The City Council further resolves to decline any additional consideration and/or processing of CPA2011-01 (Comprehensive Plan Map Amendment) and RZ2012-02 (Zoning Map Amendment), and said applications shall henceforth be deemed closed.

Section 3. Acknowledgement of Limited Open Space Designation. Based upon the determinations of invalidity entered in CPSGMHB Case No. 14-3-0006c with respect to Ordinance Nos. 022/2013 (in relevant part), 024/2013, 015/2015, and 016/2015, the City Council formally acknowledges that the reclassification and rezoning of the East Monroe property to General Commercial under said ordinances is null and void. The City Council further formally acknowledges that under the *status quo ante*,

the current designation of the East Monroe area under the City's Land Use Map and Zoning Map is Limited Open Space.

Section 4. Direction. The Mayor and/or the City Attorney are hereby authorized and directed to take all necessary and appropriate measures to:

4.1 Convey the City Council's decision, as set forth in Sections 2 and 3, to the GMHB, to obtain a determination of compliance from the GMHB, and to conclude CPSGMHB Case No. 14-3-0006c in a manner consistent with the City Council's intent as expressed in this resolution; and

4.2 Effectuate and publicize the City Council's decision through the following actions:

(i) Correction of relevant official references, including without limitation official City maps, concerning the East Monroe property designation;

(ii) Affixation of the following notation to the City's official ordinance file(s) with respect to Ordinance Nos. 022/2013 (in relevant part), 024/2013, 015/2015 and 016/2015: "Invalidated per CPSGMHB Case No. 14-3-0006c."

(iii) Notification to the landowner/applicant;

(iv) Notification to the Department of Commerce; and

(v) Notification to the public.

Section 5. Effective Date. This resolution shall take effect immediately upon passage.

ADOPTED by the City Council of the City of Monroe, at its regular meeting thereof, and APPROVED by the Mayor this ____ day of _____, 2016.

Approved: May 17, 2016
Effective: May 17, 2016

CITY OF MONROE, WASHINGTON

(SEAL)

Geoffrey Thomas, Mayor

ATTEST:

Elizabeth M. Smoot, MMC, City Clerk



MONROE CITY COUNCIL
Transportation/Planning, Public Works, Parks & Recreation
and Public Safety Committee Meeting
Tuesday, May 17, 2016, 6 P.M.
Council Chamber, City Hall

AGENDA

- I. Call to Order**
- II. Approval of Minutes (April 26, 2016)**
- III. Unfinished Business**
 - A. 2016 Work Plan
- IV. New Business**
 - A. Tract 999
 - B. Garbage Contract
- V. Other**
- VI. Next Committee Meeting (June 21, 2016)**
- VII. Adjournment**



**PUBLIC WORKS DEPARTMENT
DESIGN & CONSTRUCTION DIVISION
MAY 2016 UPDATE**

TJERNE PLACE – CHAIN LAKE ROAD TO WOODS CREEK ROAD

Background

This project involves extending Tjerne Place from Chain Lake Road to Woods Creek Road. Right-of-Way acquisition is needed along the length of the project. The proposed improvements include wide sidewalks on both sides of the road, two 12-ft travel lanes and a center turn lane, modifications to the existing signal at Chain Lake Rd and Tjerne Place, and a new driveway into the Safeway shopping center. Provisions are being made for a new signal at Woods Creek Rd, and will be installed depending on the cost of the project. We have a commitment from PUD to provide \$1,000,000 and have received a \$3,100,000 grant from TIB.

Estimated Cost: \$4,847,700

Construction Target: Begin Summer 2015; End Summer 2016

Update

Lane striping occurred during the last week of April, followed shortly by the last concrete sidewalk areas being poured. The contractor is taking care of small work elements while the project waits to receive the control cabinet for the new signal at Woods Creek Road. Staff are looking into ways to fast track the cabinet and get the project opened to the public as soon as is practical. We are hopeful that this will occur before June, but procurement issues may take a little longer.

Timeline

July 2015	Construction begins
November 2015	Construction suspended
April 2016	Construction resumes
April 2016	Substantial Completion
May/June 2016	All Work Completed
July 2016	Project is Accepted



W. MAIN STREET SIDEWALKS

Background

The project scope includes installing a concrete sidewalk along the south side of W. Main Street between the Tester Road Roundabout and the future Housing Hope development. This would complete sidewalk connectivity between downtown and the Monroe High School, thereby increasing pedestrian safety and providing alternative modes of transportation. The City received a grant from TIB in the amount of \$368,638 to help fund this project.

Estimated Cost: \$495,000

Construction Target: Spring 2016

Update

The project went out to bid, and RRJ Company LLC is the low bidding contractor. Their contract is scheduled to be awarded on May 17th. Construction is tentatively planned to begin after the Monroe School District goes on summer break (June 22nd).

Timeline

November 2014	Grant Awarded
February 2015	Design
February 2016	Design completed
April 6 th , 2016	Project advertised to contractors
June 2016	Construction begins
August 2016	Construction complete



179th AVENUE SE SIDEWALKS

Background

The City of Monroe applied for and received a \$372,500 grant from the Community Development Block Grant Program of Snohomish County's Housing and Urban Development. The concrete sidewalk will be installed along the west side of 179th Ave SE, filling in gaps such that once the project is completed there will be a continuous sidewalk along the west side from Main Street to 157th Street SE.

Estimated Cost: \$372,500

Construction Target: Summer 2016

Update

Engineering staff are working the design drawings and also working with adjacent property owners to acquire necessary right-of-way to construct the project. This month the engineers will be developing design drawings and specifications. The targeted bid advertisement has been rescheduled for early June due to project prioritization, but may also be impacted by delays in securing necessary right-of-way.

Timeline

January 2015	Grant Awarded
August 2015	Design
May 2016	Design completed
June 2016	Project advertised to contractors
July 2016	Construction begins
September '16	Construction complete



WOODS CREEK ROAD PHASE I

Background

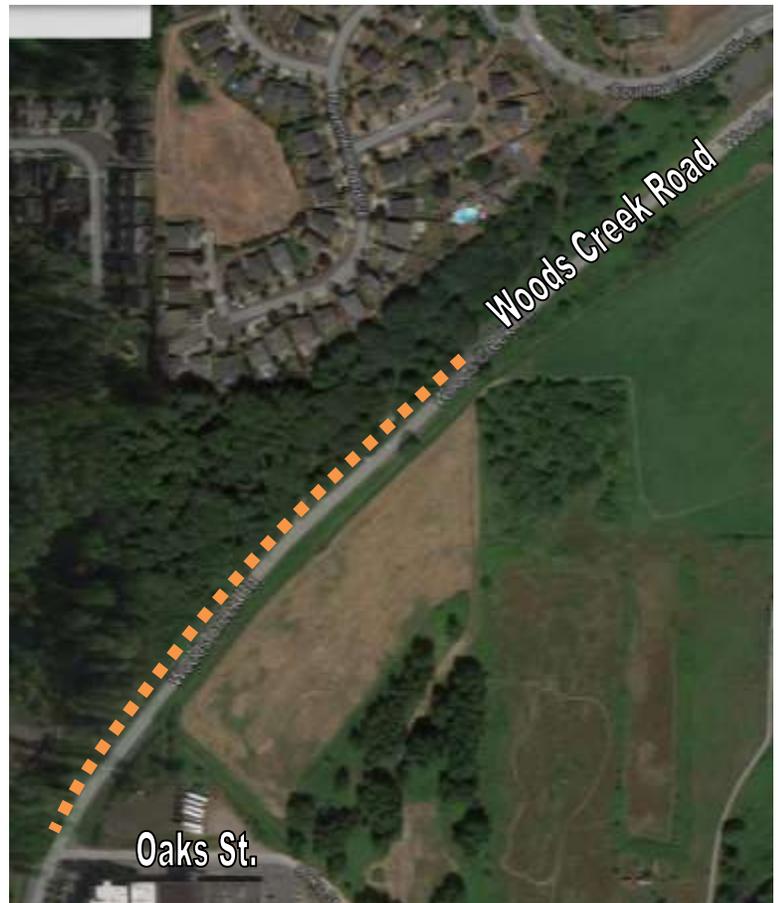
In 2011 plans were prepared for a new shared path along the west side of Woods Creek Road that would connect the downtown to the trail system coming down from The Farm development. The plans include a paved 10' wide trail, soldier pile retaining wall, and necessary storm drainage. At that time local funding carried the project only through design development. In 2014 the City received a grant from the Puget Sound Regional Council (PSRC) to construct the project. This grant award has a maximum payable amount of \$1,718,000. The project is alive again and will be constructed in 2016. Estimated Project Cost: \$2,071,000 (incl. design & construction)
Construction Target: Summer 2016

Update

The project was awarded to the low bidder, Thomco Construction, Inc. Construction is slated to begin the third week of May to allow for existing utilities to be relocated outside of the construction zone.

Timeline

January 2014	Grant Awarded
August 2015	Design
Winter 2015/16	Design completed
January 2016	Project advertised to contractors
May 2016	Construction begins
Sept. 2016	Construction complete



SIDEWALK RAILROAD CROSSINGS – FRYELANDS BOULEVARD & 179TH AVENUE SE

Background

In 2015 the City received a \$244,500 grant from the Community Development Block Grant (CDBG) program of Snohomish County. The purpose of this project is to provide safe pedestrian pathways across the existing railroad tracks at both the Fryelands Boulevard and 179th Avenue SE street crossing locations.

Estimated Project Cost: \$291,500

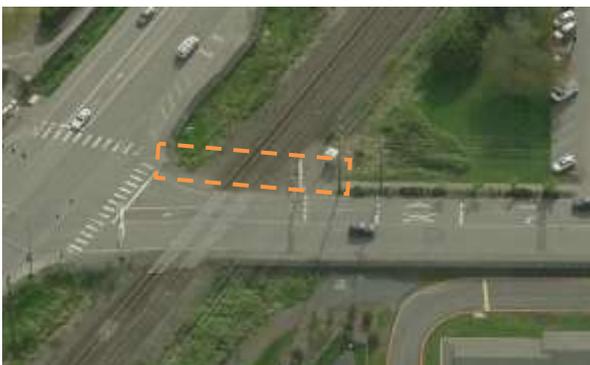
Construction Target: Summer 2016

Update

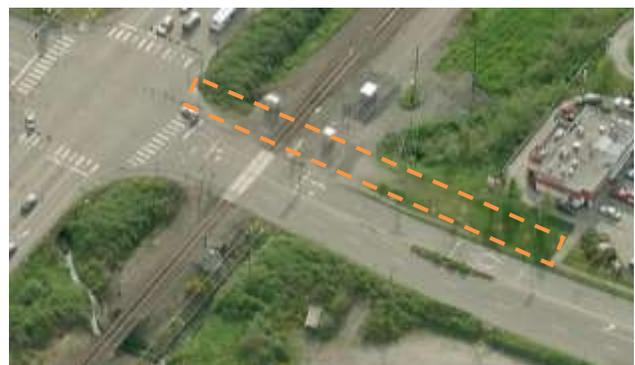
A topographic survey was completed for both crossing locations. Engineering staff are waiting on Burlington Northern Santa Fe (BNSF) for a wider access easement over the railroad tracks. The progress of design and eventual construction is heavily dependent on BNSF and the Utility Transportation Commission (UTC). With that understanding, we anticipate the design efforts to begin in the Fall of this year and have project documents complete and ready for contractor bid advertisement in 2017.

Timeline

January 2015	Grant Awarded
August 2016	Design
Winter 2016/17	Design completed
Spring 2017	Project advertised to contractors
Spring 2017	Construction begins
Summer 2017	Construction complete



179th Avenue SE



Fryelands Boulevard

COLUMBIA AND ELIZABETH WATERMAIN

Background

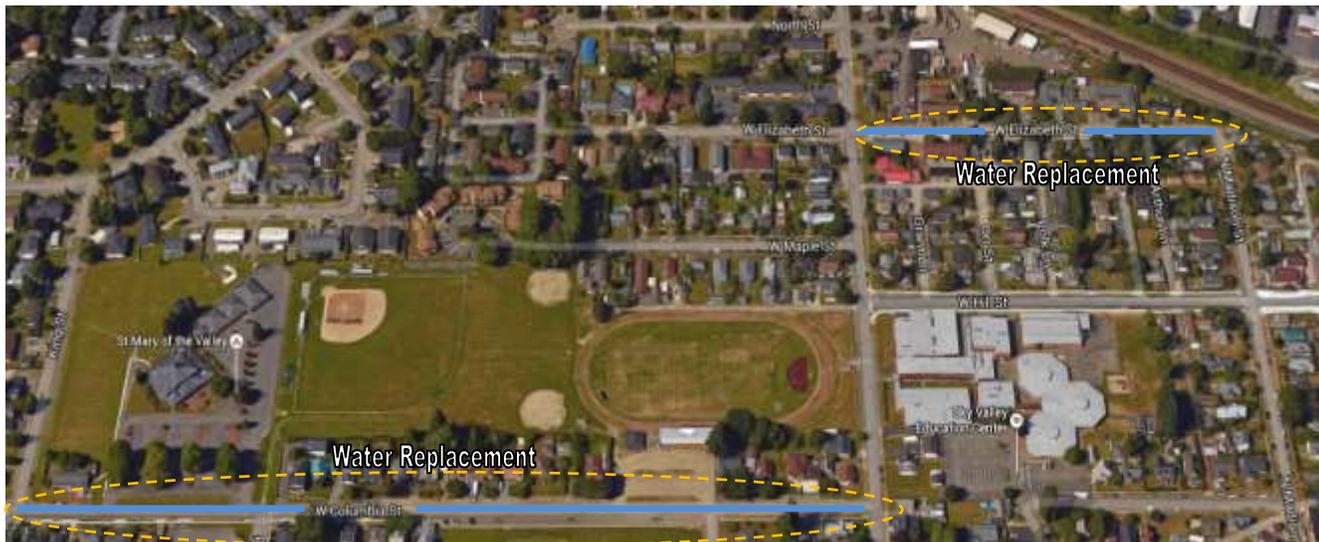
The water mains under Columbia Street and Elizabeth Street are aging and will be replaced with new ductile iron pipe this Spring. The water replacement work is scheduled to be completed by July. Later this summer the streets' surfaces will be milled and overlaid with new asphalt and striping.

Update

Construction is underway! The contractor (Oceanside) is about 75% complete with construction on W. Columbia Street, after which they will relocate to Elizabeth Street and begin replacing that street's water main. The schedule is updated to reflect water main construction finishing in June instead of July.

Timeline

Fall 2015	Design
February 2016	Design completed
February 2016	Project advertised to contractors
March 2016	Construction begins
June 2016	Water construction ends
August 2016	Asphalt overlay



RIVMONT WATERMAIN

Background

The road surface condition of Rivmont Street is substandard, and the existing water main is aging. The City will replace the water main this spring with new ductile iron piping, as well as rehabilitate the road surface with new asphalt and road base.

Update

Oceanside Construction, Inc. was awarded the contract for this project. The project will begin construction once this contractor finishes with the water main replacement project on W. Columbia and Elizabeth streets. The timeline is updated to reflect this scheduling.

Timeline

January 2016	Design
March 2016	Design completed
March 2016	Project advertised to contractors
June 2016	Construction begins
August 2016	Water construction ends
Sept. 2016	Road Construction ends



FAIRFIELD PARK ENTRANCE

Background

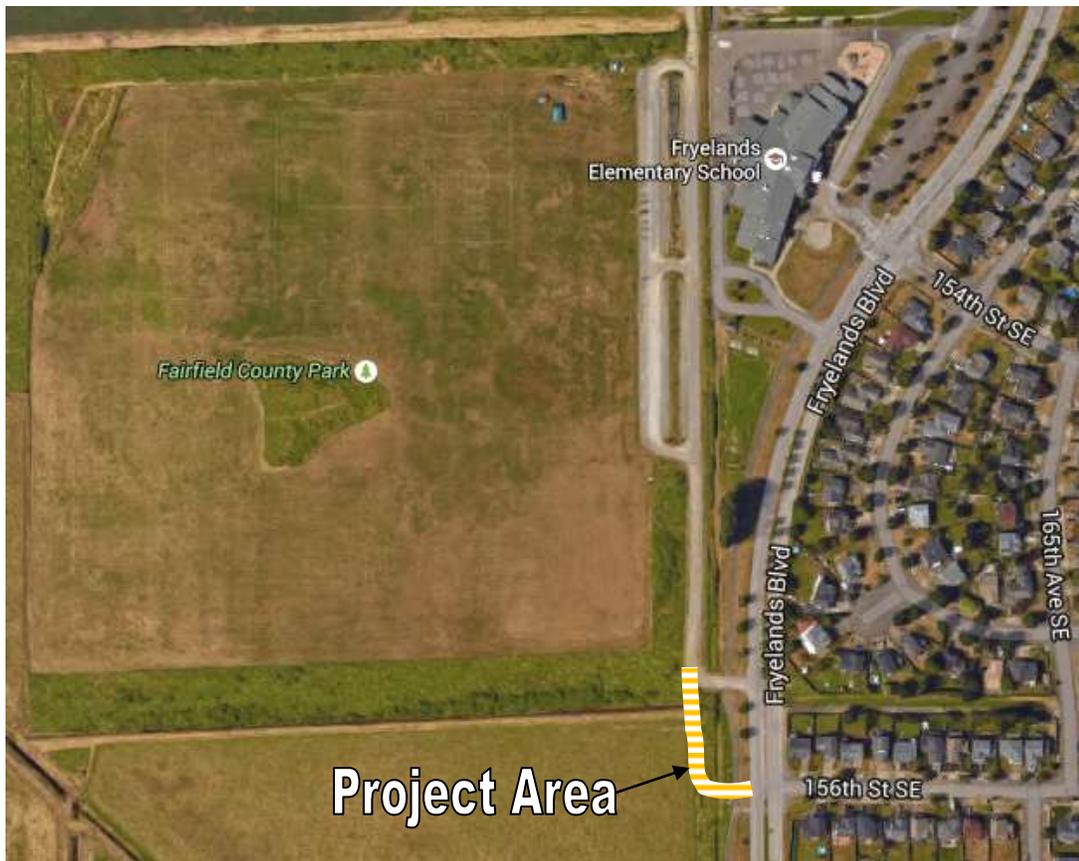
The existing entrance into Snohomish County's Fairfield Park is difficult to access for vehicles travelling north on Fryelands Boulevard. This project represents a coordinated effort with Snohomish County Parks to realign the entrance to the south and across from 156th Street SE. The City will construct the new entrance from Fryelands Boulevard to the City Limits, and the County will extend the park's access road to connect to the new location.

Update

City engineering staff are working on the driveway design, coordinating the efforts with the consultant biologist and Snohomish County Parks.

Timeline

Spring 2016	Design
May 2016	Design completed
May 2016	Coordination with County
Summer 2016	Construction begins
Summer 2016	Construction ends



POWELL STREET SEWER

Background

The City of Monroe desires to decommission an existing aged water main and sewer main from an old, abandoned alley easement. This project location is in the middle of the block bordered by Park Street (east), S. Kelsey Street (west), Powell Street (north), and Terrace Street (south). Some existing structures are very close to these utilities, presenting risk should the utilities fail. The project scope includes constructing new sewer and water mains in public streets, and redirecting the affected residential utility connections to these new mains. Powell Street, between S. Kelsey Street and Park Street, will receive a new asphalt overlay once the utility work is complete.

Update

The design consultant, RH2 Engineering, Inc., conducted an open house to receive input from properties that will be impacted by this project. Design efforts are underway, with RH2 coordinating closely with City staff and the neighborhood.

Timeline

Spring 2016	Design
May 2016	Design completed
June 2016	Advertise for Bids
August 2016	Construction begins
October 2016	Construction ends



2016 STREET PRESERVATION PROGRAM

Background

The City has established a Transportation Benefit District (TBD) to help maintain existing streets. Maintenance efforts include practices such as overlaying with new asphalt, adding new aggregate to the road surface (chip sealing), replacing lost binder oils on the surface (fog seal), and filling in cracks with elastomeric material (crack sealing).

The City has a program that determines best use of TBD funds to maximize maintenance efforts toward our citywide street system. Additionally, the asphalt overlays will be combined with Snohomish County's annual overlay program for efficiency and competitive pricing opportunities. Other treatments may be coordinated with Snohomish County, other local agencies, or pursued as a capital project using contractor bids to perform the work.

For overlays and chip sealing applications, existing sidewalk ramps adjacent to the project area will be reviewed and reconstructed as necessary to be compliant with current ADA standards.

All treatments are anticipated to occur during the dry summer months.

2016 Street List

The following streets are targeted for preservation efforts in 2016. Staff are coordinating with Snohomish County to utilize the county-wide overlay program for competitive bid pricing, as well as analyzing pedestrian crossings within the overlay projects for ADA compliance.

<u>Street</u>	<u>Limits</u>	<u>Application</u>
152 nd St SE	Fryelands Blvd to 167 th Ave SE	Fog Seal
173 rd Ave SE	South end to 156 th St SE	Fog Seal
Ferry St	Main St to Hill St	Fog Seal
Mountain View Rd SE	171 st Ave SE to End	Fog Seal
Sawyer St	Van Ave SE to 171 st Ave SE	Fog Seal
Sykes Drive	Sawyer St to End	Fog Seal
Tatty Ave	South End to 160 th St SE	Fog Seal
Van Ave SE	168 th Dr SE to North End	Fog Seal
Wales St SE	Fryelands Blvd to Cambridge St	Fog Seal
197 th Ave SE	143 rd St SE to Chain Lake Rd	Chip Seal
143 rd St SE	West End to East End	Chip Seal
Ann St	Fremont St to Railroad Ave	Chip Seal
Madison St	Powell St to Main St	Chip Seal
Woods Creek Road	Oaks St to City Limits	Chip Seal
181 st Ave SE	150 th St SE to 149 th St SE	Overlay
Columbia St	182 nd Ave to Kelsey St	Overlay
Powell St	Park St to Kelsey St	Overlay
173 rd Ave SE	Main St to End	Overlay
Fryelands Boulevard	152 nd St to 154 th ST (south lanes)	Overlay
Chain Lake Road	Roundabout to Rainier View Rd	Overlay
Rivmont Dr	West End to East End	Reconstruct

GRANTS

The City actively pursues other sources of project funding through grants. Grants sources include State and Federal resources and help defray the cost of maintaining and improving the City of Monroe's infrastructure. The following is a summary of grant activity that Public Works staff are involved in.

<u>Grants Received:</u>	<u>Grant Amount</u>	<u>Description</u>
Main St. Gateway Entrance	\$246,000	Design round-a-bout for Gateway Entrance
Tjerne Place Extension	\$3,151,000	Extend Tjerne Place to Woods Creek Road
Main Street Sidewalk	\$368,638	Add sidewalk along the south side of Main St
179 th Ave SE Sidewalks	\$372,251	Add sidewalk to the west side of 179 th Ave SE
Woods Cr. Trail Phase I network	\$1,718,000	Build trail from downtown to Farm trail
Sidewalk Railroad Crossings	\$244,500	Fryelands Blvd & 179 th Ave SE sidewalks
Asphalt Overlays	\$401,000	Portion of Fryelands (Main to 152 nd) and Chain Lake Road (Rainier to Brown)

The following list represents 2016 grant applications that have been applied for:

Oaks Street Improvements Design: The City is seeking a federal grant through Puget Sound Regional Council (PSRC) to fund design efforts toward improving Oaks Street. We will also be seeking a state grant as an additional funding source.
Requested Grant: \$389,250 (CMAQ/STP)

Chain Lake Road Phase 2a: This project would extend the existing wide sidewalk along the west side of Chain Lake Road north to Brown Road (City Limits). The City has applied for a federal grant (PSRC) to fund the construction phase, as the design phase has already received funding. We have also applied for a state grant through the Pedestrian Bike Program as an additional funding source.
Requested Grant: \$2,432,867 (CMAQ/STP)
Requested Grant: \$234,723 (WSDOT Ped/Bike)

US-2 Shared Use Path: Both federal and state grants have been applied for to fund the design phase of a new sidewalk segment along Highway 2, specifically along the north side between Cascade View Drive and 179th Avenue NE (fairgrounds area).
Requested Grant: \$90,250 (CMAQ/STP)
Requested Grant: \$107,190 (WSDOT Ped/Bike)

191st Street SE Extension: The City applied for a federal design grant to design an extension of this road south into downtown Monroe, including whether to connect to

Galaxy Way or head southeasterly and connect to the roundabout at N. Kelsey/Chain Lake Rd. We will also be seeking a state grant through the Transportation Improvement Board (TIB) as an additional funding source.
Requested Grant: \$687,165 (CMAQ/STP)

Engineering staff plan to apply for grants in the near future as those funding programs become available. These sources include WSDOT (Safe Routes to Schools Program) and Transportation Improvement Board (TIB).

**PUBLIC WORKS DEPARTMENT
OPERATIONS & MAINTENANCE**

2016 O&M DIVISION SMALL PROJECT UPDATE

Background

The maintenance work that City staff completes annually includes small improvement projects such as replacing a section of obsolescent water main, updating street lighting, refurbishing a failed drainage infiltration system, or improving ADA access ramps at an intersection. These projects are minor enough in scope and budget to make it more cost effective to complete the work with in-house labor due to the reduction in required administrative overhead and outside contractor cost mark ups.

Update:

Listed below is an update for the small project schedule for late 2015 and 2016.

- **SR2 - Street light LED repair and retro-fit Phase I – Winter, 2015-2016**
Completion will increase pedestrian and motorist safety on SR2 within the City's service area. **100% complete, January 6, 2015.**
- **Lords Lake bio-swale inlet re-establishment – Summer, 2016**
Re-establish function of Lords Lake inlet bio-swale by removing silt and replanting vegetation. **15% complete, SEPA application is expected to receive a determination of non-significance, grading permit is pending.**
- **Asphalt patching in advance of TBD projects – Spring/Summer, 2016**
Repair areas of roads to be resurfaced prior to work by contractors. Repair work funded by TBD. **30% complete. Field work will started the week of April 1st, crews have completed asphalt repairs on Ann St. and 177th AVE SE.**
- **Vegetative Buffer Rehabilitation Phase II – Summer, 2016**
Completion will eliminate the final section of the unnecessary soil berm and associated hazard trees along the trail. In lieu of a raised soil berm, a vegetative berm will be re-established at grade using coniferous and deciduous tree species that are sized appropriately for the site. **15% complete, SEPA application has received a determination of non-significance, grading permit is approved.**
- **Automated Metering Infrastructure (AMI) – 2016**
Completion of AMI installation will include replacement of 6000 customer water/sewer meters, customer information interactive web access and instantaneous meter read capability. **30% complete, Ferguson Waterworks has installed the collector equipment, and programming is complete. The City billing account information is being integrated with Springbrook billing software and Sensus analytics software off site. Meter installation prep work is progressing daily with nearly 2000 meters prepared to hand over to the contractor for removal of old equipment and installation of new equipment.**
- **Spring Hill pump station – 2016**
The area surrounding the Spring Hill reservoir does not have water service pressure that meets the minimum standards as established by Washington State

Dept. of Health. The pump station will up service pressures to acceptable levels for all customers served in the pressure zone. **20% complete, Plans and specifications have been finalized. Pump equipment will be ordered this week.**

- **AC water main replacement 154th ST SE and 182nd AVE SE – Fall, 2016**
Replace approximately 300 lineal feet of obsolescent 8” AC water main with new ductile iron pipe. **10% complete, Plans and specifications are in 2nd review.**
- **Sewer System Cleaning Program – Winter 2015/2016**
High pressure water jetting of dead end sewer mains City wide. **100% complete, January 2016.**
- **Water System Dead End Flushing Program – 2016**
Complete flushing of all system dead ends to maintain water consistent with the applicable EPA and DOH standards. **100% complete, March 2016.**



MONROE THIS WEEK

May 13, 2016 Edition No. 19

Mayor

Geoffrey Thomas
gthomas@monroewa.gov

Councilmembers

Patsy Cudaback
Kevin Hanford
Ed Davis
Jason Gamble
Jim Kamp
Jeff Rasmussen
Kirk Scarboro
councilmembers@monroewa.gov

City Hall

806 West Main Street
Monroe, WA 98272
Phone: 360.794.7400
Open 8AM – 5PM, M-F

Appointment Openings

No Openings At This Time

Job Openings

Construction Inspector
Public Works O&M Seasonal Laborer
Senior Engineer – Development Review
Seasonal Parks

Events this Week

- 05/14 Annual Spring Clean-Up, Monroe High School, 8AM-2PM*
- Miracle League Games, Rotary Field, 8AM-2PM*
- Monroe Lip-Sync Contest, Wagner Performing Arts Center, 6PM*
- 05/17 City Council P4 Meeting, Permit Center, 6PM*
- City Council Meeting, City Hall, Council Chambers, 7PM*
- 05/17 MHS Girls District Softball Tournament,*
- 05/20 Sky River Park, 3-6PM*

From the Office of Mayor Thomas

To highlight some of the things going on in our community, I am writing this weekly city update, "Monroe This Week. If you have any suggestions or questions regarding "Monroe This Week" or the stories below, please contact me at GThomas@MonroeWa.gov.

Yours in Service,

Mayor Geoffrey Thomas

Be In The Know!

Skatepark Construction Underway

The much anticipated construction phase of Lake Tye Park skate park improvements broke ground on Thursday, April 7, 2016. Construction is moving along and the contractor is on track for a completion sometime in July 2016. Stay tuned for updates!



City of Monroe Year-to-Date Comparisons

The following are year-to-date comparisons

Sales Tax Revenues

'15 to 4/30/15: \$1,273,332

'16 to 4/30/16: \$1,418,456

UP \$145,124 or 11.40%

Real Estate Excise Tax

'15 to 4/30/15: \$188,998

'16 to 4/30/16: \$297,317

UP \$108,315 or 57.31%

Lodging Tax Revenues

'15 to 4/30/15: \$14,384

'16 to 4/30/16: \$18,403

UP \$4,019 or 27.94%

Business License Fees

'15 to 4/30/15: \$16,948

'16 to 4/30/16: \$17,913

UP \$964 or 5.69%

Building Permit Revenues

'15 to 4/30/15: \$105,764

'16 to 4/30/16: \$132,110

UP \$26,346 or 24.91%

Planning Fee Revenues

'15 to 4/30/15: \$34,000

'16 to 4/30/16: \$12,766

DOWN \$21,235 or -62.45%

New House Permits

'15 to 4/30/15: 25

'16 to 4/30/16: 33

UP 8 units or 32%

Multi-Family Permits (# units)

'15 to 4/30/15: 13

'16 to 4/30/16: 4

DOWN 9 units or -69.2%

Building Division Inspections

'15 to 4/30/15: 570

'16 to 4/30/16: 584

UP 14 or 2.5%

Grant Submittals

The City of Monroe has submitted two grant applications for the 2016 Pedestrian and Bicycle Program. One application is for funding the design of a shared-used path along the north side of Highway 2, between 179th Ave SE and Cascade View Drive (along the Fairgrounds). The other application is for funding the design and property acquisition for a shared-use path along the west side of Chain Lake Road, between Country Crescent and Brown Road. The City will hear back about these applications next year, June 2017. Another grant application is for the Safe Routes to School program. This grant would allow for the design, right-of-way, and construction for a sidewalk along the south side of 154th Street; the west side of 182nd Street; and the south side of West. Columbia Street. Thank you to our City Staff for working hard on the grant application process. We are excited for the potential and will keep you posted!

Seeking Applicants For City of Monroe Planning Commission

The City of Monroe is currently seeking applicants to fill the following vacancy on the Monroe Planning Commission -- one opening to fill a vacant position with the term ending December 31, 2019. Planning Commission members are appointed by the Mayor and confirmed by the City Council. For more information and an application, [click here](#).

New Water Meter Installation Continues

Ferguson Waterworks continue to install new water meters in the Downtown Monroe area. All installers will have ID badges, wear uniforms with Ferguson Waterworks logo, travel in marked vehicles, and have completed background checks. If you have questions or concerns, please contact the Public Works Department at 360-794-6100.

Safety Reminder

As the weather is warming up people tend to visit our local lakes and rivers. It is very important to remember the dangers in the water this time of year. The water is very cold from the snow melt and can have an impact on a person's breathing while swimming. There are also dangers underneath the water with logs and rocks being covered by the higher river levels. Remember to always wear a life jacket, swim in designated areas, and never swim alone. For more water safety tips visit <http://www.safekids.org/poolsafety>.