



**CITY COUNCIL MEETING AGENDA**  
**Council Chambers, 1000 Laurel Street**

**August 8, 2016**  
**Monday**

**Special Meeting**  
**7:00 p.m.**

- 1. Call to Order and Flag Salute**
- 2. Roll Call of Councilmembers**
- 3. Additions/Deletions**
- 4. Citizen Participation**

Citizens may comment on any topic that is not on the Regular Agenda. To comment, please raise your hand to request recognition by the Mayor. Once so recognized, please step to the podium and state your name and address for the record before making your comments. Also, please limit your comments to no more than three (3) minutes.

The public may comment on individual agenda items on the Regular Agenda prior to Council's action.

The public may also submit written communications, via letters or emails to [dperry@cityofmilton.net](mailto:dperry@cityofmilton.net). Any item received by noon on the day of the meeting will be distributed to Council.

- 5. Presentation**
  - A. Milton Police Department Mobile App
- 6. Public Hearings**
  - A. Ordinance – Transportation Impact Fees Update
  - B. Ordinance – School Impact Fees Update
- 7. Regular Agenda**
  - A. Ordinance – Transportation Impact Fees Update
  - B. Ordinance – School Impact Fees Update

Council may add and take action on other items not listed on this agenda.

If you need ADA accommodations, please contact City Hall at (253) 517-2705 prior to the meeting.

Thank you.

- C. Discussion – Park Impact Fees
- D. Authorization to Bargain with Fraternal Order of Police Lodge 27
- E. Resolution – IT Equipment Surplus and Resale Authorization
- F. Council Retreat Date
- G. Vacant Council Position #1

**8. Council Reports**

**9. Director's Reports**

**10. Mayor's Report**

**11. Adjournment**

Council may add and take action on other items not listed on this agenda.

If you need ADA accommodations, please contact City Hall at (253) 517-2705 prior to the meeting.

Thank you.



**To:** Mayor Perry and City Council Members  
**From:** Mark Howlett, P.E., City Engineer/Interim Public Works Director  
**Date:** August 8, 2016  
**Re:** **Public Hearing – Transportation Impact Fee Modifications and Deferral**

---

**ATTACHMENTS:** See Item 7A

---

**TYPE OF ACTION:**

Information Only  Discussion  Public Hearing  Expenditure Required:

**Recommended Action:** Open the Public Hearing, accept public comment, close the Public Hearing

---

**Issue:** Chapter 16.84 of the Milton City Code is in need of revision in order implement new state law as well as update City Code to make it better conform with other portions of the code.

**Discussion:** This item has three parts.

- A. In accordance with City Code the Transportation Impact Fee is to be adjusted annually by applying the Engineering News Record Annual Construction Cost Index. This year the increase is 1-percent. This adjustment will raise the amount from \$3,941 to \$3,980.
- B. Staff also recommends that Council consider moving MMC Chapter 16.85 (Transportation Impact Fee Program) to a more appropriate location in the municipal code. Currently, this chapter is housed in the City's subdivision regulations, despite the fact that transportation impact fees apply to more development activities than subdivisions. Moving MMC 16.85 to Title 13 (Public Services) will make it clear that transportation impact fees apply to all development activities, not just subdivisions. In addition, housing transportation impact fees in Title 13 will eliminate confusion for users looking for impact fees who may not look in Title 16. (Title 13 already houses school impact fees and utility rates.)
- C. In 2015 the Washington State Legislature passed a bill (ESB 5923) which requires counties, cities and towns to adopt a deferral system for the collection of Transportation Impact Fees for new single-family detached and attached residential construction. The deadline for the implementation of this deferral system is September 1, 2016.

Under this bill the impact fee payment will be deferred until the time of either:

1. Final Inspection;
2. Issuance of the certificate of occupancy or equivalent certification; and/or
3. Closing of the first sale of the property.

An administrative fee of \$250 will be charged for each deferral application. No deferral will be issued until this fee is paid.

The purpose of this Public Hearing is to allow citizens the opportunity to express their opinions on this topic.



To: Mayor Perry and City Council Members  
From: Mark Howlett, P.E., City Engineer/Interim Public Works Director  
Date: August 8, 2016  
Re: **Public Hearing – Updating School Impact Fees**

---

**ATTACHMENTS:** See Item 7B

---

**TYPE OF ACTION:**

Information Only  Discussion  Public Hearing  Expenditure Required:

**Recommended Action:** Open the Public Hearing, accept public comment, close the Public Hearing

---

**Issue:** The Fife School District has updated their Capital Facilities Plan which has resulted in a revision to the School Impact Fees that will be assessed. This action will modify City code to reflect the new Impact Fees and provide for a deferral of collection of those impact fees.

**Discussion:** The City of Milton adopted School Impact Fees in 1996. The fee amounts set by the Fife School District are based on their need for Capital expenditures to accommodate growth. A developer of residential construction pays the fees directly to the School District. The City does not issue a building permit until a receipt of such payment is submitted to the City.

On June 27, 2016 the Fife School District adopted the 2016-2022 Capital Facilities Plan. This plan modifies the Impact Fee amount for single family homes from \$2,640 to \$6,670 and the multi-family from \$5,664 to \$1,772.

In 2015 the Washington State Legislature passed a bill (ESB 5923) which requires counties, cities and towns to adopt a deferral system for the collection of School Impact Fees for new single-family detached and attached residential construction.

Under this bill the impact fee payment will be deferred until the time of either:

1. Final Inspection;
2. Issuance of the certificate of occupancy or equivalent certification; and/or
3. Closing of the first sale of the property.

An administrative fee of \$250 will be charged for each deferral application. No deferral will be issued until this fee is paid.

The purpose of this Public Hearing is to allow citizens the opportunity to express their opinions on this topic.



**To:** Mayor Perry and City Council Members  
**From:** Mark Howlett, P.E., City Engineer/Interim Public Works Director  
**Date:** August 8, 2016  
**Re:** **Ordinance Second Read – Transportation Impact Fee Modifications and Deferral**

---

**ATTACHMENTS:** Ordinance

---

**TYPE OF ACTION:**

Information Only  Discussion  Action  Expenditure Required:

**Recommended Motion:** I move to approve the attached ordinance Revising Chapter 16.85 of Milton Municipal Code regarding Transportation Impact Fees and providing a mechanism for deferral of fee collection until\_\_\_\_\_.

---

**Issue:** Chapter 16.84 of the Milton City Code is in need of revision in order implement new state law as well as update the Code to make it better conform with other portions of the code.

**Discussion:** This item has three parts.

- A. In accordance with City Code the Transportation Impact Fee is to be adjusted annually by applying the Engineering News Record Annual Construction Cost Index. This year the increase is 1-percent. This adjustment will raise the amount from \$3,941 to \$3,980.
- B. Staff also recommends that Council consider moving MMC Chapter 16.85 (Transportation Impact Fee Program) to a more appropriate location in the municipal code. Currently, this chapter is housed in the City's subdivision regulations, despite the fact that transportation impact fees apply to more development activities than subdivisions. Moving MMC 16.85 to Title 13 (Public Services) will make it clear that transportation impact fees apply to all development activities, not just subdivisions. In addition, housing transportation impact fees in Title 13 will eliminate confusion for users looking for impact fees who may not look in Title 16 (Title 13 already houses school impact fees and utility rates).
- C. In 2015 the Washington State Legislature passed a bill (ESB 5923) which requires counties, cities and towns to adopt a deferral system for the collection of Transportation Impact Fees for new single-family detached and attached residential construction. The deadline for the implementation of this deferral system is September 1, 2016.

Under this bill the impact fee payment will be deferred until the time of either:

1. Final Inspection;
2. Issuance of the certificate of occupancy or equivalent certification; and/or
3. Closing of the first sale of the property.

An administrative fee of \$250 will be charged for each deferral application. No deferral will be issued until this fee is paid.

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON, REPEALING CHAPTER 16.84 OF THE MILTON MUNICIPAL CODE AND ADDING CHAPTER 13.44 AS IT RELATES TO THE COLLECTION AND DEFERRAL OF TRANSPORTATION IMPACT FEES; ENTERING LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

---

WHEREAS, the Milton Municipal Code provides for an annual increase in the peak hour trip impact fee; and

WHEREAS, the Citizens of Milton will be better served if Chapter 16.84 of Milton Municipal Code was moved to Chapter 13; and

WHEREAS, the Washington State Legislature passed a bill requiring the City of Milton to adopt a deferral system for the collection of Transportation Impact Fees: NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1. Findings.** The recitals set forth above are hereby adopted as the Milton City Council's findings in support this ordinance.

**Section 2.** Chapter 16.84 of the Milton Municipal Code is hereby repealed, and Chapter 13.44 created as follows:

**Chapter ~~16.84~~ 13.44**

**TRANSPORTATION IMPACT FEE PROGRAM**

Sections:

- ~~16.84.010~~ 13.44.010 Transportation impact fee program established.
- ~~16.84.020~~ 13.44.020 Purpose.
- ~~16.84.030~~ 13.44.030 Definitions.
- ~~16.84.040~~ 13.44.040 Establishment of service area.
- ~~16.84.050~~ 13.44.050 Imposition of impact fee on development activity.
- ~~16.84.060~~ 13.44.060 Disposition of impact fee revenues.
- ~~16.84.065~~ 13.44.065 Impact fees – Calculation.
- ~~16.84.070~~ 13.44.070 Refunds.
- ~~16.84.080~~ 13.44.080 Appeals.
- ~~16.84.090~~ 13.44.090 Reimbursement agreements authorized.
- 13.44.100 Deferral of impact fees.

**16.84.010 13.44.010 Transportation impact fee program established.**

There is established, subject to provisions of this chapter, a transportation impact fee program. (Ord. 1869 § 1, 2015; Ord. 1521 § 2, 2002).

**16.84.020 13.44.020 Purpose.**

It is the purpose of this transportation impact fee ordinance to:

- A. Ensure that adequate transportation facilities are available to serve new growth and development.
- B. Promote orderly growth and development by establishing citywide standards by which new growth and development pay a fair and proportionate share of the cost of citywide transportation facilities necessary to serve new growth and development.
- C. Ensure that impact fees are imposed through established procedures and criteria so that specific development does not pay arbitrary fees or duplicative fees for the same impact. (Ord. 1869 § 1, 2015).

**16.84.030 13.44.030 Definitions.**

Unless the context otherwise requires, the terms defined in this section shall, for all purposes of this chapter, have the meanings specified in this section, with words importing the singular number including the plural number and vice versa:

“Act” means the sections of the Washington State Growth Management Act, codified as Chapter 36.70A RCW, as now in existence, or as hereinafter amended.

“Building permit” means any written authorization from the city which authorizes the commencement of development activity.

“Capital facility plan” means the capital facilities plan element of the city’s comprehensive plan, as now in existence or as hereinafter amended.

“City” means the city of Milton, Washington.

“City comprehensive plan” means the city’s comprehensive land use plan, adopted pursuant to the Act.

“Development activity” means any construction or expansion of a building or structure that creates additional demand on and/or the need for public facilities.

“Fair market value” means the price in terms of money that a property will bring in a competitive and open market under all conditions of a fair **sale** **seale**, the buyer and seller each prudently knowledgeable and assuming the price is not affected by undue stimulus.

“Fund” means, for purposes of this chapter, a group of accounts that maintains information about and accounts for receipt of impact fees and payment of qualifying costs and expenses.

“Impact fee” means a payment of money imposed by the city upon development activity as a condition of development activity approval to pay for public facilities needed to serve new

growth and development, and to mitigate the impacts of the development activity on the transportation facilities of the city, but does not include any permit or application fee.

“LID agreement” means an agreement under RCW 35.43.182 to participate in and not protest formation of a local improvement district for construction of transportation and related improvements.

“Owner” means the owner of record of real property; although real property is being purchased under a real estate contract, the purchaser shall be considered the owner of real property if the contract is recorded.

“Public facilities” refers to public streets, roads, and rights-of-way owned or operated by the city for other governmental entities, including trails, paths, bikeways, other transportation facilities and all attendant improvements.

“Reimbursement contract” or “latecomer agreement” means an agreement under Chapter 35.72 RCW to provide for construction or improvement of street projects which the owner of real estate elects to install as a result of ordinances that require the projects as a prerequisite to further property development.

“Service area” means the boundaries within which transportation impact fees shall be imposed, collected and expended pursuant to this chapter and is coextensive with the city’s corporate limits and shall include all areas annexed to the city after the effective date of the ordinance codified in this section as provided in MMC ~~16.84.040~~ 13.44.040.

“System improvements” means public facilities that are included in the city’s capital facilities plan.

“Transportation facilities” means and refers to streets and roads, but includes all publicly owned streets, roads, alleys, and rights-of-way within the city and street services, traffic control devices, curbs, gutters, sidewalks, and related facilities and improvements.

“Transportation impact fee study” means the 2015 transportation impact fee study that identifies the transportation impact fee cost per trip to implement the comprehensive plan and to address city transportation needs.

“Transportation plan” means the transportation plan element of the city’s comprehensive plan, the city’s six-year transportation improvement program (six-year transportation improvement plan), 2015 transportation impact fee study, and such other transportation programs, plans and studies adopted by the city. (Ord. 1869 § 1, 2015; Ord. 1521 § 2, 2002. Formerly 16.84.020).

#### **~~16.84.040~~ 13.44.040 Establishment of service area.**

The city establishes as the service area for development impact fees the city of Milton, including all property located within the corporate limits of the city. The scope of the service area is hereby found to be reasonable and established on the basis of sound planning and engineering principles. (Ord. 1869 § 1, 2015; Ord. 1521 § 2, 2002. Formerly 16.84.030).

**~~16.84.050~~ 13.44.050 Imposition of impact fee on development activity.**

- A. The city authorizes the assessment and collection of impact fees on development activity within the city, at the rate established in MMC ~~16.84.065~~ 13.44.065. It is declared that such impact fees shall:
1. Only be imposed for transportation system improvements that are reasonably related to new development;
  2. Not exceed a proportionate share of the cost of the system improvements, including the costs of previously constructed system improvements, reasonably related to new development;
  3. Be used for system improvements that will reasonably benefit new development;
  4. Not be imposed to make up for deficiencies in any previously constructed system improvements. Such impact fee schedule is based upon the formula for calculating the proportionate share of the cost of the system improvements, including the costs of previously constructed system improvements, necessitated by new development to be borne by impact fees. The formula is described in the 2015 transportation impact fee study, which is adopted herein by this reference.
- B. The impact fee imposed pursuant to this chapter shall be paid in whole as a condition of approval of future residential developments and binding site plans; and, for all other development activities, at the time of issuance of the building permit **unless a deferral is granted pursuant to MMC 13.44.100**. Impact fees shall be assessed and paid at those rates in effect at the time of payment, and not at time of development activity application.
- C. **Unless a deferral is granted pursuant to MMC 13.44.100** Failure to pay the impact fees for a given development activity at the time of assessment shall result in denial of the development activity approval and/or building permit for which the owner has applied.
- D. If, as a condition of approval of development activity, the owner dedicates land, or constructs system improvements, in excess of the proportionate share of system improvements attributable to the owner's development activity as set out in the city's development regulations, the developer shall be eligible for a credit towards the transportation impact fees otherwise payable under this chapter. The amount of such credit shall be calculated based on the predevelopment fair market value of such land or improvements required in excess of the owner's share and shall be deducted from the transportation impact fees charged under this chapter. Credits that are granted may not exceed the total amount of the fee due.
- E. The public works director may adjust the amount of the impact fee otherwise imposed in this chapter with respect to specific development activity upon determining that:
1. Unusual circumstances require such adjustments to ensure that such impact fees are imposed fairly; and
  2. Studies and data submitted by the owner regarding the impacts of such owner's proposed development activity require such adjustment to ensure that such impact's fees are imposed fairly. Impact fees shall not be deemed unfair unless such unusual circumstances and studies

and data support a finding that the impact fees otherwise imposed in this chapter allocate to the specific project in question vehicle trips and resulting share of the cost of the systems improvements reasonably related to new development activities that are greater than or substantially less than such development activity's allocable proportionate share of such trips and resulting costs. (Ord. 1869 § 1, 2015; Ord. 1545 § 1, 2002; Ord. 1521 § 2, 2002. Formerly 16.84.040).

**16.84.060 13.44.060 Disposition of impact fee revenues.**

- A. A fund is hereby created for receipt of impact fees.
- B. The impact fees collected pursuant to the provisions of this chapter shall be deposited into the fund. Pending application as provided in this chapter, the moneys deposited in the accounts of the fund shall be invested in any investment authorized for the investment of city funds. All interest and profits derived from the investments of moneys in each account in the impact fee fund shall be retained in such account.
- C. The impact fees deposited in the fund, and the interest and profit received from the investments therefrom, shall be expended only for public facilities of the type for which such impact fees were collected, in conformity with the city's comprehensive plan, capital facilities plan element, and 2015 transportation impact fee study and expended or encumbered within 10 years of receipt by the city, unless written findings by the city council identify an extraordinary and compelling reason for the city to hold the fees for a longer time. The city shall account for annual expenditures and shall comply with this section in successive comprehensive plans, transportation plans and capital facilities plans as appropriate.
- D. The city shall prepare an annual report on the fund which shows the source and amount of all moneys collected, earned or received and the public facilities that were financed in whole or in part by impact fees. (Ord. 1869 § 1, 2015; Ord. 1865 § 3, 2015; Ord. 1521 § 2, 2002. Formerly 16.84.050).

**16.84.065 13.44.065 Impact fees – Calculation.**

- A. The impact fee for each p.m. peak hour trip, as set forth in the 2015 transportation impact fee study **and adjusted in accordance with Section 13.44.B, is \$3,980 ~~\$3,944~~**. Each development activity shall be subject to and pay an impact fee based on the p.m. peak hour trips attributable to the development activity.
- B. The fees provided in the transportation impact study are based on 2015 cost estimates. The fees are to be adjusted annually by applying the Engineering News Record annual construction cost index to the cost per trip fee amount. Calculation of the construction cost index adjustment shall be included with the annual transportation improvement program update and adopted by resolution.
- C. Development traffic volumes shall be calculated by the forecast method set out in the ITE Trip Generation Manual. A development will provide a traffic trip generation study that identifies weekday total volumes and p.m. peak hour volumes. The development traffic study shall be provided by a practicing Washington traffic engineer.

D. The impact fees will be calculated by multiplying the p.m. peak hour volume times the transportation impact fee cost per trip. (Ord. 1869 § 1, 2015; Ord. 1521 § 2, 2002. Formerly 16.84.055).

**16.84.070 13.44.070 Refunds.**

- A. The city shall refund, to the current owners of property on which an impact fee has been paid, any impact fees paid with respect to such property that have not been expended or encumbered for public facilities of the type of which such impact fees were collected within 10 years from the date of receipt or such longer period of time as is established in the event that the city council finds that an extraordinary or compelling reason exists to hold the fees longer than 10 years as provided in MMC ~~16.84.060~~ 13.44.060. Impact fees shall be considered encumbered on a first-in, first-out basis. The city shall notify potential refund claimants by first class mail deposited within the United States Postal Service at the last known address of the claimants.
- B. The city shall also refund to the current owner of property on which an impact fee has been paid all impact fees paid with respect to such property if the development activity for which the impact fee was imposed did not occur within 10 years from the date of receipt or such longer period of time as is established and no impact has resulted; provided, that if some, but not all, of the development activity for which the impact fee was imposed occurred, the impact will be deemed to have occurred, and no refund shall be available under this section.
- C. Owners seeking a refund of impact fees must submit a written request for a refund of impact fees to the city clerk or designee within one year of the date of the right to claim the refund arises, which, for purposes of refund claims authorized pursuant to subsection B of this section only, shall be the date of voluntary or involuntary abandonment of the building permit, or the date that notice is given as provided in subsection A of this section, whichever occurs later. Refunds of impact fees shall include interest and any profits earned on the impact fees from the date of their receipt to the date of refund, as a percentage of the interest/profits earned by the fund on an annual basis. Any impact fees not expended within the time limitations described in MMC ~~16.84.060~~ 13.44.060 and for which no application for a refund has been made within the one-year claim period shall be retained by the city and expended on public facilities of the type for which such impact fees were initially collected, without further limitation as to the time of expenditure.
- D. In the event a refund is made by the city pursuant to this section, the city may, but is not required to, review the original approval or authorization for which the impact fees had been paid under this chapter. Refund of the impact fees shall be deemed to be a change in conditions which allows for review of the development activity for which approval was previously given. Review of such development activity shall be governed by the provisions of local and state law. (Ord. 1869 § 1, 2015; Ord. 1865 § 4, 2015; Ord. 1521 § 2, 2002. Formerly 16.84.060).

**16.84.080 13.44.080 Appeals.**

- A. An owner may pay an impact fee imposed pursuant to this chapter under protest in order to obtain development activity approval and after such payment may file an appeal regarding the amount of such impact fee in accordance with this section. Pending the completion of the appeal process as set forth herein, no building permits shall be issued for any development

activity for which the impact fees about which appeal is being sought were imposed **unless a deferral is granted pursuant to MMC 13.44.100.**

- B. The determination of the public works director or designee regarding the applicability of the impact fee to a given development activity within the service area shall be final. The hearing examiner shall have the power to hear and decide appeals where it is alleged that there is an error in the public works director or designee's determination of the impact fee imposed upon a development activity pursuant to this chapter.
- C. Appeal to the hearing examiner regarding the amount of the impact fee imposed on any development activity may only be taken by the owner of the property where such development activity shall occur. No appeal shall be permitted unless and until the impact fee at issue has been paid. Such appeals shall be taken within a reasonable time, not exceeding 10 days after the date the impact fee was paid, and in the case of subdivisions or short plats, prior to the recording of the final plat. An appeal shall be commenced on filing with the city clerk or designee a notice of appeal specifying the grounds thereof and depositing an appeal filing fee of \$250.00. The city clerk or designee shall forthwith transfer to the city council all papers constituting the record upon which the amount of the impact fee was determined.
- D. The hearing examiner shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties of interest, and decide the same within a reasonable time of the hearing. Any party may appear in person or by agent or through his/her attorney.
- E. In exercising the above-mentioned powers, the hearing examiner may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partially, or may modify the determination of the amount of the impact fee appealed from only upon a determination that it is proper to do so based on principle of fairness, and may make such order, requirements, decisions or determination as ought to be made, and to that end shall have the powers with respect to the determination of the impact fees as they are granted to the city pursuant to this chapter.
- F. Any person or persons, or any board, taxpayer or department or division of the city, aggrieved by any decision of the hearing examiner may seek review by a court of record of such decisions, in the manner provided by the laws of the state of Washington. (Ord. 1869 § 1, 2015; Ord. 1521 § 2, 2002. Formerly 16.84.070).

**16.84.090 13.44.090 Reimbursement agreements authorized.**

- A. In the event public facilities are inadequate to support a proposed development activity, the city may deny approval of such activity. Alternatively, the city is authorized to enter into reimbursement agreements under Chapter 35.72 RCW.
- B. The city is authorized to enter into agreements with owners, consistent with RCW 35.43.184, to provide for LID preformation activity. (Ord. 1869 § 1, 2015; Ord. 1521 § 2, 2002).

**13.44.100 Deferral of impact fees.**

**In accordance with ESB 5923(2015), an applicant may request, at any time prior to building permit issuance, and consistent with the requirements of this section, to defer the payment of an**

impact fee for a residential development unit. The following shall apply to any request to defer payment of an impact fee:

- A. For each single family residence for which any impact fee deferral is applied for, an administrative fee set in this fee ordinance must simultaneously be paid to the city due to the increased burden placed on city staff for processing and monitoring such deferral.
- B. A separate application must be submitted for each single-family residence being constructed. Only the first twenty (20) applications per calendar year by each applicant for impact fee deferral are eligible for impact fee deferral under this chapter.
- C. The period of deferral expires at the earliest of:

Select One

- 1. The time of final inspection by the city; or
  - 1. Issuance of the certificate of occupancy or equivalent certification; or
  - 1. Closing of the first sale of the property; or
  - 2. Eighteen months after the building permit is issued by the city.
- D. The applicant must grant and record in favor of the City of Milton an impact fee lien in the amount of the deferred impact fee. The lien must be in a form signed, dated and approved by the city attorney, and signed by all owners of the property and persons or entities holding any interest in the property, with all signatures acknowledged as required for a deed, and recorded among the appropriate land records of the County. Proof of such recording shall be submitted to the City before a building permit may be issued. The lien must specify that it is binding on all successors in title after the recordation. The lien may specify that it is subordinate to one mortgage for the purpose of construction upon the same real property granted by the applicant. A mortgage, Deed of Trust or other financing mechanism shall be limited to the property upon which construction on one single family residence will occur. A lien not paid when due shall bear interest at the statutory rate. A lien shall become due at the expiration of the deferral date.
  - E. If impact fees are not paid in accordance with ESB 5923(2015), the city may institute foreclosure proceedings in accordance with RCW Chapter 61.12.
  - F. After full payment of impact fees, and upon written request of the person paying said fees containing the name and address of the requester together with a copy of a proposed lien release form, the City, upon approval by the City Attorney, shall sign a lien release and deliver it to the person paying said fee either in person or by first class mail.

**END OF CODE REVISION**

**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. Publication.** This ordinance shall be published by an approved summary consisting of the title.

**Section 5. Effective Date.** This ordinance shall become effective and be in full force five (5) days after passage, approval, and publication as provided by law.

PASSED by the Council and approved by the Mayor of the City of Milton, this 8<sup>th</sup> day of August, 2016.

CITY OF MILTON

---

Mayor Debra Perry

ATTEST/AUTHENTICATED:

---

Katie Bolam, City Clerk

APPROVED AS TO FORM:

---

Greg Rubstello, City Attorney

Published:  
Effective Date:



To: Mayor Perry and City Council Members  
From: Mark Howlett, P.E., City Engineer/Interim Public Works Director  
Date: August 8, 2016  
Re: **Ordinance Second Read – Updating School Impact Fees**

---

**ATTACHMENTS:** Ordinance  
Letter and attachments received from Master Builders Association

---

**TYPE OF ACTION:**

Information Only  Discussion  Action  Expenditure Required:

**Recommended Motion:** I move to approve the attached ordinance amending Section 13.42 of Milton Municipal Code regarding School Impact Fees and providing a mechanism for deferral of fee collection until\_\_\_\_\_.”

---

**Issue:** The Fife School District has updated their Capital Facilities Plan which has resulted in a revision to the School Impact Fees that will be assessed. This action will modify City code to reflect the new Impact Fees and provide for a deferral of collection of those impact fees.

**Discussion:** The City of Milton adopted School Impact Fees in 1996. The fee amounts set by the Fife School District are based on their need for Capital expenditures to accommodate growth. A developer of residential construction pays the fees directly to the School District. The City does not issue a building permit until a receipt of such payment is submitted to the City.

On June 27, 2016 the Fife School District adopted the 2016-2022 Capital Facilities Plan. This plan modifies the Impact Fee amount for single family homes from \$2,640 to \$6,670 and the multi-family from \$5,664 to \$1,772.

In 2015 the Washington State Legislature passed a bill (ESB 5923) which requires counties, cities and towns to adopt a deferral system for the collection of School Impact Fees for new single-family detached and attached residential construction.

Under this bill the impact fee payment will be deferred until the time of either:

1. Final Inspection;
2. Issuance of the certificate of occupancy or equivalent certification; and/or
3. Closing of the first sale of the property.

An administrative fee of \$250 will be charged for each deferral application. No deferral will be issued until this fee is paid.

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON, AMENDING CHAPTER 13.42 OF THE MILTON MUNICIPAL CODE AS IT RELATES TO SCHOOL IMPACT FEES AND THE DEFERRAL OF SCHOOL IMPACT FEES; ENTERING LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

---

WHEREAS, the City currently requires payment of School Impact Fees pursuant to Chapter 13.42 of the Milton Municipal Code; and

WHEREAS, the City and the Fife School District have an interlocal agreement for the administration of the School Impact Fee system and accounts; and

WHEREAS, the School District adopted their Capital Facilities Plan ~~2014-2019~~ **2016-2022** on June ~~25, 2014~~ **27<sup>th</sup>, 2016**, which identified recommended School Impact Fees other than those currently identified in the Milton Municipal Code; and NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1. Findings.** The recitals set forth above are hereby adopted as the Milton City Council's findings in support this ordinance.

**Section 2.** Subsection A of Section 13.42.040 is hereby amended as follows:

**13.42.040 School District Capital Facilities Plan.**

A. For purposes of this chapter, the Fife School District 417 "Capital Facilities Plan ~~2014-2020~~ **2016-2022**" adopted June ~~25, 2014-27<sup>th</sup>~~, **2016**, is adopted by reference as though set forth herein in full.

**Section 3.** Subsection A of Section 13.42.060 is hereby amended as follows:

**13.42.060 Determination and collection of Impact Fees.**

A. The department shall determine and collect Impact Fees as follows:

1. School Impact Fees shall be paid directly from the developer to the School District. Upon receipt of Impact Fees, the School District shall issue the developer a receipt identifying the amount of Impact Fees paid and the development project for which the fees are paid. **Unless a deferral is granted pursuant to MMC 13.42.100** The City of Milton shall not issue any building permit until it receives a receipt from the School District establishing that any required School Impact Fees have been paid to the district. It shall be the responsibility of the developer to ensure that the City receives a copy of the receipt.

2. The current Impact Fee amounts for Fife School District No. 417 are:

Single-Family Resident:	<del>\$2,640</del> <b>\$6,670</b>
Multifamily Residential Unit:	<del>\$5,664</del> <b>\$1,772</b>

~~B. The department shall not issue a building permit for any development activity until any applicable school impact fee is paid.~~

~~B. C.~~ Notwithstanding subsection A of this section, this chapter is not intended to preclude the city from regulating development activity under other city ordinances, such as zoning ordinances and land use policies, environmental regulations, or subdivision ordinances, or Chapter [58.17](#) RCW, on the grounds that the development activity fails to make adequate provisions for schools or school grounds or has a significant adverse impact on public education; provided, however, that pursuant to Chapter 219 of the 1992 Washington Laws, no person shall be required to pay a fee under such regulations to pay the costs of school district system improvements funded, in part, by impact fees imposed under this chapter. (Ord. 1847 § 3, 2014; Ord. 1807 § 4, 2013; Ord. 1694 § 1, 2007; Ord. 1518 § 1, 2002; Ord. 1314 § 1, 1996).

**Section 4** Add a new Section 13.42.100

**13.42.100 Deferral of Impact Fees**

In accordance with ESB 5923 (2015), an applicant may request, at any time prior to building permit issuance, and consistent with the requirements of this section, to defer the payment of an impact fee for a residential development unit. The following shall apply to any request to defer payment of an impact fee:

- A. For each single family residence for which any impact fee deferral is applied for, an administrative fee must be paid to the City due to the increased burden placed on city staff for processing and monitoring such deferral.
- B. A separate application must be submitted for each single-family residence being constructed. Only the first twenty (20) applications per calendar year by each applicant for impact fee deferral are eligible for impact fee deferral under this chapter.

The period of deferral expires at the earliest of:

Select  
One

- 1. The time of final inspection by the city; or
  - 1. Issuance of the certificate of occupancy or equivalent certification; or
  - 1. Closing of the first sale of the property; or
  - 2. Eighteen months after the building permit is issued by the city.
- C. The applicant must grant and record in favor of the City of Milton an impact fee lien in the amount of the deferred impact fee. The lien must be in a form signed, dated and approved by the city attorney, and signed by all owners of the property and persons or entities holding any interest in the property, with all signatures acknowledged as required for a deed, and recorded among the appropriate land records of the County. Proof of such recording shall be submitted to the City before a building permit may be issued. The lien must specify that it is binding on all successors in title after the recordation. The lien may specify that it is subordinate to one mortgage for the purpose of construction upon the same real property granted by the applicant. A mortgage, Deed of Trust or other financing mechanism shall be limited to the property upon which construction on one single

family residence will occur. A lien not paid when due shall bear interest at the statutory rate. A lien shall become due at the expiration of the deferral date.

- D. If impact fees are not paid in accordance with ESB 5923(2015), the city may institute foreclosure proceedings in accordance with RCW Chapter 61.12.
- E. After full payment of impact fees, and upon written request of the person paying said fees containing the name and address of the requester together with a copy of a proposed lien release form, the City, upon approval by the City Attorney, shall sign a lien release and deliver it to the person paying said fee either in person or by first class mail.

**Section 5. 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 6. Publication.** This ordinance shall be published by an approved summary consisting of the title.

**Section 7. Effective Date.** This ordinance shall become effective and be in full force five (5) days after passage, approval, and publication as provided by law.

PASSED by the Council and approved by the Mayor of the City of Milton, this 8<sup>th</sup> day of August, 2016.

CITY OF MILTON

\_\_\_\_\_  
Mayor Debra Perry

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Katie Bolam, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Greg Rubstello, City Attorney

Published:  
Effective Date:



August 4, 2016

Mayor Debra Perry  
Milton City Council  
Mark Howlett, PE, City Engineer  
1000 Laurel Street  
Milton, WA 98354

RE: School Impact Fee Update

Dear Mayor and City Councilmembers:

On behalf of the nearly 2,800 member companies of the Master Builders Association of King and Snohomish Counties (MBA), I would like to ask for your consideration when deliberating on the proposed school impact fee update. Adopting the current proposal would result in more than a 100% increase (\$2,640 to \$6,670). The MBA has concerns related to the large fee increase and its effects on housing affordability. We are currently experiencing a housing affordability crisis, and increasing fees only exacerbates the present situation.

To put this fee proposal into perspective, your neighboring jurisdictions are collecting the following school impact fees for new single family residential construction:

Federal Way	\$2,899
Kent	\$4,990
Dieringer	\$3,330
Auburn	\$5,330

In an effort to promote economic development and housing affordability, King County, Snohomish County, and many cities within both counties offer a 50% discount of the cost listed in the school district capital facilities plans. In 2015, your neighboring jurisdiction of Edgewood established a cap on the amount of school impact fees it would collect. The maximum school impact fee authorized by the City of Edgewood is \$3,500 per single family unit, and \$1,755 per multi-family unit (see attached ordinance).

By adopting this proposal without a cap or discount rate, you will be charging more than any of your neighboring cities and possibly discouraging further single family residential development and the associated economic benefits.

Applying a discount rate will not only promote local growth and potentially stimulate the local economy, but it is likely that more dollars will go to local schools because of the increased incentives to build. More homes being built equals more fees being collected, and more tax dollars being generated.

It is important to point out that the MBA and homebuilding community support our schools. Quality schools are a key consideration for homebuyers when deciding where to buy. However, the best way I know how to support schools is a thriving local economy. This measure will help create jobs in Milton which serves everyone well, including schools.

The MBA strongly encourages your consideration of applying a discount rate or cap on the proposed fee. Please do not hesitate to contact me with any further questions at (425) 460-8240 or [janderson@mbaks.com](mailto:janderson@mbaks.com).

Sincerely,



Jennifer Anderson  
King County Manager

**ORDINANCE NO. 15-0458**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, AMENDING CHAPTER 4.10 EMC SCHOOL IMPACT FEES; AMENDING SECTION 4.10.110 – IMPOSITION OF IMPACT FEES; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Chapter 82.02 RCW, the City of Edgewood has adopted a school impact fee program and has codified regulations governing the calculation, assessment, collection, refund and administration of such fees at Chapter 4.10 EMC; and

**WHEREAS**, Section 4.10.070, EMC requires that the City of Edgewood Council review each school district's updates to their respective Capital Facilities Plans (CFPs) in conjunction with the annual Comprehensive Plan updates; and

**WHEREAS**, the Sumner, Fife and Puyallup School Districts' annual CFPs respectively provide an accounting of the recommended maximum School Impact Fee that should be assessed for each District for new residential development; and

**WHEREAS**, the City has adopted the Sumner, Fife and Puyallup School Districts' most current year's Capital Facilities Plans by reference as part of the City's Comprehensive plan – *Edgewood 2015*, adopted June 9, 2015; and

**WHEREAS**, the City Council has previously set the maximum allowable fee collected for single family units at \$3,500 per unit and multi-family units (MFUs) at \$1,120 per unit; and

**WHEREAS**, the City desires to amend the existing fee schedule consistent with the Planning Commission's November 16, 2015 recommendation and increase the multi-family school impact fee rate to a maximum of \$1,755 per MFU and maintain the existing rate of \$3,500 per single family unit; and

**WHEREAS**, the Fife and Sumner School Districts' adopted fee calculations include a recommended impact fee collection that is below the maximum amount allowed by the City of Edgewood; and

**WHEREAS**, the City Council reviewed the recommendations of the Planning Commission on November 24, 2015, at its regular Council meeting and requested staff to forward an ordinance incorporating the changes as recommended; and

**WHEREAS**, the City desires to amend Chapter 4.10 EMC to reflect these annual changes and confirm the schedule of School Impact Fees imposed under said chapter;

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

**Section 1. Findings.** The above recitals, together with the content of Agenda Bill No. 15-0458 are hereby adopted as legislative findings in support of this ordinance.

**Section 2. Amendment of EMC 4.10.110.** Section 4.10.110 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

**4.10.110 Imposition of impact fees**

A. Impact fees shall be imposed upon development activity in the city as follows:

SCHOOL DISTRICT	PER SINGLE-FAMILY DWELLING UNIT		PER MULTI-FAMILY DWELLING UNIT	
	School District Need Fee Calculation for 2015-2016	2015-2016 Impact Fee (Maximum Fee Obligation Allowed by Edgewood)	School District Need Fee Calculation for 2015-2016	2015-2016 Impact Fee (Maximum Fee Obligation Allowed by Edgewood)
Fife	\$3,216	\$3,216.00	\$6,875.00	\$1,755.00
Puyallup	\$8,144.16	\$3,500.00	\$2,202.48	\$1,755.00
Sumner	\$12,749.74	\$3,500.00	\$4,301.51	\$1,755.00

1. Fees are established based on the annual calculation of impact fee need as documented in each school district's adopted Capital Facilities Plan annually.
2. The Maximum school impact fee authorized by the City of Edgewood is \$3,500 per single family unit, and \$1,755 per multi-family unit.
3. The Impact Fee adopted represents the fee calculations as presented by the Fife, Puyallup and Sumner School Districts in their adopted Capital Facilities Plans updated annually. Where recommended fees exceed the maximum amount authorized for collection by the City of Edgewood they are shown at the maximum amount allowed.

B. At the time of application for development activity, an applicant will be notified of the requirement to pay school impact fees to each district based on the fee schedule adopted by the city as a part of the impact fee program. Upon receipt of the impact fee payments, each district shall issue a certificate or identifying receipt to the applicant indicating that the school impact fee has been paid. Prior to approving or permitting any development activities subject to the impact fees adopted pursuant to this chapter, the city shall require that the applicant provide to the city the original of the certificate or receipt issued by the school district. Each

school district shall develop standardized forms for this purpose, showing that impact fees have been paid to the district, and that the city may proceed to issue the permit or grant the necessary approval. Impact fees may be paid to the districts under protest pursuant to the procedures set forth in EMC [4.10.120\(I\)](#).

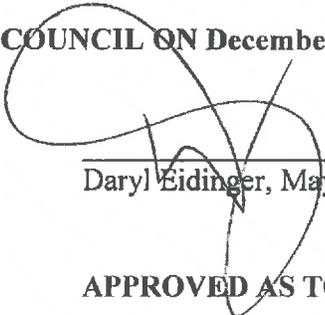
C. The city shall not issue a required building permit for any development subject to the imposition of impact fees under this chapter until the impact fees set forth in the impact fee schedule have been paid.

**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.** A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**Presented to Council for first reading and adoption on December 8, 2015**

**ADOPTED BY THE CITY COUNCIL ON December 8, 2015**



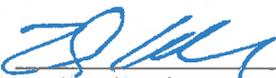
\_\_\_\_\_  
Daryl Eiding, Mayor

**ATTEST/AUTHENTICATED:**



\_\_\_\_\_  
Acting City Clerk, Jane Montgomery, CMC

**APPROVED AS TO FORM:**



\_\_\_\_\_  
Zach Lell, City Attorney

Date of Publication: December 10, 2015

Effective Date: December 15, 2015

**CITY OF EDGEWOOD**  
2224 104<sup>th</sup> Avenue East, Edgewood, WA 98372-1513  
(253) 952-3299 Fax: (253) 952-3537

---

**LEGAL NOTICE**

December 10, 2015

**NOTICE OF ORDINANCE ADOPTED BY EDGEWOOD CITY COUNCIL**

The following is a summary of an Ordinance adopted by the City of Edgewood City Council on the 8<sup>th</sup> day of December, 2015, and shall take effect and be in full force on the 15th day of December, 2015.

**ORDINANCE NO. 15-0458**

**AN ORDINANCE OF THE CITY OF EDGEWOOD, WASHINGTON,  
AMENDING CHAPTER 4.10 EMC SCHOOL IMPACT FEES;  
AMENDING SECTIONS 4.10.110 – IMPOSITION OF IMPACT FEES ;  
PROVIDING FOR SEVERABILITY AND ESTABLISHING AN  
EFFECTIVE DATE.**

The full text of the Ordinance is available at Edgewood City Hall, 2224 104<sup>th</sup> Avenue East, Edgewood, WA 98372-1513 (253) 952-3299.

  
Acting City Clerk, Jane Montgomery, CMC

*Published in the News Tribune on December 10, 2015*

# How Does Homebuilding Help Our Local Economy?

In 2015, the National Association of Home Builders (NAHB) studied the impacts of single-family homebuilding in the Seattle/Bellevue/Everett region. Here is what they found.

## Building 6,500\* Homes in One Year Generates...

**\$2.1 Billion**  
IN LOCAL INCOME

**24,759 Jobs**

**\$314.7 Million**  
TAXES & OTHER LOCAL REVENUE



THIS MONEY HELPS FUND  
OUR SCHOOLS, PARKS AND  
OTHER ACTIVITIES!

*\*The number of single-family homes permitted in King and Snohomish counties in 2014.*

## Annual Recurring Impact

After the construction phase is complete, the new homes and their new residents continue to stimulate our local economy.



**\$281.6 Million**  
in Local Income



**\$83.5 Million**  
in Taxes



**3,711**  
Local Jobs

# New Home Construction More Than Pays for Itself

When analyzing the costs for local governments to service these new homes compared to the revenue generated, NAHB found that after 15 years the homes would create

$$\begin{array}{rcccl} \$1.5 & & \$665.3 & & \$860.2 \\ \text{Billion} & - & \text{Million} & = & \text{Million} \\ \text{IN CUMULATIVE REVENUE} & & \text{IN CUMULATIVE COSTS} & & \text{IN NET PROFIT!} \end{array}$$

## Did You Know?

Housing-related spending makes up more than **15%** of our national gross domestic product.

The homebuilding industry is one of our largest in-state employers, accounting for **15,857** full-time jobs in 2014.





To: Mayor Perry and City Council Members  
From: Mark Howlett, P.E., City Engineer/Interim Public Works Director  
Date: August 8, 2016  
Re: **Parks Impact Fees**

---

**ATTACHMENTS:** Example Ordinance

---

**TYPE OF ACTION:**

Information Only  Discussion  Public Hearing  Expenditure Required:

---

**Issue:** The City of Milton is pursuing the implementation of Parks Impact Fees.

**Discussion:** The City of Milton takes a lot of pride in our Parks system. Parks are a great asset to the community and have a big impact on the livability of a city – parks provide a sense of place.

Funding of city parks has become a challenge. With the scarcity of grant funds, the increased costs of maintaining parks, and the increased drain of resources from the general fund, many jurisdictions have been forced to pursue other options for funding improvements to parks. Other cities have recognized that, with the addition of each resident, there is an impact on the park system. Everything – maintenance, signs, doggie bags, play equipment, acquisitions – is impacted by every single residential unit that is developed.

One way to meet the demands is by implementing an impact fee. This item is before the Council tonight to begin the discussion of how we want to fund our parks and the possibility of implementing a parks impact fee.

## Chapter 13.45 PARKS IMPACT FEES

Sections:

- 13.08.010 Findings and authority.
- 13.08.020 Definitions.
- 13.08.030 Assessment of impact fees.
- 13.08.040 Independent fee calculations.
- 13.08.050 Credits and adjustments.
- 13.45.060 Exemptions.
- 13.45.070 Appeals.
- 13.45.080 Establishment of impact fee account for parks and recreation.
- 13.45.090 Refunds.
- 13.45.100 Use of funds.
- 13.45.110 Review and update of impact fees.
- 13.45.120 Deferral of payment.
- 13.45.130 Miscellaneous provisions.

### **13.45.010 Findings and authority.**

---

The council of the city of Milton (the “council”) hereby finds and determines that new growth and residential development in the city of Milton will create additional demand and need for parks and recreation facilities in the city of Milton, and the council finds that new growth and development should pay a proportionate share of the cost of parks and recreation facilities needed to serve the new growth and development. Therefore, pursuant to Chapter 82.02 RCW, the council adopts this chapter to assess impact fees for parks and recreation. The provisions of this chapter shall be liberally construed in order to carry out the purposes of the council in establishing the impact fee program

### **13.45.020 Definitions.**

---

The following words and terms shall have the following meanings for the purposes of this chapter unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to RCW 82.02.090 or given their usual and customary meaning.

A. “Act” means the Growth Management Act, Chapter 36.70A RCW, as now in existence or as hereafter amended.

- B. "Building permit," for the purposes of this chapter only, means an official document or certification which is issued by the city and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.
- C. "Capital facilities plan" means the capital facilities plan element of the city's comprehensive plan adopted pursuant to Chapter [36.70A](#) RCW and such plan as amended.
- D. "Change in use," for the purposes of this chapter, means a different use that qualifies as a single- or multiple-family dwelling as defined in this chapter.
- E. "City" means the city of Milton.
- F. "Council" means the city council of the city of Milton.
- G. "Department" means the Public Works Department.
- H. "Development activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any change in the use of land that creates additional demand and need for parks and recreation facilities.
- I. "Director" means the director of Public Works or the director's designee.
- J. "Dwelling unit" means a building, or portion thereof, designed for residential occupancy consisting of one or more rooms which are arranged, designed or used as living quarters for one family only.
- K. "Encumbered" means to reserve, set aside or otherwise earmark the impact fees in order to pay for commitments, contractual obligations or other liabilities incurred for parks and recreation facilities.
- L. "Feepayer" is a person, corporation, partnership, an incorporated association, or any other similar entity, or department or bureau of any governmental entity commencing a land development activity which creates the demand for additional parks and recreation facilities, and which requires the issuance of a building permit. "Feepayer" includes an applicant for an impact fee credit.
- M. "Hearing examiner" means the examiner who acts on behalf of the council in considering and applying land use regulatory codes as provided under Chapter [2.54](#) MMC. Where appropriate, "hearing examiner" also refers to the office of the hearing examiner.

O. "Impact fee" means a payment of money imposed by the city of Milton on development activity pursuant to this chapter as a condition of granting development approval in order to pay for the parks and recreation facilities needed to serve new growth and development.

P. "Impact fee account" or "account" means the account established for the parks and recreation facilities' impact fees collected. The account shall be established pursuant to MMC [13.45.080](#) and comply with the requirements of RCW [82.02.070](#).

Q. "Independent fee calculation" means the parks and recreation impact calculation prepared by a feepayer to support the assessment of an impact fee other than by the use of the fee schedule.

R. "Interest" means the interest rate earned by local jurisdictions in the State of Washington Local Government Investment Pool, if not otherwise defined.

S. "Multifamily dwelling" means a building designed exclusively for occupancy by two or more families living independently of each other, and containing two or more residential dwelling units.

T. "Owner" means the owner of record of real property; provided, that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.

U. "Parks and recreation facilities" means neighborhood and community parks, open space, recreational trails, athletic fields, swimming pools, and community centers, and any furnishings and equipment that are used at such locations and which can be capitalized.

V. "Parks and recreation project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development or users of the project and are not parks and recreation system improvements. No parks and recreation improvement or facility included in a capital facilities plan approved by the council shall be considered a parks and recreation project improvement.

W. "Parks and recreation system improvements" means parks and recreation facilities that are either included in the city of Milton's capital facilities plan and/or are designed to provide service to service areas within the community at large, in contrast to parks and recreation project improvements.

X. "Single-family dwelling" means a detached building designed exclusively for occupancy by one family and containing one residential dwelling unit. A manufactured home may be considered a one-family dwelling, if sited per Chapter [17.60](#) MMC.

Y. "State" means the state of Washington.

Z. "Surplus credits" means credits over and above those calculated as an impact fee. For example:

1. In grandfathering calculations, if the difference between a proposed use fee minus existing use credit results in a positive number, the result is the impact fee due.

2. In grandfathering calculations, if the difference between a proposed use fee minus existing use credit results in a negative number, the result is the surplus credit and no impact fee would be due.

### **13.45.030 Assessment of impact fees.**

---

A. Effective January 1, 2007, the city shall collect park impact fees, based on the fee schedule of the city of Milton, from any applicant seeking development approval from the city for any development activity that includes dwelling units within the city. The park impact fees established hereby shall be listed on the city of Milton fee schedule.

B. Where a change in use increases housing capacity by more than or equal to one dwelling unit, the director shall calculate a parks and recreation impact fee based on the increase in the housing capacity.

C. The amount of impact fees shall be determined at the time an applicant submits a complete application for a building permit using the impact fee schedules then in effect, or pursuant to an independent fee calculation accepted by the director pursuant to MMC [13.45.040](#), and adjusted for any credits pursuant to MMC [13.45.050](#).

D. Payment of impact fees shall be made by the feepayer at the time the building permit is issued for each unit in the development. The amount to be paid shall not be increased for any applicant that submitted a complete application for the building permit before the city established the impact fee rates.

E. Applicants that have been awarded credits prior to the submittal of the complete building permit application pursuant to MMC [13.45.050](#) shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the director pursuant to MMC [13.45.050](#) setting forth the dollar amount of the credit awarded. Impact fees, as determined after the application of appropriate credits, shall be collected from the feepayer at the time the building permit is issued.

F. The department shall not issue a building permit unless and until the impact fees have been paid or credit(s) awarded.

G. For complete single-family building permit applications for new development, redevelopment or a change in use, and prior to or at the time of issuance of any single-family residential building permit for a dwelling unit that is being constructed, the applicant may elect to record a covenant against title to the property on forms prepared and provided by the city that requires payment of parks impact fees due and owing, less any credits awarded, by providing for automatic payment through escrow of these development charges due and owing to be paid no later than at time of closing of the sale of the unit or at final inspection or issuance of certificate of occupancy or 18 months from the date of issuance of the original building permit, whichever comes first. Failure to pay shall result in the following:

1. If 30 days after the city has sent the responsible party written notification of its obligation to pay the charges established in this chapter the full amount remains unpaid, the responsible party shall be subject to the enforcement provisions of MMC [1.08.100](#). Written notification shall be by regular and certified mail and to the most current available contact information on file with the city. For the purposes of applying MMC [1.08.100](#), the responsible party shall constitute a property owner, the property(ies) for which a permit(s) has been issued shall constitute the property(ies) on which the violation is occurring, and the impact fee amount remaining unpaid shall constitute a violation occurring on the permitted property(ies) under these sections.

2. Any unpaid charges adopted by this chapter that are outstanding 30 days from the date the charges are due shall constitute a lien against the property(ies) for which a permit(s) has been issued in the amount of the unpaid charges. In addition to the actions authorized in subsection (G)(1) of this section, the city may record a lien against the permitted property(ies) in the amount of the unpaid charges and may immediately suspend any permits previously issued for the lot or unit associated with the current development activity and shall limit the granting of any future permits for the lot or unit until such time that all outstanding water, sanitary sewer and storm drainage development charges are paid in full.

3. The appeals process authorized in MMC [13.45.070](#) shall not apply to determinations made pursuant to this section.

H. For complete multifamily building permit applications for new development, redevelopment or a change in use, and prior to or at the time of issuance of any multifamily residential building permit that is being constructed, the applicant may elect to record a covenant against title to the property on forms prepared and provided by the city that requires payment of parks impact fees due and owing, less any credits awarded, by providing for automatic payment through escrow of these development charges due and owing to be paid no

later than at time of closing of the sale of the unit or at final inspection or issuance of certificate of occupancy or 18 months from the date of issuance of the original building permit, whichever comes first. Failure to pay shall result in the following:

1. If 30 days after the city has sent the responsible party written notification of its obligation to pay the charges established in this chapter the full amount remains unpaid, the responsible party shall be subject to the enforcement provisions of MMC [1.08.100](#). Written notification shall be by regular and certified mail and to the most current available contact information on file with the city. For the purposes of applying MMC [1.08.100](#), the responsible party shall constitute a property owner, the property(ies) for which a permit(s) has been issued shall constitute the property(ies) on which the violation is occurring, and the impact fee amount remaining unpaid shall constitute a violation occurring on the permitted property(ies) under these sections.
2. Any unpaid charges adopted by this chapter that are outstanding 30 days from the date the charges are due shall constitute a lien against the property(ies) for which a permit(s) has been issued in the amount of the unpaid charges. In addition to the actions authorized in subsection (H)(1) of this section, the city may record a lien against the permitted property(ies) in the amount of the unpaid charges and may immediately suspend any permits previously issued for the lot or unit associated with the current development activity and shall limit the granting of any future permits for the lot or unit until such time that all outstanding water, sanitary sewer and storm drainage development charges are paid in full.
3. The appeals process authorized in MMC [17.71](#) shall not apply to determinations made pursuant to this section.

#### **13.45.040 Independent fee calculations.**

---

A. If, in the judgment of the director, none of the fee categories or fee amounts set forth in the fee schedule accurately describes or captures the impacts of the new development, the applicant shall conduct an independent fee calculation and the director may impose alternative fees on a specific development based on those calculations, once accepted by the city.

B. Feepayers may opt not to have the impact fees determined according to the fee schedule. Such feepayers shall prepare and submit to the director an independent fee calculation for the development activity for which a building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made.

C. A nonreimbursable administrative fee shall be charged for each independent fee calculation. The fee shall be deposited with the city to pay for city review of the independent fee calculation upon submittal of the documented independent fee study.

D. After the city completes its review, the actual fees and expenses will be determined and the cash deposit shall be adjusted to provide for a refund by the city or additional payment by the feepayer.

E. While there is a presumption that the calculations set forth in the fee schedule are valid, the director shall consider the documentation submitted by the feepayer, but is not required to accept such documentation which the director reasonably deems to be inaccurate or not reliable, and may, in the alternative, require the feepayer to submit additional or different documentation for consideration. The director is authorized to adjust the impact fees on a case-by-case basis based on the independent fee calculation, the specific characteristics of the development, and/or where adjustment is deemed by the director to be appropriate based on principles of fairness under the circumstances of the case.

F. Determinations made by the director pursuant to this section may be appealed to the office of the hearing examiner subject to the procedures set forth in MMC 17.71.

#### **13.45.050 Credits and adjustments.**

---

A. A feepayer can request that a credit or credits for parks and recreation impact fees be awarded to him/her for parks and recreation improvement projects provided by the feepayer in excess of the standard requirements for the feepayer's development if the land, improvements, and/or the facility constructed are identified as parks and recreation system improvements that provide capacity to serve new growth in the capital facilities plan, or the director, at his/her discretion, makes the finding that such land, improvements, and/or facilities would serve the parks and recreation goals and objectives of the capital facilities plan.

B. For each request for a credit or credits, the director shall determine the value of dedicated land by using available documentation or selecting an appraiser from a list of independent appraisers maintained by the department to determine the value of the land being dedicated. The value of improvements will be determined through documentation submitted by the feepayer.

C. The feepayer shall pay the cost of the appraisal and shall deposit on account the estimated cost of the appraisal as determined by the city at the time the feepayer requests consideration for a credit.

D. After receiving the appraisal, the director shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, where applicable, the legal description of the site

donated, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate and return such signed document to the director before the impact fee credit will be awarded. The failure of the applicant to sign, date, and return such document within 60 days shall nullify the credit.

E. Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

F. Determinations made by the director pursuant to this section shall be subject to the appeals procedures set forth in MMC [17.71](#).

G. Pursuant to and consistent with the requirements of RCW [82.02.060](#), the fee rate in the fee schedule has been reasonably adjusted for other revenue sources which are earmarked for, or proratable to, funding parks and recreation facilities.

H. In order to grandfather the capacity rights of existing developments, the director will utilize the adopted rates to calculate any impact fee credits and to determine any surplus credits for off-site system improvements made by the property owner.

Only in a situation when a property owner makes off-site system capacity improvements that qualify in accordance with subsection A of this section will any surplus credits (value computed during the permit year and not adjusted for inflation) remain with the property or any subdivision of that property to benefit future development where a parks and recreation impact fee is determined to be due.

### **13.45.060 Exemptions.**

---

A. The following shall be exempted from the payment of parks and recreation impact fees:

1. Replacement of a structure with a new structure of the same use at the same site or lot when such replacement occurs within 12 months of the demolition or destruction of the prior structure.
2. Alterations or expansion or enlargement or remodeling or rehabilitation or conversion of an existing dwelling unit where no additional units are created and the use is not changed.
3. Miscellaneous improvements, including but not limited to fences, walls, swimming pools, and signs.

4. A change in use where the increase in housing capacity is less than the threshold stated in MMC [13.45.030\(B\)](#).

5. Demolition or moving of a structure.

6. Any building permit application that has been submitted to the department before 5:00 p.m. the business day before the first effective date of the park impact fee rate schedule and subsequently determined to be a complete application by the city.

B. The director shall be authorized to determine whether a particular development activity falls within an exemption identified in this section. Determinations of the director shall be subject to the appeals procedures set forth in MMC [13.45.070](#).

### **13.45.070 Appeals.**

---

A. Any feepayer may pay the impact fees imposed by this chapter under protest in order to obtain a building permit. Appeals regarding the impact fees imposed on any development activity may only be made by the feepayer of the property where such development activity will occur. No appeal submitted under protest shall be permitted unless and until the impact fees at issue have been paid. Alternatively, any feepayer may appeal the impact fees determined by the director without first paying the fees, providing the applicant is willing to provide a satisfactory security of the appealed fee amount in accordance with the requirements of MMC [17.71](#) prior to issuance of the building permit. Alternatively, any feepayer may appeal the impact fees determined by the director without first paying the fees, provided the applicant is willing to postpone issuance of the building permit until after the appeal process when the revised final fee is known.

B. Determinations of the director with respect to the applicability of the impact fees to a given development activity, the availability or value of a credit, or the director's decision with respect to the independent fee calculation, or any other determination which the director is authorized to make pursuant to this chapter, can be appealed to the hearing examiner.

C. Appeals shall be taken within 10 days of the director's issuance of a written determination by filing with the office of the hearing examiner a notice of appeal specifying the grounds thereof and depositing the necessary fee, which is set forth in the existing fee schedules for appeals of administrative decisions. The director shall transmit to the office of the hearing examiner all papers constituting the record for the determination, including, where appropriate, the independent fee calculation.

D. The hearing examiner shall fix a time for the hearing of the appeal, give notice to the parties in interest, and decide the same as provided in Chapter 2.54 MMC. At the hearing, any party may appear in person or by agent or attorney.

E. The hearing examiner is authorized to make findings of fact regarding the applicability of the impact fees to a given development activity, the availability or amount of the credit, or the accuracy or applicability of an independent fee calculation. The decision of the hearing examiner shall be final, except as provided in subsection G of this section.

F. The hearing examiner may, so long as such action is in conformance with the provisions of this chapter, reverse or affirm, in whole or in part, or may modify the determinations of the director with respect to the amount of the impact fees imposed or the credit awarded upon a determination that it is proper to do so based on principles of fairness, and may make such order, requirements, decision or determination as ought to be made, and to that end shall have the powers which have been granted to the director by this chapter.

G. Any feepayer aggrieved by any decision of the office of the hearing examiner may appeal the hearing examiner's final decision as provided in Chapter [2.54](#) MMC.

#### **13.45.080 Establishment of impact fee account for parks and recreation.**

---

A. Impact fee receipts shall be earmarked specifically and deposited in special interest-bearing accounts. The fees received shall be prudently invested in a manner consistent with the investment policies of the city.

B. There is hereby established a separate impact fee account for the fees collected pursuant to this chapter: the parks and recreation facilities impact fee account. Funds withdrawn from these accounts must be used in accordance with the provisions of MMC [13.45.100](#). Interest earned on the fees shall be retained in the account and expended for the purposes for which the impact fees were collected.

C. On an annual basis, the financial director shall provide a report to the council on the parks and recreation impact fee account showing the source and amount of all moneys collected, earned, or received, and the parks and recreation system improvements that were financed in whole or in part by impact fees.

D. Impact fees shall be expended or encumbered within six years of receipt, unless the council identifies in written findings an extraordinary and compelling reason or reasons for the delay.

### **13.45.090 Refunds.**

---

- A. If the city fails to expend or encumber the impact fees within six years of when the fees were paid or, where extraordinary or compelling reasons exist, such other time periods as established pursuant to MMC [13.45.080](#), the current owner of the property on which impact fees have been paid may receive a refund of such fees. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first-in, first-out basis; provided, that any party that voluntarily elects to use the alternative fee payment method specified in MMC [13.45.030](#) shall sign as a condition of use of the alternative fee payment method a waiver of right on a form prepared and provided by the city to recovery of park impact fees not spent with the statutory six-year timeframe.
- B. The city shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of such claimants. A potential claimant or claimant must be the owner of the property.
- C. Owners seeking a refund of impact fees must submit a written request for a refund of the fees to the director within one year of the date the right to claim the refund arises or the date that notice is given, whichever is later.
- D. Any impact fees for which no application for a refund has been made within this one-year period shall be retained by the city and expended on the appropriate parks and recreation facilities.
- E. Refunds of impact fees under this section shall include any interest earned on the impact fees by the city.
- F. If and when the city seeks to terminate any or all components of the parks and recreation impact fee program, all unexpended or unencumbered funds from any terminated component or components, including interest earned, shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the city shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail to the last known address of the claimants. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the city, but must be expended for the appropriate parks and recreation facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated.
- G. The city shall also refund to the developer of property for which impact fees have been paid all impact fees paid, including interest earned on the impact fees, if the development activity for which the impact fees were imposed did not occur.

### **13.45.100 Use of funds.**

---

A. Pursuant to this chapter, impact fees:

1. Shall be used for parks and recreation system improvements that will reasonably benefit the new development; and
2. Shall not be imposed to make up for deficiencies in parks and recreation facilities serving existing developments; and
3. Shall not be used for maintenance or operations.

B. As a general guideline, parks and recreation impact fees may be used for any parks and recreation system improvements which could otherwise be funded by a bond issue of the city.

C. Parks and recreation facilities impact fees may be spent for parks and recreation system improvements, including but not limited to neighborhood and community parks, recreational trails, athletic fields, swimming pools, and community centers, including planning, land acquisition, site improvements, necessary off-site improvements including mitigation, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, and any other expenses which can be capitalized.

D. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of parks and recreation system improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the new development.

### **13.45.110 Review and update of impact fees.**

---

A. The fee rate schedules set forth in the fee schedule of the city of Milton shall be reviewed by the council no later than two years after the effective date of the fee rate schedule attached to the ordinance codified in this chapter, and no more than every two years thereafter.

B. The fee schedules set forth in the fee schedule of the city of Milton shall be reviewed by the council as it may deem necessary and appropriate in conjunction with the annual update of the capital facilities plan element of the city's comprehensive plan.

### **13.45.120 Deferral of Impact Fees**

---

In accordance with ESB 5923 (2015), an applicant may request, at any time prior to building permit issuance, and consistent with the requirements of this section, to defer the payment of an impact fee for a residential development unit. The following shall apply to any request to defer payment of an impact fee:

A. For each single family residence for which any impact fee deferral is applied for, an administrative fee must be paid to the City due to the increased burden placed on city staff for processing and monitoring such deferral.

B. A separate application must be submitted for each single-family residence being constructed. Only the first twenty (20) applications per calendar year by each applicant for impact fee deferral are eligible for impact fee deferral under this chapter.

The period of deferral expires at the earliest of:

1. The time of final inspection by the city; or
1. Issuance of the certificate of occupancy or equivalent certification; or
1. Closing of the first sale of the property; or
  
2. Eighteen months after the building permit is issued by the city.

C. The applicant must grant and record in favor of the City of Milton an impact fee lien in the amount of the deferred impact fee. The lien must be in a form signed, dated and approved by the city attorney, and signed by all owners of the property and persons or entities holding any interest in the property, with all signatures acknowledged as required for a deed, and recorded among the appropriate land records of the County. Proof of such recording shall be submitted to the City before a building permit may be issued. The lien must specify that it is binding on all successors in title after the recordation. The lien may specify that it is subordinate to one mortgage for the purpose of construction upon the same real property granted by the applicant. A mortgage, Deed of Trust or other financing mechanism shall be limited to the property upon which construction on one single family residence will occur. A lien not paid when due shall bear interest at the statutory rate. A lien shall become due at the expiration of the deferral date.

D. If impact fees are not paid in accordance with ESB 5923(2015), the city may institute foreclosure proceedings in accordance with RCW Chapter 61.12.

E. After full payment of impact fees, and upon written request of the person paying said fees containing the name and address of the requester together with a copy of a proposed lien release form, the City, upon approval by the City Attorney, shall sign a lien release and deliver it to the person paying said fee either in person or by first class mail.

### **13.45.130 Miscellaneous provisions.**

---

A. Existing Authority Unimpaired. Nothing in this chapter shall preclude the city from requiring the feepayer or the proponent of a development activity to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, Chapter [43.21C](#) RCW, based on the environmental documents accompanying the underlying development approval process, and/or Chapter [58.17](#) RCW, governing plats and subdivisions; provided, that the exercise of this authority is consistent with the provisions of RCW [82.02.050\(1\)\(c\)](#).

B. Captions. The chapter and section captions used in this chapter are for convenience only and shall not control or affect the meaning or construction of any of the provisions of this chapter.

C. Severability. If any portion of this chapter is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other section of this chapter.

D. Short Title. This chapter shall be known and may be cited as “the city of Milton parks and recreation impact fee ordinance.”



To: City Councilmembers  
From: Mayor Perry  
Date: August 8, 2016 Special Meeting  
Re: **Authority to Bargain with the Fraternal Order of Police, Lodge 27**

---

**ATTACHMENTS:** Demand to Bargain letter

---

**TYPE OF ACTION:** Review personal calendars and set the date for Council Retreat.

Information Only  Discussion  Action  Expenditure Required:

**Recommended Motion:** I move to authorize the Mayor to enter into contract negotiations with the Fraternal Order of Police, Lodge 27.

---

**Issue/Discussion:** The labor contract with the Police Guild is expiring on 12/31/2016. The City has received a formal Demand to Bargain letter to begin the negotiation process.

**Discussion:** An executive session will be set for an upcoming Council meeting to establish the fiscal impacts and direction from Council.



**CHUCK CANTERBURY**  
PRESIDENT

GRAND LODGE  
FRATERNAL ORDER OF POLICE ®

---

NATIONAL HEADQUARTERS, 701 Marriott Dr, NASHVILLE, TENNESSEE 37214  
1-800-451-2711, 615-399-0900, FAX 615-399-0400

**PAT YOES**  
SECRETARY

July 20, 2016

Mayor Debra Perry  
City of Milton  
1000 Laurel Street  
Milton, WA 98354

**RE: Demand to Bargain**

Dear Mayor Perry,

Please be advised the Fraternal Order of Police, Lodge 27 respectfully submits this notice of "Demand to Bargain" per. RCW 41.56.440.

Please forward dates indicating times of availability, and location.  
Lodge 27 looks forward to a productive and mutually beneficial successor agreement to the January 1, 2014 – December 31, 2016 CBA.

Respectfully,

A.W. Buster McGehee  
Labor Specialist  
253-405-7698  
awmcgehee@fop.net

Via: USPS and Email

CC: Chief Tony Hernandez





To: Mayor Perry and City Council Members  
From: Ron Tiedeman, IT Director  
Tony Hernandez, Chief of Police  
Date: August 8, 2016  
Re: **Resolution – Surplus Equipment to City of Normandy Park**

---

**ATTACHMENTS:** A. Resolution  
B. Detail Listing of Items to be Declared Surplus

---

**TYPE OF ACTION:**

Information Only  Discussion  Action  Expenditure Required:

**Recommendation/Action:** I move to approve the attached Resolution declaring certain Police computer property as surplus and authorize transfer and sale of such property to City of Normandy Park.

---

**Issue:** Approval of a resolution declaring certain municipal property to be surplus and authorizing its transfer and sale in accordance with city policy and procedure and state law.

**Discussion:** During the upgrade of IT equipment in the police department, several items were identified for surplus.

The City of Milton has an interlocal agreement with the City of Normandy Park for IT Services, and they have expressed an interest in purchasing the surplus equipment for their Public Works. As such, Milton IT would recommend this surplus to Normandy Park to assist them in productivity, as well as supporting equipment and devices we are familiar with; assisting and supporting our partners.

Approval of the resolution declaring certain property as surplus is recommended.

**CITY OF MILTON  
RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF MILTON, WASHINGTON, DECLARING CERTAIN  
PROPERTY AS SURPLUS AND AUTHORIZING ITS SALE  
TO CITY OF NORMANDY PARK FOR FAIR-MARKET  
VALUE.**

**WHEREAS**, the City Council of the City of Milton declared police mobile computer equipment and supplies, described in Attachment “A” hereto is surplus to the City’s needs and is not required for continued Milton municipal use, and,

**WHEREAS**, because the property has exceeded equipment rotation life in Milton and City of Normandy Park could utilize the equipment for their operations, it would be appropriate to declare this property surplus and authorize its transfer, sale, and,

**WHEREAS**, City of Normandy Park would like to purchase said equipment at fair market value.

**NOW, THEREFORE**, the City Council of the City of Milton, Washington does resolve as follows:

**Section 1.** That the items of property identified and described on the list attached hereto, marked as Exhibit “A” and incorporated herein by this reference, are declared to be surplus, and the Mayor or designee is authorized to release such property to the City of Normandy park for the fee of \$200.00 per device and associated accessories and software licenses in accordance with legally permissible methods.

**Section 2.** That this Resolution shall be in full force and effect upon passage and signatures hereon.

**PASSED AND APPROVED** by a vote of \_\_\_\_\_ for, \_\_\_\_\_ against, by the City Council of the City of Milton, Washington, at a regularly scheduled meeting thereof this 8<sup>th</sup> day of August, 2016.

\_\_\_\_\_  
Debra Perry, Mayor

Attest/Authenticated:

\_\_\_\_\_  
Katie Bolam, City Clerk

## APPENDIX A

### SURPLUS COMPUTERS AND DOCKS

<u>Equipment</u>	<u>Serial Number</u>
1 Panasonic Toughbook CF-30	6LKSA02629
1 Panasonic Toughbook CF-30	6LKSA04377
1 Panasonic Toughbook CF-30	6LKSA04313
3 Desktop Port Replicators	
3 Panasonic Kodiak Mobile CF-30 Vehicle Port Replicator	



To: City Councilmembers  
From: Mayor Perry  
Date: August 8, 2016 Special Meeting  
Re: **Setting Council Retreat Planning Date**

---

**ATTACHMENTS:**

---

**TYPE OF ACTION:**

Information Only  Discussion  Action  Expenditure Required:

**Recommended Action:** Review personal calendars and set the date for Council Retreat.

---

**Issue/Discussion:** Agree on a date for a 2016 Council Retreat.

**Discussion:** Council has often held Council business retreats on a Friday-evening and Saturday. Dates to consider for this are proposed:

- September 9-10
- September 16-17

Discussion of a place to meet is in order, as well. A free option includes council chambers and executive offices. If Council deems it important to meet away from city campus, staff can research available facilities based on the date chosen.



To: City Councilmembers  
From: Mayor Perry  
Date: August 8, 2016 Special Meeting  
Re: **Appointment to Council Position Number 1**

---

**ATTACHMENTS:** None.

---

**TYPE OF ACTION:**

Information Only     Discussion     Action     Expenditure Required

**Recommendation/Action:** Choose method of filling the vacant Council seat.

**Fiscal Impact/Source of Funds:** Council positions are budgeted \$400/month in salary.

---

**Issue:** On 7/18/2016, Council Position Number 1 was vacated.

**Background:** Council has the option of appointing a citizen to the position or, failing to do so within 90 days of the vacation, Pierce County may make the appointment. The 90-day time period ends on 10/16/2016. Therefore, if Council wishes to make the appointment, action should be taken at or before the October 3 Regular Meeting, or schedule a Special Meeting before October 16.

Council may choose to make nominations and elect from those nominations. Or Council may opt to open the position up to citizens for an application/interview process and elect from the pool of candidates.