



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

**January 21, 2014
Tuesday**

**Next Ordinance: 1835-14
Next Resolution: 14-1844**

Special Meeting Agenda

6:30 p.m.

Executive Session for the purpose of potential litigation as per RCW 42.30.110 (1)(i)

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 Chair. 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. Any item received by noon on the day of the meeting will be distributed to Council.

5. Consent Agenda

- A. Minutes – Approval of the minutes of:
 - i. January 6, 2014 Special Meeting
 - ii. January 13, 2014 Regular Meeting

6. Regular Agenda

- A. Review of Commercial parking Tax Code
- B. Accounting Supervisor Position

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. Grant Acceptance and Design Contract for Milton Way Overlay Project – 23rd to
Juniper

7. City Administrator Report

8. Council Reports

9. Mayor's Report

10. Adjournment

Item added during Council meeting - Ordinance regarding Marijuana
related land uses

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.

PENDING COUNCIL AGENDA CALENDAR (Dates are Subject to Change) FOR PLANNING PURPOSES ONLY

January 2014			
Tue 1/21	6:30 pm 7:00 pm	Executive Session Regular Meeting	Executive Session – Potential Litigation A. Review of Commercial Parking Tax Code B. Accounting Supervisor Position C. Grant Acceptance and Design Contract for Milton Way Overlay Project, 23 rd – Juniper
February 2014			
Mon 2/03	7:00 pm	Study Session	A. Amendments to Various Land Use Codes B. Park Name Change, Milton Community Park C. Finalizing Council Retreat Agenda
Fri 2/7 & Sat 2/8	2:00-5:00 p.m. 9:00 a.m. – 2:00 p.m.	Council Retreat Activity Center Red Room	TBD
Mon 2/10	7:00 pm	Regular Meeting	A. Presentation by Pierce County Councilmember Joyce McDonald B. Acceptance of Alder Ridge Trail Easement (<i>Consent Agenda</i>) C. Surplus Property (<i>Consent Agenda</i>) D. Annexation Petition, Clear Water Development and Sunridge Apartments E. Award of Activity Center Roof Replacement Contract F. Contract for Electric System Plan Update
Tue 2/18	7:00 pm	Regular Meeting	A. Granting of Easement to DOE B. Flood Control District Agreement with Pierce County C. Amendments to Building & Fire Codes
March 2014			
Mon 3/03	7:00 pm	Study Session	A. Well Drilling Report B. Meet with Water Staff C. Discussion of Water Capital Improvement Plan
Mon 3/10	7:00 pm	Regular Meeting	
Mon 3/17	7:00 pm	Regular Meeting	
April 2014			
Mon 4/07	7:00 pm	Study Session	A. Curtailment Agreement with Tacoma Power
Mon 4/14	7:00 pm	Regular Meeting	
Mon 4/21	7:00 pm	Regular Meeting	
May 2014			
Mon 5/05	7:00 pm	Study Session	A. Meet w/ staff: Stormwater Discussion
Mon 5/12	7:00 pm	Regular Meeting	
Mon 5/19	7:00 pm	Regular Meeting	
June 2014			
Mon 6/02	7:00 pm	Study Session	A. 6 Year Transportation Improvement Program
Mon 6/09	7:00 pm	Regular Meeting	
Mon 6/16	7:00 pm	Regular Meeting	
July 2014			
Mon 7/07	7:00 pm	Study Session	
Mon 7/14	7:00 pm	Regular Meeting	
Mon 7/21	7:00 pm	Regular Meeting	
August 2014			
Mon 8/4	7:00 pm	Study Session	A. Meet with Staff



Special Meeting
Monday, January 6, 2014
7:00 p.m.

Administration of Oath of Office by Municipal Court Judge Sandra Allen

Municipal Court Judge Sandra Allen administered the oath of office to Mayor Perry, Councilmember Zaroudny, Councilmember Taylor, Councilmember Ott and Councilmember Morton.

Swearing in of Interim Police Chief Mark Langford

Mayor Perry administered the oath of office to Interim Police Chief Langford.

The Mayor called for a recess until 7:30 p.m.

1. CALL TO ORDER

Mayor Perry called the special meeting to order at 7:30 p.m. with the flag salute.

- 2. ROLL CALL:** Council Members present: Whalen, Taylor, Jones, Ott, Morton, Manley and Zaroudny.

STAFF PRESENT: City Administrator Mukerjee, Finance Director Lisa Tylor, Police Chief Langford, and Public Works Director Neal.

- 3. Swearing in of Interim Police Chief**
(Moved up to after swearing in of elected officials)

- 4. Additions/Deletions:** None.

- 5. Citizen Participation:** None.

6. Consent Agenda

Approval of:

- A. Minutes from the meeting of December 2, 2013.
- B. (i) Payroll for 12/15/13, 12/20/13 and 12/31/13.
(ii) Checks/voucher numbers 54658-54733.
- C. Ordinance amending MMC Title 2, Administration & Personnel – Repealing Fire Department, Fireman's Relief & Compensation Benefits, and Personnel Job Descriptions.

COUNCILMEMBER WHALEN MOVED, seconded by Councilmember Taylor to approve the consent agenda as presented. **Passed 7/0.**

7. Regular Agenda

A. Appointment of Mayor Pro-Tem

City Administrator Mukerjee outlined the process. Mayor Perry opened the floor for nominations. Councilmember Whalen nominated Councilmember Taylor as Mayor Pro-Tempore. There were no other nominations. Mayor Perry then closed the nomination and called for a vote. **The vote was 6/0 in favor of the nomination.**

B. Appointments to Inter-Jurisdictional Boards & Commissions

Council discussed appointments to the Pierce County Regional Council (PCRC) and the Suburban Cities Association (SCA). The 2013 appointees were as follows: PCRC: Bart Taylor, Alternate, Debra Perry; and SCA: Debra Perry.

COUNCILMEMBER WHALEN MOVED, seconded by Councilmember Manley to continue with the same appointments for 2014. **Passed 7/0.**

Leonard Sanderson requested that the Council consider appointing a representative to the Emergency Medical Council of Pierce County. He will send an invitation for such an appointment to the council.

C. Setting Council Retreat Date

Council discussed various dates and times for the Council Retreat.

COUNCILMEMBER WHALEN MOVED, seconded by Councilmember Manley, to hold the Council Retreat on Friday, February 7th afternoon and Saturday, February 8th morning. **Passed 7/0.**

Council asked that the discussion of the retreat agenda be brought back at an upcoming Council meeting.

D. Acceptance of Alder Ridge Trail Easement

City Administrator Mukerjee and Public Works Director Neal stated that this easement was a condition of project approval. It would provide public pedestrian access from the current inter-urban trail, from 28th Avenue, through Alder Ridge to the intersection on Meridian and Military Road, and then connect to the existing trail in Edgewood.

COUNCILMEMBER OTT MOVED, seconded by Councilmember Jones to authorize the Mayor to execute the attached Public Pedestrian Trail Easement.

Councilmember Zaroudny raised questions about whether accepting this easement would adversely impact any future funding for the opened section of the trail.

Jacquelyn Whalen asked the Council to consider calling it a sidewalk. Leonard Sanderson urged the Council to accept the easement.

COUNCILMEMBER ZAROUDNY MOVED, seconded by Councilmember Morton to amend the motion to add the phrase "as an interim measure" to the end of the main motion. **Motion failed 2/5, with Councilmembers Zaroudny and Ott in favor, and the remaining five councilmembers voting against.**

Mayor Perry called for a vote on the original motion.

Motion failed 3/4, with Councilmembers Whalen, Jones and Ott in favor, and the remaining four councilmembers voting against.

Council asked that this item be brought back in the future with references to "interurban trail" being deleted.

E. **28th Avenue/Milton Way, Traffic Light Options**

Public Works Director Neal described the three temporary options to address some of the traffic complaints at the intersection of 28th Avenue and Milton Way. These were (1) Installing protected left-turn signals for 28th Avenue southbound and Safeway parking lot exiting traffic (\$4,000); (2) Restriping southbound 28th with a combined straight/right-turn lane and a left-turn only lane, matching the current northbound configuration out of the shopping center (\$3,300); and (3) Not allowing straight thru traffic from 28th across Milton Way (\$3,800). A traffic study would cost approximately \$12,000.

Council discussion included whether to do any of these temporary measures, now, or wait until the Meridian project is completed by WSDOT. After discussion, all councilmembers decided to wait until the completion of the WSDOT Meridian project, and then do a new traffic study, before proceeding with any modifications.

CITY ADMINISTRATORS REPORT

- Commended planning, building, stormwater and public works staff for their hard work during the holidays to ensure that the Alder Ridge development received its temporary certificate of occupancy.
- The Stone Ridge property has finally been purchased by a California company. The new owners will need to complete a number of items, including building a water booster station prior to obtaining occupancy.

COUNCIL REPORTS

- Mayor Pro-Tem Taylor:
 - Officially welcomed Derek Shuck, reporter for the Fife Milton Edgewood Signal.
- Councilmember Whalen:
 - Concerned about people using the rear of the Safeway parking lot as a road.
 - Street giving way a little at 5th & Comet.
 - Possible impact on police reserve officers due to the Healthcare act.
- Councilmember Jones:
 - Emerald Street stop sign looks great.
 - 1700 block of Emerald, east bound lane beginning to settle.
- Councilmember Ott:
 - Congratulated newly elected members.
 - Remarked about the lack of city lights at Hylabos, and requested a future study session of street lights.
- Councilmember Morton:
 - Alder Ridge opening on Thursday 4:00 – 7:00 p.m.
 - Commended the demolition of derelict house on 23rd.
 - The car wash is looking great
 - New pavement at the baseball field looks really nice.
- Councilmember Manley:
 - Also commended the demolition of two derelict houses on 23rd.
 - Wants the next steps of visioning to be discussed at the retreat.

- Councilmember Zaroudny:
 - Commended staff for their support and hard work.

MAYOR'S REPORT

- Looking forward to the open house at Alder Ridge.
- Commended Officer Don Hobbs for his approach to code enforcement.
- Glad that Chief Langford is on board as interim chief. She is in no rush to start the recruitment process for the permanent chief and will involve council as part of the interview process.
- Enjoyed having the Rangers at Heather Hills.

The meeting ended at 9:20 p.m.

Debra Perry, Mayor

ATTEST:

Lisa Tylor, City Clerk

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DRAFT CITY COUNCIL MINUTES

Regular Meeting
Monday – January 13, 2014
7:00 p.m.

CALL TO ORDER

Mayor Perry called the regularly-scheduled meeting to order at 7:01 p.m. and led the Pledge of Allegiance.

ROLL CALL

Present: Mayor Perry, Mayor Pro Tem Taylor, Councilmembers Whalen, Jones, Ott, Morton, Manley, and Zaroudny

STAFF PRESENT

City Administrator Mukerjee, Public Works Director Neal, Chief Langford

ADDITIONS / DELETIONS

None.

CITIZEN PARTICIPATION

Speaker	Address	Comments
Jacki Strader	1809 13 th Ave	Reported home suspicious of drug production. Mayor Perry suggested she share the information with Chief Langford.
Jacquelyn Whalen	1605 13 th Ave	Suggested Council consider updating the city's website with greater search capabilities and archiving alternatives for City records during the upcoming retreat.
Leonard Sanderson	1201 24 th Ave Ct	Recommends MRSC as a records research tool.
Jerry Thorson	East Pierce Fire District	Provided an update and answered Council questions regarding volunteer recruitment. Council requested that staff add emergency management training possibilities through EPFD to the retreat agenda.

CONSENT AGENDA

Approval of:

- A. Payroll dated 1/5/2014 in the amount of \$227,718.39.
- B. Checks/vouchers numbered 54734-54745 in the amount of \$28,225.65.

MAYOR PRO TEM TAYLOR MOVED, seconded by Councilmember Whalen, to approve the Consent Agenda as presented. **Passed 7/0.**

REGULAR AGENDA

- A. Contract with KPG, Inc. for Comprehensive Plan Amendment

City Administrator Mukerjee provided background information of funding, and he said that the consultants from KPG including Seth Harry will be present at tomorrow's ad hoc committee meeting.

He and Director Neal referred to the budget summary table on page 10 of the packet, explained the reason for requesting an additional \$5,000, and answered questions.

COUNCILMEMBER WHALEN MOVED, seconded by Councilmember Jones, to approve an additional \$5,000 from general fund balance for the comprehensive plan update to be used if needed to complete the work. **Passed 7/0.**

MAYOR PRO TEM TAYLOR MOVED, seconded by Councilmember Whalen, to approve the amended task list and budget as outlined herein for the 2014 work on the comprehensive plan update and authorize the Mayor to sign any necessary contract documents. **Passed 7/0.**

- B. Department of Ecology Grant for Storm Water Regulations & Consultant Contract

Director Neal explained the good news that the City has been awarded a total of \$170,000 in design funds for three projects meeting low impact development guidelines. One stipulation is that the design work be completed by August 1, 2014, which will then make those projects eligible for construction grant funds in the fall.

She said the three projects include parking areas at the community building and Triangle Park, and a bioswale in place of a culvert replacement on Emerald between 10th and 15th streets.

COUNCILMEMBER MORTON MOVED, seconded by Councilmember Ott, to accept the offered grant funding from the Department of Ecology in the amount of \$50,000 for implementation and management of the City's NPDES stormwater permit, along with an additional \$120,000 for planning and design of three stormwater projects.

Speaker	Address	Comments
Leonard Sanderson	1201 24 th Ave Ct	Suggested the parking lot on the south of the “tot lot” at Triangle Park would be another good choice for low impact development.
Jacquelyn Whalen	1605 13 th Ave	Concerned about potential repercussions or unintended consequences, such as the need for special equipment for maintaining pervious surfaces, or the need for regulations for homeowners’ maintenance of bioswales.

The motion was voted on and passed 7/0.

COUNCILMEMBER WHALEN MOVED, seconded by Mayor Pro Tem Taylor, to approve the draft scope and fee, as substantively attached, for the firm of Gray & Osborne to complete the design of three stormwater projects for an amount not to exceed \$120,000 and authorize the Mayor to sign all related documents.

Councilmembers expressed appreciation with the top-to-bottom approach to stormwater management, and expressed satisfaction with Gray & Osborne’s participation.

The motion was voted on and passed 7/0.

C. Council Retreat Discussion

City Administrator Mukerjee led a discussion regarding items for the upcoming council retreat agenda. Items put forward for possible inclusion included:

- Tour of substations
- Presentation by Safety Committee
- Tour of Stoneridge and its connection with visioning effort
- Emergency management training
- New councilmember information review
- Purchasing tablets for councilmembers
- Status of visioning process
- Review of utility finances
- Ways to support commissions and boards
- Specific accomplishments for next four years
- Specific focus for finance committee
- Street fund, with emphasis on refreshing the city’s street signs
- Moving to a biannual budget

D. Energy Conservation Report

City Administrator Mukerjee and Director Neal explained the efforts to remain in the Tier 1 rate structure with BPA for as long as possible, and answered questions.

CITY ADMINISTRATOR REPORT

- Visioning ad hoc committee meeting tomorrow night at 7:00 p.m.
- Next Council meeting is next Tuesday due to the holiday with an executive session at 6:30 p.m.
- Sad news – City employee Pamela Battersby lost her battle with illness and passed away last week.

COUNCIL REPORTS

- Mayor Pro Tem Taylor –
 - Enjoyed the Alder Ridge grand opening event.
- Councilmember Zaroudny
 - A new family has moved in on her street – good to see.
- Councilmember Manley
 - Two houses on 23rd were taken down – looks nice.
 - Reported property across from the skate park being used as a dumping ground.
- Councilmember Morton
 - Attended Alder Ridge grand opening – 26 units are spoken for.
 - There are mattresses piling up behind McDonald's.
- Councilmember Ott
 - Suggested beginning a “Welcome Wagon” for the new families that are moving in to the City.
 - Street lights – 17th/Alder and 15th/Birch Ct.
- Councilmember Jones
 - Went on a Pierce Transit ride-along on Route 503.
 - Appreciated no loss of power from the Milton utility during recent wind storms.
- Councilmember Whalen
 - Attended Alder Ridge grand opening; heard many compliments about working with the City of Milton.
 - Wondering if the “LOC” paint on some utility poles can be removed.

Chief Langford addressed Council with a brief report of his five weeks with the City.

MAYOR'S REPORT

- Regarding the two houses recently taken down on 23rd – that is due to the diligent work of Officer Hobbs.
- Hearing good reports of the police department around town.
- The Alder Ridge grand opening was a packed house – heard strong praise for the work of City staff, especially Chris Larson.

- The Chamber lunch meeting last week featured City Administrator Mukerjee presenting on Milton happenings – he did a great job.

ADJOURNMENT

Adjourned at 9:10 p.m.

Debra Perry, Mayor

ATTEST:

Lisa Tylor, City Clerk

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To: Mayor Perry and City Council Members
From: City Administrator, Mukerjee
Finance Director, Tylor
Date: January 21, 2014 Regular Meeting
Re: **Commercial Parking Tax – MMC 3.10**

ATTACHMENTS: MMC 3.10 Commercial Parking Tax

TYPE OF ACTION:

Information Only Discussion Action

Recommendation/Action: For discussion only; no action recommended at this time.

Issue: Should the city impose a commercial parking tax on businesses that are not commercial parking lots, but allow parking of vehicles on their business premises.

Background: Previously, a citizen has brought forth concerns related to the city not collecting “commercial parking tax” revenue from certain businesses located along Porter Way. The concern assumes these businesses are allowing or offering extended or long-term parking and subsequently collecting “parking fee” revenue, upon which commercial parking tax may be due.

In 2003 Milton adopted Ordinance 1572 imposing a \$1.00 per parking transaction for parking a motor vehicle in a facility operated by a *commercial parking business*. The burden of tax collection with monthly remittance to the city is placed on the property owner. The revenues generated from this tax can only be used only for transportation purposes. Also, the Milton commercial parking tax rate is on a dollar per transaction basis, rather than a percentage of gross income, which can make verification of income difficult.

Discussion:

As follow-up to this concern, research of the Milton Municipal Code defines “Commercial Parking Business” as *the ownership, lease, operation, or management of a commercial parking lot within the city and in which fees are charged*. Further, the Code defines “Commercial Parking Lot” as *any covered or uncovered area with parking stalls or spaces for the purpose of parking motor vehicles or allowing motor vehicles to be parked*.

The properties in question are not in business for the purpose of providing commercial parking. The parking allowed on their property is a normal and routine component of the regular daily operations of these businesses.

For further clarification and discussion, Commercial Parking Tax is a transportation revenue, similar to the state-shared gas tax. In 1990, the legislature provided local jurisdictions with a number of “local option” revenue sources, commercial parking tax being one of them. This tax may be levied by a city, with no limit on the rate and allowing multiple methods of assessment. The parking business operator is responsible for collecting the tax and remitting to the city. Currently, Bainbridge Island, Bremerton, Mukilteo, SeaTac and Tukwila are the only cities levying this tax.

Chapter 3.10

COMMERCIAL PARKING TAX

Sections:

- 3.10.010** Definitions.
- 3.10.020** Commercial parking tax imposed.
- 3.10.030** Collection of tax by business operators.
- 3.10.040** Tax in addition to other taxes or license fees.
- 3.10.050** Duties and powers of the finance director – Creation of commercial parking tax fund.
- 3.10.060** Use of tax revenues.
- 3.10.070** Civil penalty.
- 3.10.080** Violation – Penalty.
- 3.10.090** Tax – Collection by civil action.
- 3.10.100** Appeal procedure.

3.10.010 Definitions.

For purposes of this chapter, the following definitions shall apply:

A. "Commercial parking business" means the ownership, lease, operation, or management of a commercial parking lot within the city and in which fees are charged.

B. "Commercial parking lot" means any covered or uncovered area with parking stalls or spaces for the purpose of parking motor vehicles or allowing motor vehicles to be parked.

C. "Commercial parking transaction" means any transaction or arrangement whereby a motor vehicle is parked in a commercial parking lot and a fee is charged for parking or allowing the vehicle to be parked. Each occasion in which a fee is charged for parking or allowing a motor vehicle to be parked, irrespective of the length of time the vehicle is parked, shall constitute a separate and individual commercial parking transaction. A commercial parking transaction shall include instances where a fee is charged for the parking of a motor vehicle and that fee is included as one of multiple specific items in the overall fee or charge. A commercial park-

ing transaction shall also include instances where a motor vehicle is parked or allowed to be parked for a certain period of time, and a fee is charged in connection with other services. A commercial parking transaction shall also include instances where a motor vehicle is parked or allowed to be parked and where a fee would otherwise be charged for the parking but for validation by a business because a customer makes a purchase or otherwise transacts business for which remuneration is made. Each motor vehicle that is parked shall constitute a separate and individual commercial parking transaction for which the tax shall be collected, even if the fees charged and/or arrangements made for parking include more than one vehicle.

D. "Person" includes any individual, association, corporation, partnership, joint venture, or trust. (Ord. 1572 § 1, 2003).

3.10.020 Commercial parking tax imposed.

There is imposed a local option transportation tax for the act or privilege of parking a motor vehicle in a facility operated by a commercial parking business within the city. The tax shall be imposed at the rate of \$1.00 per commercial parking transaction, irrespective of the type of motor vehicle or the length of time that such vehicle is parked in connection with each transaction. (Ord. 1572 § 1, 2003).

3.10.030 Collection of tax by business operators.

Taxes imposed herein shall be collected by the operators of commercial parking businesses and shall be remitted to the city on or before the last day of the month following the month during which the taxed commercial parking transactions occurred, after which time the taxes shall be considered delinquent. (Ord. 1572 § 1, 2003).

3.10.040 Tax in addition to other taxes or license fees.

The tax imposed hereunder shall be in addition to any tax or license fee levied or imposed under any law, statute or ordinance

3.10.050

whether imposed or levied by the city, state or other governmental entity or political subdivision. (Ord. 1572 § 1, 2003).

3.10.050 Duties and powers of the finance director – Creation of commercial parking tax fund.

A. The finance director shall keep full and accurate records of all funds received under the provisions of this chapter. Upon receipt of any tax revenue or related penalty collected under the provisions of this chapter, the finance director shall deposit the amounts into a separate fund hereby designated as the “commercial parking tax fund.”

B. The finance director shall be authorized to review and inspect, at any and all reasonable hours, financial records involving activities of all commercial parking businesses.

C. In order to carry out the provisions of this chapter, the finance director shall have the power to adopt, publish and enforce rules and regulations consistent with this chapter. Through these rules the finance director may require that the taxpayer submit documentation verifying the number of vehicles subject to the commercial parking tax.

D. The finance director for good cause shown may extend the time for remitting collected taxes as required under this chapter; provided, that any extension in excess of 30 days shall be conditioned upon payment of interest of one percent for each 30 days or portion thereof on the amount of tax from the date upon which the tax became due. (Ord. 1572 § 1, 2003).

3.10.060 Use of tax revenues.

All revenues collected as commercial parking taxes shall be expended by the city solely for transportation purposes within the city in accordance with RCW 82.80.070 and consistent with the city’s transportation and land use regulations and policies. Transportation purposes include, but are not limited to, the operation and preservation of roads, streets, and other transportation improvements; new construction, reconstruction, and expansion of city streets; development and

implementation of public transportation improvements and programs; and planning, design, and acquisition of rights-of-way and sites for such transportation purposes. Transportation purposes also include administration of the tax imposed under this chapter, including activities of the city in keeping and tracking records, financial reports and other documents; reviewing filings and compiling reports by commercial parking businesses; and other activities involved in collection and enforcement of the tax. (Ord. 1572 § 1, 2003).

3.10.070 Civil penalty.

In the event that a person fails to collect the tax or is delinquent in remitting the same to the city as required under this chapter, a civil penalty shall be imposed in the amount of five percent of the delinquent tax plus any previously assessed and unpaid penalties under this chapter. For the purpose of calculating the penalty, each month that the amounts owed under this chapter are due and unpaid shall be considered a separate violation subject to penalty. A fraction of a month shall be deemed a full month. In no event shall the penalty for a fee or tax delinquent more than 90 days be less than \$50.00. In the event that a penalty has been wrongfully collected, the penalty shall be refunded by the finance director. (Ord. 1572 § 1, 2003).

3.10.080 Violation – Penalty.

Any person who fails or refuses to collect the tax or remit the same to the city, as required under this chapter, with the intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than six months, or by both such fine and imprisonment. A person is guilty of a separate offense for each and every day during the portion of which any violation of any provision of this chapter is committed, continued or permitted by any such person, and shall be punished accordingly. (Ord. 1572 § 1, 2003).

3.10.090 Tax – Collection by civil action.

The tax imposed under this chapter, and all penalties thereon, shall constitute a debt to the city and may be collected by court proceedings in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies. Any judgment entered in favor of the city shall include an award to the city of all court and collection costs, including attorneys' fees. Amounts due shall not be considered paid until the city has received good funds for the full amount due or has discharged the amount due and not paid. (Ord. 1572 § 1, 2003).

3.10.100 Appeal procedure.

A. Any person aggrieved by the amount of tax determined to be due to the city pursuant to the provisions of this chapter may appeal to the hearing examiner from such determination by filing with the hearing examiner a written notice of appeal, including the grounds for appeal, within 20 days from the date on which such person was given notice of the tax. The hearing examiner shall, as soon as practicable, fix a time and place for the hearing for such appeal and shall notify the applicant of the same by mail at least five days prior to the date of the hearing.

B. An appeal of the hearing examiner's decision may be had by filing an appeal in superior court within 30 days after official decision of the examiner. (Ord. 1572 § 1, 2003).

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To: Mayor Perry and City Councilmembers
 From: City Administrator, Subir Mukerjee
 Finance Director, Lisa Tylor
 Date: January 21, 2014
 Re: **Approval of Job Description – Accounting Supervisor**

ATTACHMENTS: Proposed Job Description
 Proposed Job Announcement

TYPE OF ACTION:

Information Only Discussion Action Expenditure Required

Recommendation/Action: “Move to approve the attached job description and salary range of *Accounting Supervisor*, and direct staff to move forward with the posting and hiring process.”

Fiscal Impact/Source of Funds: The total cost of this position is based upon the approved salary range (see job description) and will be allocated similar to other finance positions on an equitable basis to the three (3) utility funds.

Previous Council Review: The addition of an exempt position (1.0 FTE) within the Finance Department was discussed and included in the 2014 adopted budget.

Background: The current staffing structure within the city’s Finance Department includes one (1) Director and three (3) technical/clerical staff. Currently, all positions other than the Director are union positions represented by IBEW. Historically, over the course of the past five to ten years, this department has seen different mixes of positions, as well as different combinations of exempt and union employees. Regardless of the staff-mix, total FTE of the department has been four (4) or five (5), although the department has been operating with four (4) FTE since 2011.

Discussion: The general responsibilities of any finance department can be viewed by grouping functions into two (2) broad categories:

- 1) Accounting, and
- 2) Budget and Finance

Both *accounting* and *budgeting* are fiscal systems or processes that involve the planning, allocating, and disbursing or monetary resources. This results in an interrelationship and coordination between these two fiscal disciplines. Generally, budgeting is regarded more in terms of planning and enacting a fiscal plan. Accounting focuses on the recording, classifying, and interpreting of financial transactions.

From these general definitions, it should become clear that both disciplines are dependent upon the other to allow for efficient, accurate and reliable financial reporting.

Currently, the Finance Director has direct oversight responsibility of the entire department, which includes all accounting functions (accounts payable, accounts receivable, payroll, utility billing, etc.) as well as budget development, implementation and management. In addition, as a member of the City's administrative team, the Director participates in much of the city's overall administrative oversight, planning, and review.

Ideally, having a second position within the department filling a leadership and supervisory role, this would allow for more efficient and effective workflow. It would provide for an increased level of direct supervision and guidance to finance staff, as well as allowing the Director to accomplish larger and more proactive tasks.

It is staff's recommendation to post this position as soon as possible, perform a thorough and comprehensive selection process, and have the position filled by early Spring of 2014.

CITY OF MILTON JOB DESCRIPTION



Position Title: **ACCOUNTING SUPERVISOR**
Reports to: **Finance Director**
Salary Range: **\$5,582 - \$6,786**

Department: **FINANCE**
Classification: **Exempt**

GENERAL POSITION SUMMARY

Under general direction of the Finance Director, this position plans, directs and supervises the Accounting functions of the City, including Utility Billing. The individual serving in this position will perform a variety of management level and professional tasks relative to all assigned areas of responsibility, and provides highly responsible and complex assistance to the Finance Director. The Accounting Supervisor is expected to possess both a theoretical and practical knowledge of the relationship between financial records and their underlying documents. This knowledge will be employed in the supervision of the general accounting, accounts payable, accounts receivable, payroll, purchasing, cashing, utility billing and other systems as assigned.

SUPERVISION RECEIVED AND EXERCISED

This position receives general direction from the Finance Director

This position is responsible for direct supervision of professional, technical and clerical staff within the department.

ESSENTIAL JOB FUNCTIONS

1. Manage the day-to-day accounting functions of the City. Supervise, direct and evaluate the work of Finance Department staff. Plan, prioritize and delegate work to employees as necessary. Provide training to accounting staff as needed.
2. Assist in the planning, management and coordination of the City's financial accounting in accordance with Generally Accepted Accounting Principles (GAAP) and with the Budgeting, Accounting and Reporting System (BARS).
3. Supervise the maintenance of the general ledger, including development and maintenance of the chart of accounts; prepare all journal entries, determine proper account coding and provide technical assistance to other staff within the Finance Department and in other departments. Assure accounting records are in balance with actual cash, investments, accounts receivable, deposits, etc.
4. Assist in the City's cash management and banking activities.
5. Oversee the overall grant administration process for the City, including the application, reimbursement and reporting functions.
6. Develop, implement and enforce accounting policies, procedures and standards. Recommend changes to accounting procedures as needed.
7. Supervise and maintain fiscal integrity of the computerized financial system (*Springbrook*). Ensure changes in accounting requirements are correctly processed.
8. Respond to special requests for financial data and analysis, provide information to other local, state and federal agencies as requested.
9. Develop and recommend policy, procedures and internal controls for customer service activity related to utility accounts and collection.
10. Customer Service: Resolve and/or assist staff in the resolution of utility billing discrepancies or other issues.
11. Oversee contracted services for the City's IT infrastructure, which may include assistance with troubleshooting.

JOB FUNCTIONS IN SUPPORT OF THE FINANCE DIRECTOR

1. Assist with the development and implementation of department goals, objectives, policies/procedures and short/long range plans.
2. Assist with the audit process of the State Auditor and other auditing agencies. Act as liaison with other City staff for audit purposes; assigns and establishes deadlines for contributions from other department staff.
3. Assist with the preparation of monthly, quarterly, and annual financial reports of all City funds.

4. Assist with the preparation of financial forecasts for the City, including revenue and expenditure projections.
5. Assist in the development of the City's annual budget and budgeting procedures.
6. Assist with comprehensive rate studies for the City's utilities.

KNOWLEDGE, SKILLS and ABILITIES

Knowledge of:

- BARS and general state and federal laws regulating the financial activities of Washington municipalities
- Generally accepted accounting and auditing principles, theory and practices, as well as financial analysis and research techniques
- Municipal accounting and budgetary principles, practices, operations and procedures
- Principles of payroll processing, management and reporting
- General business and financial practices needed to operate effectively in the City's general business environment
- Effective management and supervisory techniques
- Current computer systems and various application programs

Ability to:

- Effectively manage and supervise subordinate staff
- Interpret and explain accounting policies and procedures
- Identify problems or issues and develop effective solutions
- Communicate effectively, both verbally and in writing
- Maintain confidentiality when appropriate
- Prepare clear, concise and accurate financial reports
- Build and maintain effective working relationships with a variety of internal staff and external customers and contacts
- Able to plan, organize and direct the work of other employees
- Manage multiple assignments and allocate resources effectively
- May attend various state, regional, or local meetings and/or training opportunities as deemed necessary.

EDUCATION AND/OR EXPERIENCE

Preferred: Bachelor's Degree in accounting, finance or closely related field, with significant experience in a municipal or other governmental environment. Six (6) years of progressively responsible work experience with a minimum of two (2) years in a supervisory capacity.

Any combination of education, experience and training that would provide the required knowledge and abilities required for this position will qualify.

PHYSICAL REQUIREMENTS and WORKING CONDITIONS

Work is performed in an office environment and requires sitting for extended periods of time; requires the ability to operate common office machines including telephone, computer, fax, copier and occasional use of audio-visual equipment. Occasional public presentations of complex and sometimes controversial information may be required. At times, this position may be required to work more than eight hours per day or forty hours per week.

The duties listed above are intended as illustrations of the type of work that may be performed. The omission of specific job duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment contract and is subject to change as the needs of the employer and requirements of the job change.

Regular and consistent attendance is a condition of continuing employment.



City of Milton, WA
Invites applications for the position of:
Accounting Supervisor

SALARY: \$66,984 - \$81,432 annually, plus excellent benefits
Salaried/Exempt Position

OPENING DATE: February 1, 2014

CLOSING DATE: Open Until Filled; first review of applications is Wednesday, February 26, 2014.
Only completed applications will be reviewed.

POSITION SUMMARY:

Under general direction of the Finance Director, this position plans, directs and supervises the Accounting functions of the City. The individual serving in this position will perform a variety of management level and professional tasks relative to all assigned areas of responsibility, and provides highly responsible and complex assistance to the Finance Director. *See accompanying job description for complete scope of work.*

General Responsibilities:

- Oversee accounting functions of the city including accounts payable, accounts receivable, purchasing, utility billing and payroll.
- Supervise, direct and evaluate the work of technical and clerical staff within the department.
- Develop, implement and enforce accounting policies, procedures and standards.
- Maintain the general ledger, including development and maintenance of the chart of accounts
- Assist in the planning, management and coordination of the City's financial accounting.
- Prepare monthly journal entries.
- Supervise and maintain fiscal integrity of the computerized financial system (Springbrook)
- Provide assistance and support to the Finance Director in the areas of financial analysis, reporting and budget development and monitoring.

Essential Qualifications:

- Interpret and adhere to laws, rules, regulations and codes related to areas of responsibility.
- Knowledge and demonstrated ability to use computer equipment and related software including MS Excel, Word, PowerPoint, and the ability to quickly learn fiscal software applications.
- Commitment to compliance and strong attention to detail
- Ability to manage multiple projects, prioritize work flow, meet deadlines and work with distractions
- Ability to maintain professionalism and provide a high degree of customer service
- Ability to communicate effectively in writing, orally or in formal presentations to a variety of audiences including city council, city staff or community members.
- Dependability
- Commitment to maintaining confidentiality
- Ability to interpret data
- Effective problem solving skills

In-City Applicants:

- Letter of Application
- Two letters of recommendation
- Current Resume

New Applicants submit the following to:

Human Resources/Finance Dept.
City of Milton
1000 Laurel St.
Milton, WA 98354

Or electronically to: ltaylor@cityofmilton.net

- Letter of Application
- Two letters of recommendation
- Current Resume
- Completed city application (available online at www.cityofmilton.net)

Back to Agenda Bill

All applicants selected for interviews will be asked to complete a skills test which will take approximately one and a half hours.



To: Mayor Perry and City Councilmembers
From: Public Works Director Neal
Date: January 21, 2014 Regular Meeting
Re: Milton Way Overlay Project (Juniper to 23rd Avenue) – grant acceptance and award of design contract to KPG

ATTACHMENTS: **A. Award letter**
B. Draft scope and fee

TYPE OF ACTION:

Information Only Discussion Action Expenditure Required:

Recommendation/Action: Two separate motions are required.

1. “I move to accept the Transportation Improvement Board grant for the Milton Way Overlay Project, Juniper Street to 23rd Avenue, in the amount of \$316,000 and authorize the Mayor to sign all necessary documents.”
2. “I move to authorize the Mayor to enter into a contract with the consulting firm of KPG for engineering design for the Milton Way Overlay Project for a cost not to exceed \$56,142.51.”

Fiscal Impact/Source of Funds: This project was included in the 2014 adopted budget.

Previous Council Review: N/A

Issue: The City has been awarded a grant to overlay Milton Way between Juniper Street and 23rd Avenue). Council needs to accept the grant and approve a design contract in order to proceed with the project.

Background: On August 20, 2013, staff submitted three applications for grant funding through the Transportation Improvement Board (TIB) for their City Hardship Assistance Program. The applications identified three separate segments of roadway for funding – Porter Way from Fife Way to Milton Way, Milton Way from Porter Way to Juniper Street, and Milton Way from Juniper Street to 23rd Avenue. All three segments of this project were included in the 2014 adopted budget under the title “Milton Way Overlay”.

In December of 2013 we received notice that Milton had been awarded funding for overlaying the segment of Milton Way between Juniper Street and 23rd Avenue (refer to award letter in Attachment A). Funding for the entire project is provided at \$316,100 with no match requirement.

Discussion: Attached is a draft scope and fee for KPG to complete the design work for this project (Attachment B). As a condition of this grant award, TIB is requiring that this project be combined with the Taylor Street Overlay project for economy of scale. Both projects will go out to bid as one bid package, with separate schedules to track costs. This will require additional effort by KPG, to meet the timelines already established with TIB for going out to bid on the original Taylor Street project.

As a reminder, TIB funds are paid on a reimbursement basis. Therefore, the City will incur and pay all of the costs prior to receiving payment of the grant money from TIB.



Washington State Transportation Improvement Board

RECEIVED

DEC 30 2013

City of Milton
Public Works

TIB Members

December 17, 2013

Ms. Letticia Neal, P. E.
Public Works Director
City of Milton
1000 Laurel Street
Milton, WA 98354-8850

Dear Ms. Neal:

We are pleased to announce the selection of your project, Milton Way, Juniper Street to 23rd Avenue, TIB Project Number 7-1-132(003)-1, from the City Hardship Assistance Program. The total TIB funds for this project are \$316,100.

In order to generate economy of scale and receive funding for this project it will be a requirement that it be constructed with your FY 2013 Expanded Preservation Project, 3-P-132(001)-1, which is scheduled to be advertised in March 2014.

Before any work is allowed on this project you must:

- Sign both copies of the Fuel Tax Agreement and return to TIB;
- You may incur reimbursable expenses only after you receive approval from TIB.

If you have questions, please contact Christa Draggie, TIB Project Engineer, at (360) 586-1147 or via e-mail at ChristaD@TIB.wa.gov.

Sincerely,

Stevan Gorcester
Executive Director

Enclosure

Back to Agenda Bill

Councilmember Sam Crawford, Chair
Whatcom County

Councilmember Jeanne Burbidge, V. Chair
City of Federal Way

Jim Albert
Office of Financial Management

Pasco Bakotich, P.E.
WSDOT

Todd Coleman, P.E.
Port of Vancouver

Kathleen Davis
WSDOT

Gary Ekstedt, P.E.
Yakima County

Mark Freiburger, P.E.
City of Sedro-Woolley

Mayor James Irish
City of La Center

Councilmember R.E. Bob Olson
City of Kennewick

Laura Philpot, P.E.
City of Sammamish

Heidi Stamm
HS Public Affairs

Commissioner Richard Stevens
Grant County

Harold Taniguchi
King County Metro Transit

John Vodopich
City of Bonney Lake

Jay Weber
County Road Administration Board

Ralph Wessels, P.E.
Bicycle Alliance of Washington

Clay White
Snohomish County

Stevan E. Gorcester
Executive Director

P.O. Box 40901
Olympia, WA 98504-0901
Phone: 360-586-1140
Fax: 360-586-1165
www.tib.wa.gov

City of Milton
Milton Way Overlay – Juniper Street to 23rd Avenue
TIB# 7-1-132(003)-1

Scope of Work

KPG, Inc
January 13, 2014

A. PROJECT DESCRIPTION/BACKGROUND

The City of Milton has acquired Transportation Improvement Board (TIB) funds to prepare Plans, Specifications, and Estimates to overlay Milton Way from Juniper Street to 23rd Avenue.

The scope of construction includes 1,910 lineal feet of Milton Way to be overlaid with 2" of Hot Mix Asphalt (HMA). In a few areas, full depth repairs will be reconstructed with 9" of Crushed Surfacing Top Course and 4" of HMA. Existing storm structures, manholes, and monument casings in the roadway will be adjusted to grade. There are ten (10) curb ramps within the project limits that will be upgraded / constructed to meet current ADA standards.

The City intends on combining the Plans, Specifications, and Estimates of the Milton Way Overlay Project with the Overlay TIB Preservation Project (TIB# 3-P-132(001)) currently at the 60% design phase. These projects will advertise together as one bid package and bid under separate schedules. This scope of services includes the additional time and effort required to revise the Overlay TIB Preservation Project plan set to integrate the design of the Milton Way Overlay Project that is currently on an accelerated design schedule.

B. ASSUMPTIONS

The following assumptions were made to provide direction for the design:

- Topographic field survey will not be required for roadway. Survey data will be acquired in areas where curb ramps will be installed (if necessary).
- Only surface utilities requiring adjustment to grade will be shown.
- Drainage & Water Quality Reports will not be required.
- No critical areas will be impacted by this project.
- Plans will be developed using AutoCAD 2013 using KPG drafting standards.
- The City will be the main contact for stakeholders groups associated with the project.
- No right-of-way / easement acquisition will be required.
- Construction Services, if desired will be under a separate scope of work.
- Environmental permitting exemptions to SEPA and Executive Order 05-05 shall be accomplished by the City.

Exhibit A

- ❑ This project will advertise and bid along with the Overlay TIB Preservation Project - TIB# 3-P-132(001). One (1) set of bid documents will be produced with separate bid schedules.
- ❑ Geotechnical engineering will not be required and is not included in this scope of work.

C. KPG DELIVERABLES

Deliverables prepared by the Consultant are identified at the end of each task in the scope of work.

D. CITY OF MILTON PROVIDED ITEMS:

The City of Milton will provide/prepare the following, if required and available:

- ❑ AutoCAD files including topographic data and right-of-way (if available).
- ❑ As-Builts of utilities within the project area (if available).
- ❑ Environmental Permitting and Exemptions

E. SCOPE OF WORK

TASK 1 – MANAGEMENT/COORDINATION/ADMINISTRATION

This task covers the effort required to manage the contract and to assure that the project meets the client's expectations for schedule, budget, and quality of product during the duration of the contract:

- 1.1 The Consultant shall provide continuous project management and administration for the projects duration (estimate 2 months).
- 1.2 Provide monthly progress reports and invoices.
- 1.3 The Consultant shall prepare for and attend coordination/progress meetings with City staff at regular intervals during the project to discuss key issues and track progress (estimate 3 meetings). Conference calls will be scheduled to discuss key issues with the City as needed.
- 1.4 The Consultant will provide internal QA/QC on all work products prior to submittal for City review.

Task 1 Deliverables:

- Monthly Invoicing and Progress Reports
- Project Schedule and Updates
- QA/QC of all submittals

TASK 2 – SURVEY AND BASEMAPPING

This task includes conducting field survey and Right of Way investigation at select intersections sufficient to acquire necessary survey data required to design curb ramps that comply with current ADA standards.

- 2.1 The Consultant will obtain and review road files, records of survey, deeds, and other available information to determine the road right-of-way in areas where the new curb ramps will be installed. The Consultant will provide sufficient field survey of street monuments, section corners and property corners to orient the right-of-way to the project.
- 2.2 Mapping work to prepare 1"=20' topographic base map and digital terrain model (DTM) in AutoCAD format within the project limits. The base map will include surface features within 50' of the proposed improvements for up to ten (10) existing or proposed curb ramp locations. Underground utilities will not be located under this task. One-foot contours will be generated from the DTM.

Task 2 Deliverables:

- Electronic basemap showing intersection corner radii surface features, and 1-foot contours at a scale of 1-inch = 20-feet.

TASK 3 – BID PHASE SUPPORT

- 3.1 The Consultant shall answer questions presented by contractors during the bidding process, as requested by the City.
- 3.2 The Consultant shall prepare two (2) bid addendums, if required, and as requested by the City.
- 3.3 The Consultant shall prepare contractor award recommendation.

Task 3 Deliverables:

- Bid Addendum, if required.
- Award Recommendation.

TASK 4 – FINAL DESIGN

Task covers the effort required to prepare Plans, Specifications and Estimates. KPG will combine the plans, specifications, and estimates under one bid package with separate bid schedules that encapsulates the Overlay TIB Preservation Project - TIB# 3-P-132(001). It is anticipated that by combining the plan sets for both overlay projects that significant modifications to the above mentioned plan set will occur since this project is currently beyond the 60% design phase. This scope and fee supports this additional effort. The following is a list of anticipated work items to be included within this task:

Exhibit A

- 4.1 Field Investigation and Design – KPG will conduct a field design which will include the following:
- a. Location of existing surface utilities which will require adjustment to grade.
 - b. Confirm existing pavement marking shown on the aerial photo and revise if needed to fit any changes.
 - c. Determine restoration requirements in locations of ADA facility upgrades.
- 4.2 Office Design – KPG will prepare Plans, Specifications, and Estimates and submit to the City at 60%, 100%, and Bid Documents that will include the following:
- a. Approximate locations of all existing surface utilities which require adjustment to grade.
 - b. Curb ramp design details for new and modified curb ramps.
 - c. Approximate locations of pavement/subgrade repairs.
 - d. Plan Production: The estimated sheet count is as follows (based on full size plans at 40-scale and a Plan/Plan format):

Title	Number
Cover Sheet	1
Legend & Abbreviations & Survey Data	1
Pavement / Utility Adjustment Details	2
Overlay Plans (Plan/Plan@40 Scale)	4
Curb Ramp Details	1
TOTAL	9

Task 4 Deliverables:

Deliverables with each Submittal to the City will include the following:

- *60% Submittal*
 - 2 Half Size Plan Sets (11x17) & Specifications
 - 2 Half Size Plan Sets (11x17) & Specifications
 - 1 Construction Cost Estimate in Excel and PDF format
- *100% Design Submittal*
 - 2 Half Size Plan Sets (11x17), Specifications, & Estimate
 - 2 Half Size Plan Sets (11x17), Specifications, & Estimate (to TIB)
 - 1 Copy Electronic Plans, Specifications, and Estimates
- *Bid Documents*
 - 2 Construction Cost Estimates Excel and PDF format
 - 2 Set Half Size Plan Sets (11x17) & Specifications
 - 1 Set Full Sized Plans (22x34)
 - 1 Copy Electronic Plans, Specifications, and Estimates

HOUR AND FEE ESTIMATE

Project: City of Milton
Milton Way Overlay – Juniper Street to 23rd Avenue
TIB# 7-1-132(003)-1
Date: January 2014



Milton Way Overlay – Juniper Street to 23rd Avenue	
Task 1 - Management/Coordination/Administration	\$ 3,512.61
Task 2 - Survey and Basemapping	\$ 4,580.46
Task 3 - Bid Phase Support	\$ 2,676.39
Task 4 - Final Design	\$ 45,373.05
<hr/>	
TOTAL ESTIMATED FEE =	\$ 56,142.51

HOURLY AND FEE ESTIMATE

Project: City of Milton
 Milton Way Overlay – Juniper Street to 23rd Avenue
 TIB# 7-1-132(003)-1
 Date: January 2014



Task	Description	Labor Hour Estimate										Total Fee	
		PM /ENG	Senior QA/QC	ENG	Sr. Project ENG	Project ENG	CAD Technician	Sr. Surveyor	Survey Crew	Office Admin	Fee		
Task 1 - Management/Coordination/Administration													
1.1	Project Management	4											\$ 602.30
1.2	Progress Reports and Invoices	4							3				\$ 792.01
1.3	Progress Meetings (3)	3			3								\$ 769.92
1.4	QA/QC	4	4										\$ 1,298.37
	Reimbursable expenses - see breakdown for details												\$ 50.00
	Task Total	15	4	0	0	3	0	0	0	3	0	0	\$ 3,512.61
Task 2 - Survey and Basemapping													
2.1	Right of Way Investigation							8			8		\$ 2,113.16
2.2	Survey Basemapping						8		4		8		\$ 2,447.30
	Reimbursable expenses - see breakdown for details												\$ 20.00
	Task Total	0	0	0	0	0	8	8	12	0	16	0	\$ 4,580.46
Task 3 - Bid Phase Support													
3.1	Answer Bid Questions	2			4								\$ 725.41
3.2	Prepare Addendums (2)	2			8					2			\$ 1,276.14
3.3	Award Recommendation	1			4								\$ 574.84
	Reimbursable expenses - see breakdown for details												\$ 100.00
	Task Total	5	0	0	0	16	0	0	0	2	0	0	\$ 2,676.39
Task 4 - Final Design													
4.1	Field Review and Design	16				16							\$ 4,106.25
4.2	Plan Production (9 sheets)	0	0	0	0	168	116	0	0	0	0	0	\$ 29,284.31
	Cover Sheet						4						
	Legend & Abbreviations & Survey Data						4						
	Pavement/Utility Adjustment Details					12	24						
	Overlay Plans (Plan/Plan)					120	60						
	Curb Ramp Details					36	24						
	Construction Estimates and Specifications	40	4		30	16							\$ 11,482.49
	Reimbursable expenses - see breakdown for details												\$ 500.00
	Task Total	56	4	0	0	214	132	0	0	0	0	0	\$ 45,373.05
	Hours Totals	76	8	0	0	233	140	12	16	5			
	TOTAL ESTIMATED FEE:												\$ 56,142.51

HOUR AND FEE ESTIMATE

Project: City of Milton
 Milton Way Overlay – Juniper Street to 23rd Avenue
 TIB# 7-1-132(003)-1
 Date: January 2014



Task	Description		
Task 1 - Management/Coordination/Administration			
	Mileage	\$	50.00
	Reproduction	\$	-
	Total	\$	50.00
Task 2 - Survey and Basemapping			
	Mileage	\$	20.00
	Reproduction	\$	-
	Total	\$	20.00
Task 3 - Bid Phase Support			
	Mileage	\$	-
	Reproduction	\$	100.00
	Total	\$	100.00
Task 4 - Final Design			
	Mileage	\$	100.00
	Reproduction	\$	500.00
	Total	\$	600.00
Total Reimbursable Costs:			\$ 770.00

Back to Agenda Bill



Agenda Item #:

To: Mayor Perry and City Council Members
From: City Administrator, Mukerjee
Date: January 21th, 2014
Re: **An Ordinance Adopting a Six-Month Moratorium on the Establishment of Marijuana Businesses**

ATTACHMENTS: A. Ordinance

TYPE OF ACTION:

Information Only Discussion Action Expenditure Required:

Recommendation/Action: Move to approve the attached ordinance adopting a six-month moratorium on the establishment of marijuana businesses, declaring an emergency and providing for a public hearing on March 10th, 2014.

Previous Council Review: NA.

Issue: On Thursday, January 16th, the State Attorney General issued a formal opinion that states that local governments may ban marijuana businesses or impose stricter regulations than those of I-502.

Discussion: Milton had previously adopted regulations on marijuana related uses. However, several local jurisdictions, including Pierce County adopted temporary moratoriums. The AG's formal opinion may allow these jurisdictions to permanently ban marijuana uses, which could result in a disproportionate number of these establishments locating in Milton.

Passage of the attached ordinance enacting a six-month moratorium will allow Milton to review and assess the impacts of the AG's opinion before adopting final regulations.

State law requires a public hearing on this action within 60 days, which is set on March 10th. Also, due to the emergency clause, this ordinance requires 5 affirmative votes for passage.

**CITY OF MILTON
ORDINANCE 1835-14**

AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON; ADOPTING A SIX-MONTH MORATORIUM ON THE ESTABLISHMENT OF MARIJUANA BUSINESSES; PROVIDING FOR A PUBLIC HEARING; REFERRING THE MATTER TO THE PLANNING COMMISSION; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the City of Milton enacted Ordinance 1819-13 adopting regulations on marijuana related uses, and

WHEREAS, the Washington State Attorney General has issued a formal opinion (AGO 2014 No.2) that states that local governments may ban marijuana businesses within their jurisdiction or impose stricter regulations than those in I-502; and

WHEREAS, several local governments around the City, including Pierce County, have enacted moratoriums on marijuana businesses resulting in the possibility that a disproportionate number of marijuana businesses will locate in the City of Milton; and

WHEREAS, the City Council deems it to be in the public interest to establish a zoning moratorium until the City of Milton can consider and adopt regulations to prevent the City from having to bear a disproportionate share of negative impacts resulting from an unreasonable number of marijuana businesses within the City; and

WHEREAS, RCW 36.70A.390 provides for a zoning moratorium subject to a public hearing being held within 60 days of the passage of this ordinance,

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings of Facts: The recitals set forth above are hereby adopted as preliminary findings of facts. The Milton City Council may, at its discretion adopt additional findings at the conclusion of the public hearing referenced below.

Section 2. Moratorium: The Milton City Council hereby imposes an immediate six-month moratorium on the acceptance of any development permit or business applications for, and prohibiting the location and establishment of, any marijuana business licensed under Chapter 69.50 RCW involving retail sale, growing, production and processing of marijuana. No building permit, occupancy permit, or other development approval for these purposes shall be issued while this moratorium is in effect.

Section 3. Planning Commission Referral: The Milton Planning Staff is hereby authorized and directed to develop updated draft regulations regarding marijuana businesses. The regulations

shall be referred to the Milton Planning Commission for review and recommendation for inclusion in the zoning ordinances of the City of Milton.

Section 4. Public Hearing Date: Pursuant to RCW 36.70A.390, the City Council sets the City Council Regular Meeting on March 10, 2014, at 7:00 p.m. at 1000 Laurel Street, Milton, Washington, as the date and time for a public hearing on the continuance of this moratorium, and the City Clerk is directed to cause appropriate notice of such hearing to be given.

Section 5. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or Federal law or regulations, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 6. Declaration of Emergency: The City Council hereby declares that an emergency exists necessitating that this ordinance take effect immediately upon passage by a majority vote plus one of the whole membership of the Council, and that the same is not subject to a referendum (RCW 35A.12.130). Without an immediate moratorium on the City's acceptance of applications for marijuana businesses, such applications could become vested, leading to development that could be incompatible with the codes eventually adopted by the City. Therefore, the moratorium must be imposed as an emergency measure to protect the public health, safety and welfare, and to prevent the submission of applications to the City in an attempt to vest rights for an indefinite period of time.

Section 7. Duration of Moratorium: The moratorium set forth in this ordinance shall be in effect for a period of six months from the date this ordinance is passed and shall automatically expire on that date unless the same is extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the Milton City Council.

Section 8. Transmittal to Department: Pursuant to RCW 36.70A.106, this ordinance shall be transmitted to the Washington State Department of Commerce as required by law.

Section 9. Publication: This ordinance shall be published by an approved summary consisting of the title.

Section 10. Effective Date: This ordinance shall take effect and be in full force and effect immediately upon passage as long as it is approved by a majority plus one of the entire membership of the Council, as required by RCW 35A.12.130.

PASSED AND APPROVED at the regular meeting of the Council of the City of Milton, Washington, this 21st day of January, 2014.

Debra Perry, Mayor

Attest/Authenticated:

Lisa Tylor, City Clerk

Approved as to form:

Bio Park, City Attorney