



BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA

AB 5473
September 17, 2018
Study Session

Table with 3 columns: Update on City Council Goal 4 (Preserve, Promote, and Enhance Mercer Island's Focus on Arts and Culture), Action (No action necessary. Receive report.), and checkboxes for Discussion Only, Action Needed (Motion, Ordinance, Resolution).

Table with 2 columns: Department of Council Liaison (City Manager (Julie Underwood), n/a) and Exhibits (List of 5 items including Update on the City of Mercer Island Comprehensive Arts & Culture Plan Memo, Amendment 6 - Arts & Cultural, Letter from MICA dated August 23, 2018, Letter from Youth Theatre Northwest dated February 5, 2018, Update on the City's Pursuit of the Certified Creative District Designation Memo). Also includes 2018-2019 City Council Goal (4. Focus on Arts and Culture) and Approved by City Manager.

Table with 3 columns: Amount of Expenditure (\$ n/a), Amount Budgeted (\$ n/a), and Appropriation Required (\$ n/a).

SUMMARY

At their January 2018 Planning Session, the City Council developed the 2018-2019 City Council Goals and Work Plan. A goal was added to reflect the Council and community's desire to focus on arts and culture in all aspects of Mercer Island life (the Council formally adopted their goals and work plan at the Council's April 3 meeting under AB 5410):

Goal 4. Preserve, Promote, and Enhance Mercer Island's Focus on Arts and Culture

Integrating arts and culture into our community improves economic vitality, livability, and quality of life. Arts and cultural programs engage the public and build community by improving health, mental well-being, cognitive functioning, creative ability, and academic performance.

Action Items:

- 1. Engage the community regarding arts and culture policies and goals for the Comprehensive Plan.
2. Partner with the Mercer Island Center for the Arts (MICA) to identify alternative site locations.
3. Research and explore creating a "Certified Creative District."

Arts and Cultural Policies and Goals for the Comprehensive Plan

An update on the efforts surrounding arts and culture policies and goals for the Comprehensive Plan is provided in the memorandum from Interim Development Services Director Evan Maxim (see Exhibit 1). The draft policies and goals will be discussed in more detail with the Council on October 2 and 16 as part of the 2018 Comprehensive Plan Amendments (see Exhibit 2).

Mercer Island Center for the Arts (MICA) Update

In early October 2017, the City requested that the MICA Board consider a “pause” on their zoning code text amendment application process for siting the performing arts center at the former Recycling Center/Bicentennial Park property located at Mercerdale Park. The MICA Board agreed to the pause and to work jointly with the City to develop a plan for moving forward.

The City and MICA signed a letter in January 2018 agreeing to re-engage the community regarding goals and policies pertaining to arts and culture, including ideas for site and design for an arts center; and exploring alternative sites (MICA “pause”). At the February 6, 2018 Study Session, City staff and newly appointed MICA Executive Director Paul Shoemaker provided an update on the “pause” to the Council and community (see [AB 5389](#)). At the Study Session on Monday night, MICA will present the results of their community engagement process.

Recently MICA presented a letter to the City Council expressing an interest in possibly locating a performing arts facility in the City’s Commuter Parking and Mixed-Use Project being proposed for the Tully’s/Parcel 12 site (see Exhibit 3). The Council responded by supporting this use in the list of priorities that were identified in the Request for Qualifications.

Additionally, the City Manager has met with members of Concerned Citizens for Mercer Island Parks (CCMIP) where they have shared questions and concerns. This update and future discussions will strive to answer their questions.

Youth Theatre Northwest (YTN) Update

At the February 2018 Study Session, YTN Executive Director Manuel (“Manny”) R. Cawaling presented a letter to the City Council regarding YTN’s ongoing challenges for finding suitable space for class/instruction, performances, office, and storage, and it requested the City’s assistance (see Exhibit 1). The City Council directed the City Manager to work with YTN, and MICA also offered to assist.

MICA took the lead in assisting and arranged for YTN and the Stroum Jewish Community Center to meet to discuss needs and a possible collaboration. While these efforts were productive, in the end, YTN renewed a lease with the Emmanuel Episcopal Church which runs through 2020. Likewise, the arrangement with the Boys & Girls Club to store YTN’s stage props and equipment is effective through the end of 2019. While YTN’s concerns have been addressed in the short-term, it is possible they may need to return to request future assistance, especially for their storage needs.

The City would like to acknowledge Manny Cawaling’s devoted years of leadership and service to YTN and to the Mercer Island and Eastside communities. Mr. Cawaling’s long-lasting contributions have been imprinted on this community for many generations to come. The City team wishes Mr. Cawaling continued success as he steps into his new role as the Executive Director of Cultural Access Washington.

“Certified Creative District”

An update on this action item is provided in the memorandum from Parks and Recreation Director Jessi Bon (see Exhibit 5). The proposal is planned to come before the Council for review and approval within the first quarter of 2019. The goal is to submit the application to the State by March 2019.

RECOMMENDATION

City Manager

No action necessary. Receive report.



MEMORANDUM

City Council Study Session – 9/17/18

TO: Julie Underwood, City Manager

FROM: Jessi Bon, Parks & Recreation Director
Evan Maxim, Interim Director of Development Services

RE: Update on the City of Mercer Island Comprehensive Arts & Culture Plan

Overview

In early 2018, the City Council adopted the goal of “Preserving, promoting and enhancing Mercer Island’s focus on arts and culture.” One of the resulting action items was a proposal to develop the City’s first Arts and Culture Plan, recognizing the community’s history of supporting the arts, identifying existing gaps in arts infrastructure, and outlining a strategy for nurturing arts and culture in the community. The Mercer Island Arts Council, after engaging the community, drafted the Arts and Culture Plan in April 2018. The Arts and Culture Plan establishes a policy basis for many of the current City efforts to promote Arts and Culture (e.g. public art in parks, 1% from capital projects, etc). The Arts and Culture Plan also provides a framework for further promoting the development of arts and culture on Mercer Island, through efforts like the creation of a Creative District.

Early Meetings and Initial Plan Development

The Arts Council, the Development Services Group, and the Parks & Recreation Department began work on the cultural arts planning process in early 2018. Evan Maxim, Interim Director of Development Services, attended the January 14, 2018 Arts Council meeting to provide an overview of the comprehensive planning process and shared recommendations on a plan development strategy.

The Arts Council commenced their work by reviewing comprehensive plan samples from other jurisdictions, which helped shape early plan concepts and resulted in the development of the first Arts & Culture Plan draft in February 2018.

Public Engagement

In early March 2018, the Arts Council shared the draft Arts and Culture Plan with the public via the City website and the Arts Council email distribution list. A community discussion was held at the March 14, 2018 Arts Council meeting, drawing a crowd of nearly 50 people. The Planning Commission also had an opportunity to review the draft plan at the March 11, 2018 Commission Meeting. The feedback and suggestions collected during this initial community

outreach process were reviewed by the Arts Council and used to develop the new cultural arts goals:

Goal 1: Support the arts on Mercer Island.

Goal 2: Nurture public art on Mercer Island.

Goal 3: Preserve Mercer Island's Heritage.

Each of these goals were accompanied by [draft policies](#) that will help guide future actions in support of arts and culture on Mercer Island. These goals and policies were included in the proposed amendments to the Land Use Element of the Comprehensive Plan and in the draft Comprehensive Arts and Culture Plan.

The Arts and Culture Plan and corresponding Comprehensive Plan Amendments were presented and to the Planning Commission at meetings on May 16 and June 6, 2018. Concurrently, an online survey was launched May 21, 2018, soliciting public feedback on the proposed cultural arts goals. The survey was open for about 8 weeks and received 393 responses. Overall, the community has been very supportive of the process and the feedback provided helped to inform the final draft of the Arts & Culture Plan.

Next Steps

The Planning Commission continued its review of the Arts & Culture Plan and the Comprehensive Plan amendments at two recent meetings on August 29 and September 5, 2018, both of which included formal public hearings. Following the close of the public hearing, the Planning Commission has recommended incorporating the Arts and Culture Plan and related goals and policies into the Comprehensive Plan.

The City Council will review the proposed cultural arts Comprehensive Plan Amendments October 2 and 16, with final adoption anticipated on November 20, 2018. Approval of the amendments will officially adopt the Arts and Culture Plan and establish goals and policies, which are critical to achieving the vision "To assimilate positive art experiences into everyday life for all community members."

2018 Comprehensive Plan Amendments

Amendment 6 – Arts & Cultural

Amend the Introduction, Section II Vision Statement Introduction to read:

...

The following Vision Statement is essentially the compilation of several long standing policies embodied in several existing planning documents including the Land Use Plan, Town Center Plan, ~~and~~ Park and Open Space Plan, and the Comprehensive Arts and Culture Plan. Reexamining these policies implies a reexamination of the City's overall policy base.

This Vision Statement should satisfy (at least) the following three purposes: 1) City Boards, Commissions and Staff will use the Council's explicit guidance in determining the priority and degree of evaluation of existing elements in the City's Growth Management Act Policy & Planning Work Plan; 2) City employees will be guided in the provision of quality municipal services; 3) Most importantly, the Council, its advisory bodies and the community-as-a-whole will proceed with a common understanding of the quality of life values or themes that will shape our community for years to come.

...

Amend the Land Use Element, Section I Introduction to read:

...

Parks, open spaces, educational and recreational opportunities are highly valued and consume a large amount of land. The Island has 472 acres of park and open space lands including small neighborhood parks and trails as well as several larger recreational areas, including Luther Burbank Park and Aubrey Davis Park above the Interstate 90 tunnel. One hundred and fifteen acres of natural-forested land are set aside in Pioneer Park and an additional 150 acres of public open spaces are scattered across the community. There are four elementary schools (one scheduled to open in fall 2016), one middle school and a high school owned and operated by the Mercer Island School District. In addition, there are several private schools at the elementary and secondary education levels.

Arts are integral to Mercer Island's identity, vitality, heritage, and shared values. The City of Mercer Island is committed to supporting and sustaining rich and diverse cultural and arts experiences and opportunities for the community. In 2018, the City incorporated the Arts and Culture Comprehensive plan as an appendix to the Comprehensive Plan incorporating the goals and policies in the Arts and Culture Comprehensive into the City's Comprehensive Plan.

The community strongly values environmental protection. As a result, local development regulations have sought to safeguard land, water and the natural environment, balanced with

private property rights. To reflect community priorities, development regulations also attempt to balance views and tree conservation.

Amend the Land Use Element to create a new Goal 23, which reads:

Goal 23: Support the arts on Mercer Island.

Amend the Land Use Element to create new policies 23.1, 23.2, 23.3, 23.4, 23.5, 23.6, 23.7, 23.8, 23.9, and 23.10, which read:

23.1 Support implementation of and encourage community involvement in accessible, high quality performing, visual and literary arts programs, projects, and events.

23.2 Provide educational art opportunities through Parks & Recreation curriculum.

23.3 Maintain a citizen Arts Council, which is advisory to the City Council and that spearheads arts programming and partnerships.

23.4 Promote cooperation and local partnerships between the City of Mercer Island and artists, arts providers, nonprofit organizations, and urban designers to help improve the quality of the built environment.

23.5 Coordinate and collaborate with the local school district to broaden accessibility and awareness of local art opportunities.

23.6 Coordinate and collaborate with local, regional, and national arts organizations, and through public and private partners to integrate art into the community via permanent installations and special events.

23.7 Assess community art needs through community engagement and public involvement.

23.8 Implement a creative district and accountability strategy to complement and enhance overall city economic development strategy and to foster a thriving creative economy.

23.9 Support efforts to secure space for art, cultural activities, and archival needs by: pursuing the establishment of a community maker space; pursuing opportunities for housing and/or live/work space for artists; pursuing a multidiscipline-oriented community arts facility; and pursuing storage space for historical documentation.

23.10 Maintain a parity of public space for art and cultural activities when existing public art and cultural activity space is modified or eliminated.

Amend the Land Use Element to create a new Goal 24, which reads:

Goal 24: Nurture public art on Mercer Island.

Amend the Land Use Element to create new policies 24.1, 24.2 24.3, 24.4, 24.5, 24.6, and 24.7 which read:

24.1 Encourage diversity in public art.

24.2 Maintain current and encourage new spaces for public art placement.

24.3 Maintain and preserve the current collection and encourage the acquisition of additional public art.

24.4 Incorporate public art into capital improvement projects.

24.5 Maintain requirement that at least 1% of qualifying capital improvement projects' costs are set aside for public art acquisition, repair, and maintenance.

24.6 Incorporate public art into and surrounding transportation projects.

24.7 Welcome and support community involvement in public art processes.

Amend the Land Use Element to create a new Goal 25, which reads:

Goal 25: Preserve Mercer Island's Heritage.

Amend the Land Use Element to create new policies 25.1, 25.2, and 25.3 which read:

25.1 Promote awareness and appreciation of Mercer Island's history and historic resources.

25.2 Support efforts to secure space for the preservation of Mercer Island's cultural heritage.

25.3 Promote public engagement with culture and heritage organizations.

Adopt as Appendix D, the City of Mercer Island Comprehensive Arts and Cultural Plan.

August 23, 2018

To: City Council and Manager

We want to convey our strong and clear intent to be a key part of the City's proposed mixed-use development at the Tully's site. We believe the Mercer Island Center for the Arts (MICA) can uniquely and powerfully fulfill the community benefits in the RFQ by creating a new space for arts, culture, and community on Mercer Island. Our message today comes not just from our board and staff, but much more importantly, with support from the Mercer Island community, whom we have listened to intensely over the last 3 months, hundreds in-person and nearly 1,000 online.

Our final, public report on the Community Visioning Dialogue is in process and will be shared widely in mid-September. One thing is clear - we have repeatedly heard a strong desire throughout our community to create a new center for the arts. To be sure, citizens have different opinions on some details, but based on what we heard again and again from islanders, a new space for the arts would -

- Provide a central, convening space to meet the growing demand for arts performances, education and collaboration among residents of all ages. It is desired by a significant majority of islanders and would finally match MI's facilities for education and athletics.
- Act as a significant stimulus to the economic vitality of our town center and local businesses (as well as building a growing revenue source for the City)
- Create a permanent, lasting home for Youth Theatre Northwest, fulfilling the City's commitment, first made back in 2013.
- Become a dynamic addition to the identity of Mercer Island that will enhance not only our island's residents' property values, but our whole community's pride in the place we call home
- Leverage the Sound Transit opportunity to the fullest and provide a beautiful gateway into downtown

This is the opportunity to let the **voice of the community** shape our downtown development! We look forward to sharing this information in more depth during the September 18 study session at the City Council. While we continue to explore other potential new locations, we believe the Tully's has some very unique advantages, delivers on the most community benefits for the citizens of Mercer Island, and has a higher potential to be a long-term sustainable enterprise. We are clear that the City will not provide funding for MICA's construction or operation and feel this new site gives us the best opportunity for meeting the community's goals and our fundraising goals.

We are ready to dig in and do the hard work this will take over the next few years. It will include undertaking a major fundraising campaign, commissioning a revised design for the new location, and rallying the community's support and continued engagement like we have for the past 3 months. To be crystal clear, MICA is energized, engaged, and ready to do our part to make this happen!

As we all know, this will not be a simple project. MICA will need to define the amount of space needed for specific uses within the mixed-use development, conduct a major fundraising campaign that will be linked to milestones and contingency plans with the City and a developer, and gear up to update all the economic modeling and feasibility studies needed to validate and execute a successful campaign. A secured site and formal agreement is the trigger point to move all of this forward. This is a big challenge and we are 100% up for it, that's why we are starting to get ready now.

With the right partnership with the City and a developer, we can make this happen. MICA is asking the Council to give high priority and weighting to the "Arts and Cultural Events & Spaces" community benefit in the RFQ. The potential good this could do for Mercer Island is exciting, to say the least. We believe the time is now, the place is the Tully's site, and Mercer Island is the community ready to make this dream a reality!

Sincerely –

Prady Misra, Co-Chair
Elliott Newman, Treasurer
Xixi Shakes, Board
Paul Shoemaker, Exec Director

Genevieve Morton, Co-Chair
John G. Hill, Board
Michelle Peyree, Board
Sharon Perez, Dir., Strategic Relationships

Viril Hill, Secretary
Bruce Lorig, Board
James Rudolf, Board

MICA
MERCER ISLAND CENTER FOR THE ARTS



February 5, 2018

Dear Debbie, Wendy, Benson, Tom, Dave, Bruce and Salim,

I'm writing to update you on Youth Theatre Northwest's progress over the past few years, and to share YTN's initial thoughts about our path forward.

Four years ago, we left our school-district-supported "home" on 40th Street, to make room for the construction of Northwood Elementary. When our YTN community said goodbye to the theatre, we were optimistic that MICA would provide us a permanent home as early as 2018. But the situation has changed since 2014. As of now, an optimistic timeline for moving into a permanent home on Mercer Island would require at least four **more** years.

We are proud of the educational enrichment we've provided to thousands of Mercer Island children in the past four years. We're also happy to report that in each of those years, we paid off a portion of the debt we incurred in order to move to our interim location, eliminating that debt entirely. However, the challenge to our organization of remaining on "standby mode" grows every year. To ensure that we can fulfill our mission for many years to come, we must urgently make some strategic changes, for reasons I will explain below.

Our interim location worked financially for the short term, but it is rapidly becoming unsustainable for both us and for our interim landlord, the Emmanuel Episcopal Church. Some background: in 2014, after learning about the impending loss of our school-district space, the Church generously stepped up in support of the community and allowed YTN to occupy temporarily a portion of the Church's buildings. YTN also put skin in the game, paying to renovate the Church's Parish Hall into a theatre. But the economics of this small theatre don't work. For a monthly rental cost of \$3200, Parish Hall allows us to seat an audience of 85 – less than a third of the 300 seats we had in the two performing spaces at 40th Street, where the rent we paid to MISD was only a bit higher, at \$3800. At the Church, we also face constraints on what hours of the week we can stage performances, thereby limiting our programs.

To compensate for the smaller space, we purposefully reduced the audience appeal of our interim-period programming. Turning people away at the door would be bad PR for a group whose survival depends on the generosity of donors in our community. Musicals are popular, for example, but they don't work in Parish Hall – there simply isn't enough stage space for the complex stage scenery, dance numbers, an orchestra of youth and our large casts of children. Unsurprisingly, our annual ticket revenue fell from \$110,000 in our old home to less than \$50,000 from Parish Hall performances. In order to do larger productions such as our very successful staging of *Beauty and the Beast* this January, we

must rent spaces like the Langston Hughes Performing Arts Institute in Seattle because it is capable of seating the 200+ audience members that our big shows routinely attract. The rental cost of such facilities is about \$11,000 per production – a cost we didn't face on 40th Street. I'm sharing these numbers to demonstrate that since 2014, even though we've found ways to serve the same number of kids – about 1,500 each year – our smaller performing arts space has been a significant financial burden.

Over the last several months, we have discussed an extension to our "interim" lease with the Emmanuel Episcopal Church. The Church, faced with financial challenges of its own, expects to receive what they believe is market value for the site and utilities, namely, \$5200 a month. Paying that rent would widen the gap between our rental costs and our potential for ticket revenue by \$24,000 a year.

We also recently learned that, due to a roofing project at the high school, we will not be able to use MISD's Performing Arts Center for our largest summer show, as we have done since 2014. So for our musical this summer, we must rent another off-island venue, adding an unbudgeted \$11,000 to our summer expenses. As with the Emmanuel Church, we are very grateful for MISD's past support of our educational mission. We remain hopeful that in the summer of 2019, we will be able to use their beautiful facility again.

A theatre company needs storage for costumes, props, and equipment. We have been using the old Boys and Girls Club site on West Mercer Way for storage at a very affordable rate, but the site's imminent property development means we must vacate that storage space this year. We will likely have no choice but to dispose of nearly all the valuable equipment that we kept there and seek minimum storage elsewhere, probably off-island. Ironically, we will then have to continuously rent or build much of this same stock per show. It's hard to imagine shrinking our operating space any smaller than we did in 2014, but we'll cinch our belt another notch and make it happen. We feel as if we are getting pushed off the Island by the lack of resources to produce quality theatre here and, sadly, our operational footprint is expanding off-island.

During the current interim period, while our ticket revenue is limited by the small number of seats in our temporary theatre space, the fraction of our income that comes from our donors' generosity has risen from roughly 30% to roughly 45%. Some of my board members see that shift with alarm. But seen from another perspective, the portion of our classes and activities' costs paid by "user fees" (i.e., tuition and ticket sales) has simply moved into the normal range. According to Mercer Island city policy, the classes, events, and sporting activities that are supported by the Parks & Recreation Department budget are typically subject to a total cost recovery policy of 50-55%, which is in line with YTN's interim-period budgets. We look at our school-district's extracurricular activities for another point of comparison, and we see that an even greater fraction of those costs comes from public dollars. For example, MISD's capital improvements to classrooms, performance spaces, and athletic facilities cost over \$10 Million annually. The major difference, of course, is that the funds to subsidize the city and school district-supported activities come from all of us taxpayers. Subsidies to support YTN's activities come from individual donors.

The city council has in past years explored ways to support YTN's activities. In 2014, the city gave us an option to explore the Recycling Center property as a site for a new home. We are deeply grateful to the Board and Staff of MICA for the subsequent herculean efforts and expenses they made to plan a community arts center there, but at the city's request, that project has now been put "on pause."

YTN, however, cannot go “on pause.” Mercer Island families depend on YTN for an important component of their children’s education. In order to continue serving these families, following our critical Gala Fundraiser on March 3 (where we’d love to see you, along with your families!) we will begin development of a plan to regionalize our programming. What does that mean? We are still wrapping our brains around that. In the big picture, it means that we will create programs with a broader and more expansive geographic scope than our past programs that have been centered on Mercer Island. For the sake of our mission, this “Plan B” must also reduce the unpredictability around space that we’ve endured these past few years on Mercer Island. By June 1, we aim to have concrete options for our physical configuration during the years ahead. This timing is critical so that we can budget appropriately for our next fiscal year, beginning July 1st.

You may be asking, “What can the City do?” We don’t know the full range of options that you have, but **we need affordable and nearby space for our classes, performances, office, and/or storage.** If there is any way that Parks & Recreation funds might be used to subsidize YTN’s educational activities as they currently subsidize other Island organizations’ activities, we would love to discuss that, as well.

Given the current lack of a sustainable base location on Mercer Island, we are considering three potential models for operations:

- **No home base theatre.** Staff works remotely or from their homes (mainly in Seattle). Current programs are spread out at satellite sites in cities across King County. Partnership opportunities will determine sites. Specific needs: classrooms and theatre space. No office.
- **Home base is established off-island;** providing long-term classrooms, theatre space and offices. Mercer Island becomes a satellite site. We would aim to make this home base geographically close to Mercer Island to alleviate transportation concerns for our loyal Island families. One advantage to creating a home base in Seattle is the opportunity for annual funding from Seattle’s Arts Commission.
- **Downsize YTN programs.** We would preserve either productions OR classes, but not both. This model would require a redrafting of YTN’s organizational mission, but it would allow us to be flexible in the location of the services we provide, without connection to a specific City. YTN’s primary partners would become school districts. Space needs: classroom OR theatre space.

To explore these options, the YTN Board has created a Satellite Site committee with representatives from multiple nearby cities, and we are working to expand committee membership to include additional interested communities. We believe that Newcastle/Renton, Tukwila/South County, and Shoreline are all promising areas with thriving families.

YTN will also create a Regional Advisory Group to connect with various civic, community and business leaders. We aim to recruit members from Sound Cities, King County Council, 4culture, Rotary, Chamber of Commerce and other broad County service organizations.

Mercer Island has been our home for nearly 35 years. We fully intend to continue providing strong educational programming within this community, at the same time as we expand our geographic reach. We pledge to work with our families to determine what programs are most important on this Island and

what compromises could be made to ensure students still have access to our services no matter where our classrooms and theatre space are.

Sharing our updated story is something we had planned to do last November, but we decided against it, as we didn't want to be viewed as influencing the elections. We hope this letter adds to your understanding of how critical things are for us.

Despite the challenges we face regarding our long term future, in the short term YTN will continue to deliver high caliber programs for the benefit of Island children. All of the shows in our current season will be produced. Our upcoming spring classes and summer camps will occur and we are excited for children to audition for our upcoming summer shows—*Disney's Lion King Jr*, *Lily's Purple Plastic Purse* and an original teen horror film. We are still perusing scripts in anticipation of announcing next year's School Year Season despite the reality that our future is uncertain and not sustainable.

In closing, YTN remains a firm advocate for MICA and we would prefer to expand our program on Mercer Island rather than reduce its scope. We implore the City to demonstrate civic leadership by collaborating with us and charting a path to preserve our service to Mercer Island.

We look forward to participating in the conversation on February 6th.

Sincerely,

A handwritten signature in blue ink that reads "Manny". The signature is written in a cursive, slightly slanted style.

Manuel R. Cawaling, Executive Director



MEMORANDUM

City Council Study Session – 9/17/18

TO: Julie Underwood, City Manager

FROM: Jessi Bon, Parks & Recreation Director

RE: Update on the City's Pursuit of the Certified Creative District Designation

Overview

In 2017, Washington State authorized the Certified Creative Districts program, a new legislative initiative designed to support and grow economic development and cultural vitality across the State. By establishing this program, the State signaled a serious commitment to supporting vibrant creative industries, which have grown an average of 3% annually since 2011, making the creative sector one of the fastest growing in the State.

What is a Creative District?

A state-certified Creative District is a geographically defined area where arts, culture, social, and economic activities take place. The district includes artists, creative industries, cultural facilities, community gathering spaces, businesses and other organizations that support arts, culture, and creative endeavors. ArtsWA, the State's Arts Commission, modeled the program after the highly successful Colorado Creative Industries and hired a full-time program manager to administer the program in October 2017. Community outreach and promotion began in earnest in January 2018, and ArtsWA anticipates that at least two communities will apply to achieve designation by the end of the year.

Mercer Island's Creative Sector

Mercer Island has a long history of public support for the cultural arts and to ensure this support and vision continues, the City Council's 2018-2019 Goals and Work Plan includes the goal of "Preserving, promoting, and enhancing Mercer Island's focus on arts and culture." Specific action items include amending the City's Comprehensive Plan with a new addendum focused on arts and culture and establishing a Certified Creative District.

Mercer Island and the Creative Districts Program

Achieving the Creative District certification will help bring together citizens, businesses, nonprofits, artists, and local government to strengthen the cultural arts vision for the community and coordinate on delivery of programs and services. Designation as a Creative District also establishes eligibility for additional training, networking, grant funding, and other opportunities only available to certified Creative Districts.

The Creative District Process & Progress

At their 2018 annual retreat, the Mercer Island Arts Council identified certification as a Creative District as a top work plan priority. In the summer of 2018, the Arts Council established a subcommittee to begin working on the Creative District designation process.

The Arts Council subcommittee identified community input as an essential component of the Creative District process and assembled a community planning team. The planning team is comprised of representatives from the arts/culture community, local businesses, the School District, City staff, and other stakeholders.

The planning team is currently working on developing the Creative District proposal, including identifying the boundaries for the Creative District. The planning team is also utilizing the comprehensive Community Readiness Toolkit and other resources provided by ArtsWA to develop the proposal.

The Arts Council and staff estimate the process will take about five to six months to complete. The proposal is planned to come before the Council for review and approval within the first quarter of 2019. The goal is to submit the application to the State's Arts Commission by March 2019.



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA**

**AB 5476
September 17, 2018
Special Business**

NATIONAL RECOVERY MONTH PROCLAMATION	Action: Proclaim September 2018 as National Recovery Month in Mercer Island.	<input type="checkbox"/> Discussion Only <input type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
---------------------------------------------	----------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

DEPARTMENT OF	Youth and Family Services (Derek Franklin)
COUNCIL LIAISON	n/a
EXHIBITS	1. National Recovery Month Proclamation
2018-2019 CITY COUNCIL GOAL	n/a
APPROVED BY CITY MANAGER	

AMOUNT OF EXPENDITURE	\$	n/a
AMOUNT BUDGETED	\$	n/a
APPROPRIATION REQUIRED	\$	n/a

SUMMARY

National Recovery Month is celebrated in the U.S. each September to promote access to recovery, celebrate those in treatment, and educate communities about overcoming the stigma and discrimination that can act as barriers to services. Recovery Month focusses specifically on recovery from mental health and/or substance use disorders and advances the broader messages that behavioral health is essential to overall wellness and that prevention works, treatment is effective, and people recover.

The City’s Department of Youth and Family Services (YFS) provides community-wide substance abuse prevention and mental health promotion services via the Healthy Youth Initiative (formerly Communities That Care) which involves action teams that include community volunteers. YFS outpatient mental health counselors and school-based counselors provide mental health treatment and substance abuse intervention and referral.

A representative of King County Behavioral Health and Recovery will be present at the Council meeting to receive the proclamation.

RECOMMENDATION

Youth and Family Services Senior Programs Manager and Clinical Supervisor

Mayor presents the proclamation proclaiming September 2018 as National Recovery Month.

Contact Youth and Family Services for information or involvement: miyfs@mercergov.org or (206) 275-7611.



The City of Mercer Island, Washington

Proclamation

WHEREAS, behavioral health is an essential part of health and one's overall wellness; and

WHEREAS, prevention of mental and substance use disorders works, treatment is effective, and people recover on Mercer Island and around the nation; and

WHEREAS, preventing and overcoming mental and substance use disorders is essential to achieving healthy lifestyles, both physically and emotionally; and

WHEREAS, we must implement preventive measures, recognize the signs of a problem, and overcome the stigma around getting support services; and

WHEREAS, an estimated 400,000 people in King County are affected by these conditions; and

WHEREAS, to help more people achieve and sustain long-term recovery, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, and the City of Mercer Island's Department of Youth and Family Services invite all Mercer Island residents to participate in **National Recovery Month**.

NOW, THEREFORE, I, Mayor Debbie Bertlin, do hereby proclaim the month of September 2018 as

NATIONAL RECOVERY MONTH

and call upon residents of Mercer Island to observe this month with appropriate programs, activities, and events to support this year's Recovery Month theme, *"Join the Voices for Recovery: Invest in Health, Home, Purpose, and Community."*

SIGNED this 17th day of September 2018.

Debbie Bertlin, Mayor

Proclamation No. 228

JOIN THE
VOICES FOR
RECOVERY

invest in



health



home



purpose



community

National
Recovery Month
Prevention Works · Treatment is Effective · People Recover
september 2018



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA**

**AB 5477
September 17, 2018
Special Business**

**PEACE DAY ON MERCER ISLAND
PROCLAMATION**

Action:
Proclaim September 21, Peace Day on Mercer Island, and announce the City Hall & MICEC Peace Pole dedication event.

- Discussion Only
- Action Needed:
 - Motion
 - Ordinance
 - Resolution

DEPARTMENT OF	Parks and Recreation (Jessi Bon & Diane Mortenson)
COUNCIL LIAISON	n/a
EXHIBITS	1. Peace Day Proclamation
2017-2018 CITY COUNCIL GOAL	n/a
APPROVED BY CITY MANAGER	

AMOUNT OF EXPENDITURE	\$	n/a
AMOUNT BUDGETED	\$	n/a
APPROPRIATION REQUIRED	\$	n/a

SUMMARY

This proclamation commemorates Peace Day on Mercer Island on September 21, 2018 and announces the dedication of the Peace Poles at the Mercer Island Community and Event Center on the same day.

The International Day of Peace ("Peace Day") is observed around the world each year on September 21. Established in 1981 by unanimous United Nations Resolution 36/37, the General Assembly declared this as a day devoted to "*commemorating and strengthening the ideals of peace both within and among all nations and peoples.*" Peace Day provides a globally shared date for all humanity to commit to peace above all differences and to contribute to building a culture of peace. People in cities, communities and villages worldwide engage in the International Day of Peace in diverse and meaningful ways.

The Rotary Club of Mercer Island and the Peace Pole Project

A peace pole is a hand-crafted monument that displays the message and prayer ***May Peace Prevail on Earth*** on each of its four or six sides, often in different languages. Thousands of peace poles have been dedicated as monuments of peace around the world.

The Rotary Club of Mercer Island is spearheading a Peace Pole Project on Mercer Island and has donated 22 poles to be installed at various locations. On Friday, September 21, from 12-1pm, the community is invited to attend the dedication of the Peace Pole located at the Mercer Island Community & Event Center. City representatives and Mercer Island Rotarians will be in attendance to speak at the event.

Accepting this proclamation on behalf of the community is Beth Baska. Beth served as past President, and current Vice-President of the Rotary Foundation, and Chair of the Peace Committee. She has been a proud

community member of Mercer Island for thirty-eight years, and she and her husband of thirty-three years have raised a son and daughter who currently live in Pleasanton and Mission Viejo, California.

RECOMMENDATION

Parks & Recreation Director and Recreation Superintendent

Mayor presents the proclamation and proclaims September 21, 2018 Day of Peace on Mercer Island and encourages the community to attend the Peace Pole dedication, on September 21, from 12pm-1pm at the Mercer Island Community and Event Center.



City of Mercer Island, Washington

Proclamation

WHEREAS, the International Day of Peace ("Peace Day") is observed around the world each year on September 21; and

WHEREAS, established in 1981 by a unanimous United Nations resolution, Peace Day provides a globally shared date for all humanity to commit to Peace above all differences and to contribute to building a Culture of Peace; and

WHEREAS, the issue of peace embraces the deepest hopes of all peoples and remains humanity's guiding inspiration; and

WHEREAS, global crises impel all citizens to work toward converting humanity's noblest aspirations for world peace into the practical reality of a culture of peace for future generations; and

WHEREAS, there is support within our City for the observance of the International Days of Peace, which affirms a vision of our world at peace, and fosters cooperation between individuals, organizations, and nations; and

WHEREAS, the Rotary Club of Mercer Island shares the vision of peace in our community with their dedication to the Peace Pole Project and donation of 22 Peace Poles to be installed at various locations on Mercer Island.

NOW, THEREFORE, I, Mayor Debbie Bertlin, do hereby proclaim September 21, 2018 as

PEACE DAY ON MERCER ISLAND

and I encourage all citizens to join me in attending the dedication of the Peace Poles at the Mercer Island Community and Event Center. The event will take place on September 21, 2018 from 12-1pm outside the Mercer Island Community & Event Center. The Rotary Club and City of Mercer Island enthusiastically support this celebration of peace on Mercer Island and everywhere.



APPROVED, this 17th day of September 2018

Debbie Bertlin, Mayor

CERTIFICATION OF CLAIMS

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.

Charles L. Corder

Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

Mayor

Date

<u>Report</u>	<u>Warrants</u>	<u>Date</u>	<u>Amount</u>
Check Register	194492 -194614	8/30/2018	\$ 430,555.19
			\$ 430,555.19

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
Org Key: 001000 - General Fund-Admin Key				
P0100760	00194508	BAX, DEVIN	Rental FA-0299 completed. Retu	400.00
P0100704	00194535	FEENEY, MOLLY	Rental FA-0833 completed. Retu	400.00
P0100758	00194570	MUKHERJEE, PARAMITA	Rental FA-0187 completed. Retu	400.00
P0100756	00194600	UNUTZER, CHRISTINE	Rental FA-0064 completed. Retu	400.00
P0100705	00194506	B'NAI BRITH YOUTH ORG INC	Rental FA-0967 completed. Retu	320.00
P0097861	00194556	KING CO PROSECUTING ATTORNEY	COURT REMITTANCE KC CRIME VICT	214.30
P0100759	00194574	OPEN WINDOW SCHOOL	Rental FA-1118 completed. Retu	150.00
P0100757	00194576	PLASTER GROUP LLC, THE	Rental FA-1425 completed. Retu	50.00
P0097862	00194554	KC PET LICENSES	KC PET LICENSE FEES COLLECTED	45.00
Org Key: 402000 - Water Fund-Admin Key				
	00194575	PERROTT, DALE	OVERPAYMENT REFUND	692.64
	00194511	BOLINGER, JON	OVERPAYMENT REFUND	329.94
P0100621	00194534	EXCEL SUPPLY COMPANY	INVENTORY PURCHASES	339.61
P0100579	00194542	GRAINGER	INVENTORY PURCHASES	276.56
P0100645	00194542	GRAINGER	INVENTORY PURCHASES	148.92
P0100606	00194542	GRAINGER	INVENTORY PURCHASES	35.66
Org Key: 814072 - United Way				
	00194599	UNITED WAY OF KING CO	PAYROLL EARLY WARRANTS	100.00
Org Key: 814074 - Garnishments				
	00194518	CHAPTER 13 TRUSTEE	PAYROLL EARLY WARRANTS	1,331.00
Org Key: 814075 - Mercer Island Emp Association				
	00194569	MI EMPLOYEES ASSOC	PAYROLL EARLY WARRANTS	317.50
Org Key: 814076 - City & Counties Local 21M				
	00194612	WSCCCE AFSCME AFL-CIO	PAYROLL EARLY WARRANTS	5,176.14
Org Key: 814083 - Vol Life Ins - States West Lif				
	00194505	AWC	AUGUST 31, 2018	348.30
Org Key: 814085 - GET Program Deductions				
	00194540	GET Washington	PAYROLL EARLY WARRANTS	300.00
Org Key: CA1100 - Administration (CA)				
P0100708	00194611	WSAMA	Conference Fee WSAMA - Invoice	245.00
Org Key: CA1300 - Public Records				
P0100697	00194572	NEXTREQUEST CO	Professional services - NextRe	7,700.28
P0100692	00194605	WAPRO	Tuition and Registration - Inv	175.00
Org Key: CM1200 - City Clerk				
P0100684	00194521	CODE PUBLISHING CO	MICC Web Updates thru 18C-05,	896.85
P0100687	00194591	SOUND PUBLISHING INC	Ntc: Financial Challenges 7/4	46.93
P0100687	00194591	SOUND PUBLISHING INC	Ntc: 7/10 Spcl Council Meeting	39.15
P0100687	00194591	SOUND PUBLISHING INC	Ntc: Ord. 18C-05 7/25 2176529	31.11
P0100687	00194591	SOUND PUBLISHING INC	Ntc: Financial Challanges 7/11	25.93
P0100687	00194591	SOUND PUBLISHING INC	Ntc: 7/24 Spcl Council Mtg 7/1	23.33
Org Key: CR1100 - CORe Admin and Human Resources				
P0100782	00194532	EQUIFAX INFORMATION SVCS LLC	Background - Credit Checks ent	129.13

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: CT1100 - Municipal Court</i>				
P0100772	00194573	OFFICE OF THE CODE REVISER	2018 revised code of washington	253.00
<i>Org Key: DS1100 - Administration (DS)</i>				
P0100814	00194533	ESA	Peer review for CA18-001	1,337.50
P0100813	00194603	WACE	WACE membership & conference f	240.00
<i>Org Key: DS1200 - Bldg Plan Review & Inspection</i>				
P0100815	00194539	GEOTECH CONSULTANTS INC	Geotechnical review for 4009 W	212.50
	00194538	GARDNER, BRENT	WORK CLOTHES	98.88
<i>Org Key: DS1300 - Land Use Planning Svc</i>				
P0100816	00194558	KPG	Transportation element update	2,210.20
P0100687	00194591	SOUND PUBLISHING INC	Ntc: 8/29-9/5 Pub Hearing Comp	137.40
P0100687	00194591	SOUND PUBLISHING INC	Ntc: 8/29 Planning Commission	134.81
<i>Org Key: DS1400 - Development Engineering</i>				
P0098408	00194548	HERRERA ENVIRONMENTAL CONSULT	NPDES Phase 2 permit/ implemen	839.95
<i>Org Key: FN4501 - Utility Billing (Water)</i>				
P0098388	00194568	METROPRESORT	July 2018 Printing and Mailing	426.11
P0098388	00194568	METROPRESORT	July 2018 Printing and Mailing	326.82
<i>Org Key: FN4502 - Utility Billing (Sewer)</i>				
P0098388	00194568	METROPRESORT	July 2018 Printing and Mailing	426.11
P0098388	00194568	METROPRESORT	July 2018 Printing and Mailing	326.82
P0100779	00194555	KC RECORDER	SEWER RELEASE	37.00
<i>Org Key: FN4503 - Utility Billing (Storm)</i>				
P0098388	00194568	METROPRESORT	July 2018 Printing and Mailing	426.12
P0098388	00194568	METROPRESORT	July 2018 Printing and Mailing	326.82
<i>Org Key: FR1100 - Administration (FR)</i>				
P0100768	00194583	RICOH USA INC (FIRE)	Copier Rental/Fire	320.87
P0100762	00194522	COMCAST	Internet Charges/Fire	86.40
P0100770	00194522	COMCAST	Internet Charges/Fire	72.40
P0100769	00194522	COMCAST	Internet Charges/Fire	22.94
<i>Org Key: FR2100 - Fire Operations</i>				
P0100733	00194602	VERIZON WIRELESS	MDC Charges/Fire	926.29
P0100763	00194513	BRAKE AND CLUTCH SUPPLY NORTH	Apparatus Parts - 4604	115.63
P0100771	00194601	VERIZON WIRELESS	Cell Charges/Fire	15.05
<i>Org Key: FR2400 - Fire Suppression</i>				
P0100734	00194588	SEA WESTERN INC	MSA Calibration	993.40
	00194553	JORGENSEN, LAWRENCE M	FUEL FOR SMALL EQUIPMENT	108.13
<i>Org Key: FR2500 - Fire Emergency Medical Svcs</i>				
P0100767	00194496	AIRGAS USA LLC	Oxygen/Fire	143.50
P0100766	00194592	STERICYCLE INC	Haz Pickup/Fire	122.55
<i>Org Key: FR5100 - Community Risk Reduction</i>				
P0100764	00194610	WSAFM	IFMA Mgmt Institute/Rostov	350.00
<i>Org Key: GGM001 - General Government-Misc</i>				

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
P0100761	00194567	MANAGEMENT PARTNERS	Financial Forecast Review 2018	8,700.00
P0100761	00194567	MANAGEMENT PARTNERS	Financial Forecast Review 2018	3,500.00
P0100761	00194567	MANAGEMENT PARTNERS	Financial Forecast Review 2018	800.00
P0097860	00194522	COMCAST	CITY HALL HIGH SPEED INTERNET	121.45
P0100817	00194577	POT O' GOLD INC	Water cooler	27.50
P0100817	00194577	POT O' GOLD INC	tea supplies	5.30
<i>Org Key: GGM004 - Gen Govt-Office Support</i>				
P0100806	00194524	CONFIDENTIAL DATA DISPOSAL	Shredding service (full City)	225.00
<i>Org Key: GGM005 - Genera Govt-L1 Retiree Costs</i>				
	00194563	LEOFF HEALTH & WELFARE TRUST	SEPT 2018 POLICE RETIREES	5,722.50
	00194562	LEOFF HEALTH & WELFARE TRUST	SEPT 2018 FIRE RETIREES	2,997.50
	00194578	PROVOST, ALAN	QTLY RETI MEDI REIMB 6/1-11/30	804.00
	00194549	HILTNER, PETER	LEOFF1 Medicare Reimb	556.00
P0100773	00194552	JOHNSON, CURTIS	FRLEOFF1 RETIREE MEDICAL EXPEN	375.00
	00194608	WHEELER, DENNIS	LEOFF1 Medicare Reimb	314.10
	00194578	PROVOST, ALAN	LEOFF1 Medicare Reimb	258.30
	00194590	SMITH, RICHARD	LEOFF1 Medicare Reimb	223.10
	00194528	DEEDS, EDWARD G	LEOFF1 Medicare Reimb	220.20
	00194507	BARNES, WILLIAM	LEOFF1 Medicare Reimb	207.20
	00194541	GOODMAN, J C	LEOFF1 Medicare Reimb	190.20
	00194537	FORSMAN, LOWELL	LEOFF1 Medicare Reimb	187.50
	00194529	DEVENY, JAN P	LEOFF1 Medicare Reimb	166.60
	00194560	KUHN, DAVID	LEOFF1 Medicare Reimb	166.60
	00194531	ELSOE, RONALD	LEOFF1 Medicare Reimb	166.50
	00194504	AUGUSTSON, THOR	LEOFF1 Medicare Reimb	164.40
	00194514	CALLAGHAN, MICHAEL	LEOFF1 Medicare Reimb	164.40
	00194604	WALLACE, THOMAS	LEOFF1 Medicare Reimb	164.40
	00194587	SCHOENTRUP, WILLIAM	LEOFF1 Medicare Reimb	162.50
	00194495	ADAMS, RONALD E	LEOFF1 Medicare Reimb	162.10
	00194552	JOHNSON, CURTIS	LEOFF1 Medicare Reimb	159.60
P0100785	00194607	WEGNER, KEN	LEOFF1 RETIREE MEDICAL EXPENSE	157.16
	00194564	LEOPOLD, FREDERIC	LEOFF1 Medicare Reimb	156.60
	00194530	DOWD, PAUL	LEOFF1 Medicare Reimb	156.50
	00194585	RUCKER, MANORD J	LEOFF1 Medicare Reimb	154.40
	00194493	ABBOTT, RICHARD	LEOFF1 Medicare Reimb	150.70
	00194545	HAGSTROM, JAMES	LEOFF1 Medicare Reimb	146.60
	00194607	WEGNER, KEN	LEOFF1 Medicare Reimb	146.60
	00194565	LOISEAU, LERI M	LEOFF1 Medicare Reimb	145.40
	00194580	RAMSAY, JON	LEOFF1 Medicare Reimb	136.20
	00194512	BOOTH, GLENDON D	LEOFF1 Medicare Reimb	135.30
	00194571	MYERS, JAMES S	LEOFF1 Medicare Reimb	135.30
	00194566	LYONS, STEVEN	LEOFF1 Medicare Reimb	128.40
	00194595	THOMPSON, JAMES	LEOFF1 Medicare Reimb	123.30
P0100786	00194585	RUCKER, MANORD J	LEOFF1 RETIREE MEDICAL EXPENSE	92.81
P0100786	00194585	RUCKER, MANORD J	LEOFF1 RETIREE MEDICAL EXPENSE	54.20
P0100774	00194604	WALLACE, THOMAS	LEOFF1 RETIREE MEDICAL EXPENSE	35.89
P0100786	00194585	RUCKER, MANORD J	LEOFF1 RETIREE MEDICAL EXPENSE	15.90
P0100786	00194585	RUCKER, MANORD J	LEOFF1 RETIREE MEDICAL EXPENSE	13.60
P0100786	00194585	RUCKER, MANORD J	LEOFF1 RETIREE MEDICAL EXPENSE	2.01

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
P0100786	00194585	RUCKER, MANORD J	LEOFF1 RETIREE MEDICAL EXPENSE	1.80
<i>Org Key: GGM606 - Excess Retirement-Fire</i>				
	00194507	BARNES, WILLIAM	LEOFF1 Excess Benefit	1,604.31
	00194525	COOPER, ROBERT	LEOFF1 Excess Benefit	1,566.16
	00194578	PROVOST, ALAN	LEOFF1 Excess Benefit	1,449.36
	00194552	JOHNSON, CURTIS	LEOFF1 Excess Benefit	837.28
	00194587	SCHOENTRUP, WILLIAM	LEOFF1 Excess Benefit	824.19
	00194580	RAMSAY, JON	LEOFF1 Excess Benefit	448.41
<i>Org Key: GX9996 - Employee Benefits-Police</i>				
	00194563	LEOFF HEALTH & WELFARE TRUST	SEPT 2018 POLICE	46,709.47
	00194563	LEOFF HEALTH & WELFARE TRUST	SEPT 2018 POLICE SUPPORT	7,010.43
<i>Org Key: GX9997 - Employee Benefits-Fire</i>				
	00194562	LEOFF HEALTH & WELFARE TRUST	SEPT 2018 FIRE ACTIVE	56,126.05
<i>Org Key: IS1100 - IGS Mapping</i>				
P0100789	00194561	LATITUDE GEOGRAPHICS GROUP LTD	TECHNICAL SUPPORT HOURLY	28.75
<i>Org Key: IS2100 - IGS Network Administration</i>				
P0098792	00194557	KING COUNTY FINANCE	I-NET MONTHLY SERVICES FROM	1,122.00
P0100788	00194494	ACCESS	BLACK BOX DELIVERY & PICK UP,	445.96
	00194597	UNDERWOOD, JULIE	ESRI GIS CONFERENCE EXPENSES	378.60
	00194597	UNDERWOOD, JULIE	PER DIEM REIMB CONFERENCE	224.00
P0100791	00194609	WIMACTEL INC	POLICE LOBBY PAY PHONE	60.50
<i>Org Key: MT2500 - ROW Administration</i>				
	00194547	HEATH, SCOTT C	MILEAGE EXPENSE	26.81
	00194551	HUYNH, JASON	MILEAGE EXPENSE	17.44
	00194584	ROCK, R BRIAN	MILEAGE EXPENSE	15.37
<i>Org Key: MT3150 - Water Quality Event</i>				
P0100601	00194596	TOKAY SOFTWARE	JULY WEB TEST REPORTS	1,272.00
<i>Org Key: MT3200 - Water Pumps</i>				
	00194517	CENTURYLINK	PHONE USE AUG 2018	59.69
<i>Org Key: MT3300 - Water Associated Costs</i>				
P0100792	00194509	BELLEVUE COLLEGE-CONT EDU	ECTC Training - B. McDaniel -	156.64
<i>Org Key: MT3400 - Sewer Collection</i>				
	00194589	SMART FOODSERVICE STORE#583	DETERGENT FOR SEWER LINE CLEAN	2,718.50
P0100583	00194544	H D FOWLER	TAMMS SPEED PLUG	172.42
<i>Org Key: MT3800 - Storm Drainage</i>				
P0100701	00194499	AM TEST INC	STORMWATER SAMPLING	25.00
<i>Org Key: MT3810 - NPDES Phase 2 Prog Developmt</i>				
	00194543	GU, FRED Y	STORMCON2018 EXPENSES	1,709.79
	00194543	GU, FRED Y	STORMCON18 PER DIEM	278.50
<i>Org Key: MT4150 - Support Services - Clearing</i>				
P0098183	00194526	CRYSTAL AND SIERRA SPRINGS	2018 PW WATER DELIVERY SERVICE	251.04
P0100733	00194602	VERIZON WIRELESS	Monthly iPad Charges/Clifton	40.01

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: MT4300 - Fleet Services</i>				
P0098165	00194500	AMERIGAS-1400	2018 PROPANE DELIVERY	382.95
<i>Org Key: MT4900 - Solid Waste</i>				
P0100703	00194527	DAILY JOURNAL OF COMMERCE	SOLID WASTE INV 3339194	156.00
P0100687	00194591	SOUND PUBLISHING INC	Ntc: RFG Solid Waste 7/25 2176	46.67
<i>Org Key: PO1350 - Police Emergency Management</i>				
P0100636	00194581	REMOTE SATELLITE SYSTEMS INT'L	SAT Phone for EMAC - Invoice #	54.00
<i>Org Key: PO2100 - Patrol Division</i>				
P0100688	00194559	KROESENS UNIFORM COMPANY	Uniform Supplies - Officer Wil	51.63
<i>Org Key: PR2100 - Recreation Programs</i>				
P0100777	00194579	PUGET SOUND SR SOFTBALL ASSOC	Co-ed Tournament	150.00
<i>Org Key: PR2101 - Youth and Teen Camps</i>				
P0100798	00194519	CHRISTIANSEN, ANNE	Instructor payment - course #0	3,011.40
P0100797	00194614	YOUTH TECH INC	Instructor fees - course #0201	1,456.00
P0100797	00194614	YOUTH TECH INC	Instructor fees - course #0020	1,302.00
P0100778	00194586	S&S WORLDWIDE INC	Color-me super hero cape pk 12	108.36
<i>Org Key: PR2108 - Health and Fitness</i>				
P0100776	00194594	SWIFT, KAREN	Instructor fees - course #1775	196.00
<i>Org Key: PR4100 - Community Center</i>				
P0100603	00194542	GRAINGER	5 dimming ballasts for Mercer	640.75
P0100783	00194502	ARSCENTIA	playonmercer.com mercerdale si	214.50
<i>Org Key: PR5900 - Summer Celebration</i>				
P0099764	00194492	AABCO BARRICADE COMPANY INC	SC! Lighting and barricades	2,339.74
P0100687	00194591	SOUND PUBLISHING INC	AD: Summer Celebration 7/11 21	1,877.25
P0100784	00194497	ALBERTS, TOM	July 15, 2018 SC! Car Show sou	300.00
<i>Org Key: PR6100 - Park Maintenance</i>				
P0100702	00194582	REPUBLIC SERVICES #172	ICP 5500 PARKS 4 YRD INV 7564	165.13
P0098183	00194526	CRYSTAL AND SIERRA SPRINGS	2018 PW /PARKS BLDG. WATER SER	82.10
<i>Org Key: PR6200 - Athletic Field Maintenance</i>				
P0100630	00194550	HORIZON	FERTILIZER (6 TONS)	1,918.46
<i>Org Key: PR6500 - Luther Burbank Park Maint.</i>				
P0097870	00194520	CINTAS CORPORATION #460	2018 weekly rug cleaning servi	123.00
<i>Org Key: PR6600 - Park Maint-School Related</i>				
P0100630	00194550	HORIZON	FERTILIZER (6 TONS)	1,976.59
<i>Org Key: PR6700 - I90 Park Maintenance</i>				
P0100755	00194598	UNITED SITE SERVICES	Seafair Portable Restrooms	2,945.96
P0100630	00194550	HORIZON	FERTILIZER (6 TONS)	1,918.45
<i>Org Key: PR6800 - Trails Maintenance</i>				
P0100571	00194523	COMPTON LUMBER & HARDWARE INC	8 X 8 TREATED LUMBER	992.33
<i>Org Key: ST0002 - ST Long Term Parking</i>				

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
P0100709	00194503	ASPECT CONSULTING LLC	Sound Transit - LT Parking -	1,033.00
<i>Org Key: WD130R - Street Related Storm Projects</i>				
P0100706	00194510	BEST PARKING LOT CLEANING INC	2017-18 ON CALL STORMWATER CC	376.20
<i>Org Key: WD301S - Neighborhood Spot Drainage Imp</i>				
P0100706	00194510	BEST PARKING LOT CLEANING INC	2017-18 ON CALL STORMWATER CC	540.55
<i>Org Key: WG102R - Maintenance Building Repairs</i>				
P0100753	00194498	ALL AROUND FENCE CO	INSTALL CHAIN LINK SECURITY FE	27,711.00
<i>Org Key: WG550R - Fuel Clean Up</i>				
P0100643	00194516	CASCADE DRILLING LP	SOIL REMEDIATION DISPOSAL	4,440.00
<i>Org Key: WP122P - Open Space - Pioneer/Engstrom</i>				
	00194536	FOLEY, KYM	BATTERY FOR ELECTRONIC RANGEFI	19.02
<i>Org Key: WP122R - Vegetation Management</i>				
P0097329	00194501	APPLIED ECOLOGY LLC	SE 53rd Open Space Vegetation	35,475.51
P0097331	00194501	APPLIED ECOLOGY LLC	Island Crest Park Vegetation W	10,492.02
<i>Org Key: WR101T - Residential Streets 2018</i>				
P0099636	00194606	WATSON ASPHALT PAVING CO	2018 ARTERIAL & RESIDENTIAL ST	130,053.51
<i>Org Key: WR111R - Pavement Markings</i>				
P0099303	00194593	STRIPE RITE PAINTING CO	PAVEMENT MARKING INSTALLATION	6,258.60
<i>Org Key: WR517R - SE 40th (A) Corridor Improvent</i>				
P0100626	00194499	AM TEST INC	40th WATER MAIN	30.00
<i>Org Key: WS103P - Sewer 20 yr CIP Plan</i>				
P86399	00194515	CAROLLO ENGINEERS INC	GENERAL SEWER PLAN UPDATE	965.48
<i>Org Key: WS511R - Sewer Special Catch Basins</i>				
P0100582	00194544	H D FOWLER	SMART BOX SUPER-FLOW BY-PASS K	1,653.31
<i>Org Key: WW120S - Meter Replacement Residential</i>				
P0097695	00194546	HDR ENGINEERING INC	WATER METER MASTER	2,212.68
<i>Org Key: YF1100 - YFS General Services</i>				
P0097715	00194613	XEROX CORPORATION	Lease & overage charges for b/	180.26
Total				430,555.19

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00194492	08/30/2018	AABCO BARRICADE COMPANY INC SC! Lighting and barricades	P0099764	2678	08/09/2018	2,339.74
00194493	08/30/2018	ABBOTT, RICHARD LEOFF1 Medicare Reimb		SEPT2018B	08/29/2018	150.70
00194494	08/30/2018	ACCESS BLACK BOX DELIVERY & PICK UP,	P0100788	2737284	07/31/2018	445.96
00194495	08/30/2018	ADAMS, RONALD E LEOFF1 Medicare Reimb		SEPT2018B	08/29/2018	162.10
00194496	08/30/2018	AIRGAS USA LLC Oxygen/Fire	P0100767	9955388487	07/31/2018	143.50
00194497	08/30/2018	ALBERTS, TOM July 15, 2018 SC! Car Show sou	P0100784	OH010432	08/24/2018	300.00
00194498	08/30/2018	ALL AROUND FENCE CO INSTALL CHAIN LINK SECURITY FE	P0100753	20181634	08/06/2018	27,711.00
00194499	08/30/2018	AM TEST INC 40th WATER MAIN	P0100701	106026	07/27/2018	55.00
00194500	08/30/2018	AMERIGAS-1400 2018 PROPANE DELIVERY	P0098165	3081446845	08/09/2018	382.95
00194501	08/30/2018	APPLIED ECOLOGY LLC SE 53rd Open Space Vegetation	P0097331	460	08/07/2018	45,967.53
00194502	08/30/2018	ARSCENTIA playonmercer.com mercerdale si	P0100783	201802941	08/17/2018	214.50
00194503	08/30/2018	ASPECT CONSULTING LLC Sound Transit - LT Parking -	P0100709	30593	08/15/2018	1,033.00
00194504	08/30/2018	AUGUSTSON, THOR LEOFF1 Medicare Reimb		SEPT2018B	08/29/2018	164.40
00194505	08/30/2018	AWC AUGUST 31, 2018		OH010422	08/31/2018	348.30
00194506	08/30/2018	B'NAI BRITH YOUTH ORG INC Rental FA-0967 completed. Retu	P0100705	FA0967	08/23/2018	320.00
00194507	08/30/2018	BARNES, WILLIAM LEOFF1 Medicare Reimb		SEPT2018A	08/29/2018	1,811.51
00194508	08/30/2018	BAX, DEVIN Rental FA-0299 completed. Retu	P0100760	FA0299	08/28/2018	400.00
00194509	08/30/2018	BELLEVUE COLLEGE-CONT EDU ECTC Training - B. McDaniel -	P0100792	2171891	08/08/2018	156.64
00194510	08/30/2018	BEST PARKING LOT CLEANING INC 2017-18 ON CALL STORMWATER CC	P0100706	V170684/V170636	07/30/2018	916.75
00194511	08/30/2018	BOLINGER, JON OVERPAYMENT REFUND		OH010424	08/24/2018	329.94
00194512	08/30/2018	BOOTH, GLENDON D LEOFF1 Medicare Reimb		SEPT2018B	08/29/2018	135.30
00194513	08/30/2018	BRAKE AND CLUTCH SUPPLY NORTH Apparatus Parts - 4604	P0100763	73787	07/20/2018	115.63
00194514	08/30/2018	CALLAGHAN, MICHAEL LEOFF1 Medicare Reimb		SEPT2018B	08/29/2018	164.40
00194515	08/30/2018	CAROLLO ENGINEERS INC GENERAL SEWER PLAN UPDATE	P86399	0169167	08/15/2018	965.48
00194516	08/30/2018	CASCADE DRILLING LP SOIL REMEDIATION DISPOSAL	P0100643	11823233	07/31/2018	4,440.00
00194517	08/30/2018	CENTURYLINK PHONE USE AUG 2018		OH010431	08/16/2018	59.69

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00194518	08/30/2018	CHAPTER 13 TRUSTEE PAYROLL EARLY WARRANTS		31AUG2018	08/31/2018	1,331.00
00194519	08/30/2018	CHRISTIANSEN, ANNE Instructor payment - course #0	P0100798	0271	08/28/2018	3,011.40
00194520	08/30/2018	CINTAS CORPORATION #460 2018 weekly rug cleaning servi	P0097870	460433092/37708/	08/06/2018	123.00
00194521	08/30/2018	CODE PUBLISHING CO MICC Web Updates thru 18C-05,	P0100684	60937	08/10/2018	896.85
00194522	08/30/2018	COMCAST CITY HALL HIGH SPEED INTERNET	P0100769	OH010435	08/11/2018	303.19
00194523	08/30/2018	COMPTON LUMBER & HARDWARE INC 8 X 8 TREATED LUMBER	P0100571	839455	08/06/2018	992.33
00194524	08/30/2018	CONFIDENTIAL DATA DISPOSAL Shredding service (full City)	P0100806	6550082818	08/28/2018	225.00
00194525	08/30/2018	COOPER, ROBERT LEOFF1 Excess Benefit		SEPT2018A	08/29/2018	1,566.16
00194526	08/30/2018	CRYSTAL AND SIERRA SPRINGS 2018 PW WATER DELIVERY SERVICE	P0098183	14555831081118	08/11/2018	333.14
00194527	08/30/2018	DAILY JOURNAL OF COMMERCE SOLID WASTE INV 3339194	P0100703	3339194	07/30/2018	156.00
00194528	08/30/2018	DEEDS, EDWARD G LEOFF1 Medicare Reimb		SEPT2018B	08/29/2018	220.20
00194529	08/30/2018	DEVENY, JAN P LEOFF1 Medicare Reimb		SEPT2018B	08/29/2018	166.60
00194530	08/30/2018	DOWD, PAUL LEOFF1 Medicare Reimb		SEPT2018B	08/29/2018	156.50
00194531	08/30/2018	ELSOE, RONALD LEOFF1 Medicare Reimb		SEPT2018B	08/29/2018	166.50
00194532	08/30/2018	EQUIFAX INFORMATION SVCS LLC Background - Credit Checks ent	P0100782	4969958	08/18/2018	129.13
00194533	08/30/2018	ESA Peer review for CA18-001	P0100814	138529	08/10/2018	1,337.50
00194534	08/30/2018	EXCEL SUPPLY COMPANY INVENTORY PURCHASES	P0100621	97037	08/13/2018	339.61
00194535	08/30/2018	FEENEY, MOLLY Rental FA-0833 completed. Retu	P0100704	FA0833	08/23/2018	400.00
00194536	08/30/2018	FOLEY, KYM BATTERY FOR ELECTRONIC RANGEFI		OH010445	08/13/2018	19.02
00194537	08/30/2018	FORSMAN, LOWELL LEOFF1 Medicare Reimb		SEPT2018B	08/29/2018	187.50
00194538	08/30/2018	GARDNER, BRENT WORK CLOTHES		OH010454	08/14/2018	98.88
00194539	08/30/2018	GEOTECH CONSULTANTS INC Geotechnical review for 4009 W	P0100815	49273	08/10/2018	212.50
00194540	08/30/2018	GET Washington PAYROLL EARLY WARRANTS		31AUG2018	08/31/2018	300.00
00194541	08/30/2018	GOODMAN, J C LEOFF1 Medicare Reimb		SEPT2018B	08/29/2018	190.20
00194542	08/30/2018	GRAINGER INVENTORY PURCHASES	P0100603	9874249619	08/13/2018	1,101.89
00194543	08/30/2018	GU, FRED Y STORMCON18 PER DIEM		OH010453	08/28/2018	1,988.29

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00194544	08/30/2018	H D FOWLER TAMMS SPEED PLUG	P0100582	I4914173	08/06/2018	1,825.73
00194545	08/30/2018	HAGSTROM, JAMES LEOFF1 Medicare Reimb		SEPT2018B	08/29/2018	146.60
00194546	08/30/2018	HDR ENGINEERING INC WATER METER MASTER REPLACEMENT	P0097695	1200136822	08/14/2018	2,212.68
00194547	08/30/2018	HEATH, SCOTT C MILEAGE EXPENSE		OH010429	08/24/2018	26.81
00194548	08/30/2018	HERRERA ENVIRONMENTAL CONSULT NPDES Phase 2 permit/ implemen	P0098408	42867	08/27/2018	839.95
00194549	08/30/2018	HILTNER, PETER LEOFF1 Medicare Reimb		SEPT2018B	08/29/2018	556.00
00194550	08/30/2018	HORIZON FERTILIZER (6 TONS)	P0100630	3S118915	08/10/2018	5,813.50
00194551	08/30/2018	HUYNH, JASON MILEAGE EXPENSE		OH010430	08/24/2018	17.44
00194552	08/30/2018	JOHNSON, CURTIS FRLEOFF1 RETIREE MEDICAL EXPEN		SEPT2018A	08/29/2018	1,371.88
00194553	08/30/2018	JORGENSEN, LAWRENCE M FUEL FOR SMALL EQUIPMENT		OH010427	08/23/2018	108.13
00194554	08/30/2018	KC PET LICENSES KC PET LICENSE FEES COLLECTED	P0097862	OH010437	07/31/2018	45.00
00194555	08/30/2018	KC RECORDER SEWER RELEASE	P0100779	OH010436	08/28/2018	37.00
00194556	08/30/2018	KING CO PROSECUTING ATTORNEY COURT REMITTANCE KC CRIME VICT	P0097861	OH010438	07/31/2018	214.30
00194557	08/30/2018	KING COUNTY FINANCE I-NET MONTHLY SERVICES FROM	P0098792	11007177	07/31/2018	1,122.00
00194558	08/30/2018	KPG Transportation element update	P0100816	718518	08/07/2018	2,210.20
00194559	08/30/2018	KROESENS UNIFORM COMPANY Uniform Supplies - Officer Wil	P0100688	51587	08/15/2018	51.63
00194560	08/30/2018	KUHN, DAVID LEOFF1 Medicare Reimb		SEPT2018B	08/29/2018	166.60
00194561	08/30/2018	LATITUDE GEOGRAPHICS GROUP LTD TECHNICAL SUPPORT HOURLY	P0100789	INV0008686	04/30/2018	28.75
00194562	08/30/2018	LEOFF HEALTH & WELFARE TRUST SEPT 2018 FIRE RETIREES		OH010446	08/29/2018	59,123.55
00194563	08/30/2018	LEOFF HEALTH & WELFARE TRUST SEPT 2018 POLICE RETIREES		OH010448	08/29/2018	59,442.40
00194564	08/30/2018	LEOPOLD, FREDERIC LEOFF1 Medicare Reimb		SEPT2018B	08/29/2018	156.60
00194565	08/30/2018	LOISEAU, LERI M LEOFF1 Medicare Reimb		SEPT2018B	08/29/2018	145.40
00194566	08/30/2018	LYONS, STEVEN LEOFF1 Medicare Reimb		SEPT2018B	08/29/2018	128.40
00194567	08/30/2018	MANAGEMENT PARTNERS Financial Forecast Review 2018	P0100761	06044/06002/0612	07/11/2018	13,000.00
00194568	08/30/2018	METROPRESORT July 2018 Printing and Mailing	P0098388	600324/464/601/7	08/07/2018	2,258.80
00194569	08/30/2018	MI EMPLOYEES ASSOC PAYROLL EARLY WARRANTS		31AUG2018	08/31/2018	317.50

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00194570	08/30/2018	MUKHERJEE, PARAMITA Rental FA-0187 completed. Retu	P0100758	FA0187	08/28/2018	400.00
00194571	08/30/2018	MYERS, JAMES S LEOFF1 Medicare Reimb		SEPT2018B	08/29/2018	135.30
00194572	08/30/2018	NEXTREQUEST CO Professional services - NextRe	P0100697	1193	08/14/2018	7,700.28
00194573	08/30/2018	OFFICE OF THE CODE REVISER 2018 revised code of washington	P0100772	OH010439	08/27/2018	253.00
00194574	08/30/2018	OPEN WINDOW SCHOOL Rental FA-1118 completed. Retu	P0100759	FA1118	08/28/2018	150.00
00194575	08/30/2018	PERROTT, DALE OVERPAYMENT REFUND		OH010451	08/29/2018	692.64
00194576	08/30/2018	PLASTER GROUP LLC, THE Rental FA-1425 completed. Retu	P0100757	FA1425	08/28/2018	50.00
00194577	08/30/2018	POT O' GOLD INC Water cooler	P0100817	0172084/0172617	08/10/2018	32.80
00194578	08/30/2018	PROVOST, ALAN QTLY RETI MEDI REIMB 6/1-11/30		SEPT2018A	08/29/2018	2,511.66
00194579	08/30/2018	PUGET SOUND SR SOFTBALL ASSOC Co-ed Tournament	P0100777	882749	08/29/2018	150.00
00194580	08/30/2018	RAMSAY, JON LEOFF1 Medicare Reimb		SEPT2018A	08/29/2018	584.61
00194581	08/30/2018	REMOTE SATELLITE SYSTEMS INT'L SAT Phone for EMAC - Invoice #	P0100636	00096077	08/09/2018	54.00
00194582	08/30/2018	REPUBLIC SERVICES #172 ICP 5500 PARKS 4 YRD INV 7564	P0100702	0172007564552	07/31/2018	165.13
00194583	08/30/2018	RICOH USA INC (FIRE) Copier Rental/Fire	P0100768	100902481	08/03/2018	320.87
00194584	08/30/2018	ROCK, R BRIAN MILEAGE EXPENSE		OH010428	08/24/2018	15.37
00194585	08/30/2018	RUCKER, MANORD J LEOFF1 RETIREE MEDICAL EXPENSE		SEPT2018B	08/29/2018	334.72
00194586	08/30/2018	S&S WORLDWIDE INC Color-me super hero cape pk 12	P0100778	10397838	08/08/2018	108.36
00194587	08/30/2018	SCHOENTRUP, WILLIAM LEOFF1 Medicare Reimb		SEPT2018A	08/29/2018	986.69
00194588	08/30/2018	SEA WESTERN INC MSA Calibration	P0100734	207128	07/27/2018	993.40
00194589	08/30/2018	SMART FOODSERVICE STORE#583 DETERGENT FOR SEWER LINE CLEAN		OH010450	08/28/2018	2,718.50
00194590	08/30/2018	SMITH, RICHARD LEOFF1 Medicare Reimb		SEPT2018B	08/29/2018	223.10
00194591	08/30/2018	SOUND PUBLISHING INC Ntc: 7/10 Spcl Council Meeting	P0100687	7857239	07/31/2018	2,362.58
00194592	08/30/2018	STERICYCLE INC Haz Pickup/Fire	P0100766	3004368940	08/13/2018	122.55
00194593	08/30/2018	STRIPE RITE PAINTING CO PAVEMENT MARKING INSTALLATION	P0099303	47128	07/31/2018	6,258.60
00194594	08/30/2018	SWIFT, KAREN Instructor fees - course #1775	P0100776	1775	08/27/2018	196.00
00194595	08/30/2018	THOMPSON, JAMES LEOFF1 Medicare Reimb		SEPT2018B	08/29/2018	123.30

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00194596	08/30/2018	TOKAY SOFTWARE JULY WEB TEST REPORTS	P0100601	107868	08/13/2018	1,272.00
00194597	08/30/2018	UNDERWOOD, JULIE PER DIEM REIMB CONFERENCE		OH010426	08/24/2018	602.60
00194598	08/30/2018	UNITED SITE SERVICES Seafair Portable Restrooms	P0100755	1147176802	08/13/2018	2,945.96
00194599	08/30/2018	UNITED WAY OF KING CO PAYROLL EARLY WARRANTS		31AUG2018	08/31/2018	100.00
00194600	08/30/2018	UNUTZER, CHRISTINE Rental FA-0064 completed. Retu	P0100756	FA0064	08/28/2018	400.00
00194601	08/30/2018	VERIZON WIRELESS Cell Charges/Fire	P0100771	9812274832	08/06/2018	15.05
00194602	08/30/2018	VERIZON WIRELESS MDC Charges/Fire	P0100733	9811478743	07/23/2018	966.30
00194603	08/30/2018	WACE WACE membership & conference f	P0100813	OH010455	08/29/2018	240.00
00194604	08/30/2018	WALLACE, THOMAS LEOFF1 RETIREE MEDICAL EXPENSE		SEPT2018B	08/29/2018	200.29
00194605	08/30/2018	WAPRO Tuition and Registration - Inv	P0100692	489	08/16/2018	175.00
00194606	08/30/2018	WATSON ASPHALT PAVING CO 2018 ARTERIAL & RESIDENTIAL ST	P0099636	#1JULY	07/31/2018	130,053.51
00194607	08/30/2018	WEGNER, KEN LEOFF1 RETIREE MEDICAL EXPENSE		SEPT2018B	08/29/2018	303.76
00194608	08/30/2018	WHEELER, DENNIS LEOFF1 Medicare Reimb		SEPT2018B	08/29/2018	314.10
00194609	08/30/2018	WIMACTEL INC POLICE LOBBY PAY PHONE	P0100791	000177703	08/01/2018	60.50
00194610	08/30/2018	WSAFM IFMA Mgmt Institute/Rostov	P0100764	3036	08/16/2018	350.00
00194611	08/30/2018	WSAMA Conference Fee WSAMA - Invoice	P0100708	2520478110544402	08/23/2018	245.00
00194612	08/30/2018	WSCCCE AFSCME AFL-CIO PAYROLL EARLY WARRANTS		31AUG2018	08/31/2018	5,176.14
00194613	08/30/2018	XEROX CORPORATION Lease & overage charges for b/	P0097715	094021579	08/12/2018	180.26
00194614	08/30/2018	YOUTH TECH INC Instructor fees - course #0020	P0100797	0020/02011	08/28/2018	2,758.00
					Total	<u>430,555.19</u>

CERTIFICATION OF CLAIMS

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.

Charles L. Corder
Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

Mayor

Date

<u>Report</u>	<u>Warrants</u>	<u>Date</u>	<u>Amount</u>
Check Register	194615 -194692	9/06/2018	\$ 150,184.03 \$ 150,184.03

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: 402000 - Water Fund-Admin Key</i>				
P0100738	00194628	FEI - SEATTLE WW #1539	INVENTORY PURCHASES	5,556.87
P0100624	00194689	WALTER E NELSON CO	INVENTORY PURCHASES	1,157.98
P0100722	00194684	TRAFFIC SAFETY SUPPLY	INVENTORY PURCHASES	719.14
P0100743	00194675	STATE INDUSTRIAL PRODUCTS	INVENTORY PURCHASES	526.08
P0100730	00194623	CESSCO	INVENTORY PURCHASES	396.75
P0100746	00194633	GRAINGER	INVENTORY PURCHASES	243.48
P0100739	00194684	TRAFFIC SAFETY SUPPLY	INVENTORY PURCHASES	193.05
<i>Org Key: CM1300 - Sustainability</i>				
P0100836	00194652	MI SCHOOL DISTRICT	Solarize Workshop 9/15 Facilit	220.00
<i>Org Key: CMBE01 - Commuter Parking</i>				
P0100470	00194676	STOWE DEVELOPMENT & STRATEGIES	July 2018 Long-Term Parking	6,215.00
<i>Org Key: CO6100 - City Council</i>				
P0100854	00194626	DANIEL, KAMARIA	MITV MISD Board Mtg 8/23/18	300.00
P0100854	00194626	DANIEL, KAMARIA	MITV Council Spcl Mtg 8/28/18	300.00
<i>Org Key: CR1100 - CORe Admin and Human Resources</i>				
	00194680	TAWNEY, LAURA	TRAVEL EXPENSES	967.10
P0100819	00194687	WA FITNESS SERVICES INC	FITNESS EQUIPMENT REPAIR CITY	187.00
<i>Org Key: CT1100 - Municipal Court</i>				
P0100827	00194642	INTERCOM LANGUAGE SERVICES INC	Intercom interp: invoice #18-2	1,170.00
<i>Org Key: FN1100 - Administration (FN)</i>				
P0100578	00194658	PTM DOCUMENT SYSTEMS	10,000 BLUE BOTTOM LASER SECU	583.00
P0100578	00194658	PTM DOCUMENT SYSTEMS	SHIPPING	214.51
<i>Org Key: FN2100 - Data Processing</i>				
P0100790	00194679	SUPERION LLC	ONESOLUTION GLOBAL CORE IFAS M	51.55
<i>Org Key: FNBE01 - Financial Services</i>				
P0097790	00194651	MI CHAMBER OF COMMERCE	MONTHLY BILLING FOR SERVICES	1,200.00
<i>Org Key: FR1100 - Administration (FR)</i>				
	00194622	CENTURYLINK	PHONE EXPENSE AUG 2018	412.28
<i>Org Key: FR4100 - Training</i>				
	00194647	KISSEL, TREVER	WINDOW PROP MATERIALS	22.95
<i>Org Key: GGM005 - Genera Govt-LI Retiree Costs</i>				
P0100864	00194649	LEOPOLD, FREDERIC	LEOFF1 RETIREE MEDICAL EXPENSE	7,775.00
P0100865	00194688	WALLACE, THOMAS	LEOFF1 RETIREE MEDICAL EXPENSE	937.41
P0100852	00194630	FORSMAN, LOWELL	LEOFF1 RETIREE MEDICAL EXPENSE	357.83
P0100853	00194649	LEOPOLD, FREDERIC	LEOFF1 RETIREE MEDICAL EXPENSE	83.05
<i>Org Key: GX9995 - Employee Benefits-General</i>				
P0100835	00194680	TAWNEY, LAURA	COBRA payment Sept 2018 L. Law	1,318.45
<i>Org Key: IGBE01 - MI Pool Operation Subsidy</i>				
P0098084	00194653	MI SCHOOL DISTRICT #400	2018 Operational support for M	11,251.82
<i>Org Key: IS2100 - IGS Network Administration</i>				

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00194622	CENTURYLINK	PHONE EXPENSE AUG 2018	2,070.01
P0097789	00194650	MAGNAS LLC	MONTHLY LONG DISTANCE JAN-DEC	234.91
	00194622	CENTURYLINK	PHONE USE AUG 2018	112.93
<i>Org Key: MT2100 - Roadway Maintenance</i>				
P0100711	00194646	KING COUNTY FINANCE	ROAD SIGNAL SERVICES	5,113.52
	00194660	PUGET SOUND ENERGY	ENERGY USE AUG 2018	1,031.77
	00194660	PUGET SOUND ENERGY	ENERGY USE AUGUST 2018	205.14
P0100724	00194684	TRAFFIC SAFETY SUPPLY	STREET SIGN	59.91
P0100812	00194640	HOME DEPOT CREDIT SERVICE	PVC CUTTING TOOL	23.05
P0100811	00194692	ZEE MEDICAL	FIRST AID SUPPLIES	4.98
<i>Org Key: MT2200 - Vegetation Maintenance</i>				
P0100811	00194692	ZEE MEDICAL	FIRST AID SUPPLIES	4.27
<i>Org Key: MT2300 - Planter Bed Maintenance</i>				
	00194660	PUGET SOUND ENERGY	ENERGY USE AUG 2018	11.82
P0100811	00194692	ZEE MEDICAL	FIRST AID SUPPLIES	4.98
<i>Org Key: MT3100 - Water Distribution</i>				
P0100832	00194625	CORE & MAIN LP	12" CL52 DI PIPE (18')	681.32
P0100811	00194692	ZEE MEDICAL	FIRST AID SUPPLIES	4.98
<i>Org Key: MT3150 - Water Quality Event</i>				
P0100828	00194621	BRANOM OPERATING COMPANY LLC	REPAIR BACKFLOW TEST KIT	104.60
<i>Org Key: MT3200 - Water Pumps</i>				
	00194660	PUGET SOUND ENERGY	ENERGY USE AUG 2018	4,289.83
P0100811	00194692	ZEE MEDICAL	FIRST AID SUPPLIES	4.27
<i>Org Key: MT3400 - Sewer Collection</i>				
P94698	00194619	BEST PARKING LOT CLEANING INC	2017-18 SANITARY SEWER CCTV	2,376.00
P0100811	00194692	ZEE MEDICAL	FIRST AID SUPPLIES	4.98
<i>Org Key: MT3500 - Sewer Pumps</i>				
P0100820	00194661	PURE AIR FILTRATION LLC	BLEND OF SULPHASORB XL & SULPH	5,852.74
	00194660	PUGET SOUND ENERGY	ENERGY USE AUG 2018	2,446.81
	00194622	CENTURYLINK	PHONE EXPENSE AUG 2018	505.01
P0100825	00194655	NATIONAL SAFETY INC	REPAIR GAS DETECTOR	66.00
P0100831	00194635	GRAYBAR ELECTRIC CO	3/8" ALL THREAD ROD (40")	18.38
P0100824	00194636	H D FOWLER	2" PVC UNIONS S X S	18.04
P0100811	00194692	ZEE MEDICAL	FIRST AID SUPPLIES	4.98
<i>Org Key: MT3600 - Sewer Associated Costs</i>				
P0100740	00194673	SOUND SAFETY PRODUCTS	MISC. WORK CLOTHES	19.24
<i>Org Key: MT3800 - Storm Drainage</i>				
P0100710	00194615	AA ASPHALTING INC	ON-CALL ASPHALT REPAIRS 2017-1	6,224.00
P0100710	00194615	AA ASPHALTING INC	2017-18 ON CALL SPOT REPAIRS	4,123.00
P0100811	00194692	ZEE MEDICAL	FIRST AID SUPPLIES	4.98
<i>Org Key: MT4150 - Support Services - Clearing</i>				
P0100736	00194673	SOUND SAFETY PRODUCTS	MISC. WORK CLOTHES	100.54
P0100856	00194690	WORKSAFE SERVICE INC, A	Alcohol test for J. Landlois.	35.00

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: MT4200 - Building Services</i>				
	00194660	PUGET SOUND ENERGY	ENERGY USE AUG 2018	5,654.66
	00194660	PUGET SOUND ENERGY	ENERGY USE AUG 2018	2,702.62
P0100811	00194692	ZEE MEDICAL	FIRST AID SUPPLIES	4.27
<i>Org Key: MT4300 - Fleet Services</i>				
P0098294	00194653	MI SCHOOL DISTRICT #400	2018 SCHOOL DISTRICT FUEL	2,864.32
P0100796	00194665	RWC GROUP	FL-0437 REPAIR PARTS	701.72
P0100700	00194657	PACIFIC RUBBER	FL-0382 REPAIR PARTS	107.86
P0100811	00194692	ZEE MEDICAL	FIRST AID SUPPLIES	4.27
<i>Org Key: MT4501 - Water Administration</i>				
	00194622	CENTURYLINK	PHONE EXPENSE AUG 2018	54.76
<i>Org Key: MTBE01 - Maint of Medians & Planters</i>				
	00194660	PUGET SOUND ENERGY	ENERGY USE AUG 2018	775.36
<i>Org Key: PO1100 - Administration (PO)</i>				
	00194620	BLACK KNIGHT EMBLEM &	REPLACE WARRANT 194385	548.90
<i>Org Key: PO1350 - Police Emergency Management</i>				
	00194631	FRANKLIN, JENNIFER D	NATIONAL NIGHT OUT EXPENSE	224.27
<i>Org Key: PO2100 - Patrol Division</i>				
P0100795	00194629	FINANCIAL CONSULTANTS INT'L	FL-0460 EQUIPMENT OUTFIT INV 1	2,178.00
P0100795	00194629	FINANCIAL CONSULTANTS INT'L	FL-0462 EQUIPMENT OUTFIT INV 1	1,851.30
P0100795	00194629	FINANCIAL CONSULTANTS INT'L	FL-0489 EQUIPMENT OUTFIT INV 1	332.15
P0100795	00194629	FINANCIAL CONSULTANTS INT'L	FL-0489 EQUIPMENT OUTFIT INV 1	196.02
<i>Org Key: PR0000 - Parks & Recreation-Revenue</i>				
P0100804	00194638	HITCHCOCK, DAVID	Gallery Sales of Patches - 75%	75.00
<i>Org Key: PR1100 - Administration (PR)</i>				
P0100799	00194683	TOURNESOL SITEWORKS	Donation Bench & Table	1,721.51
P0097795	00194662	QUENCH USA INC	Quench system - (LB-Parks & Re	59.40
<i>Org Key: PR2100 - Recreation Programs</i>				
P0100794	00194667	SEATTLE METRO SOFTBALL UMPIRE	Umpire services	434.00
<i>Org Key: PR2101 - Youth and Teen Camps</i>				
P0100839	00194624	CHRISTIANSEN, ANNE	Instructor fees - course #0272	3,986.50
P0100800	00194618	ART FOR KIDS SCHOOL LLC	Instructor fees - course #0179	1,260.00
P0100800	00194618	ART FOR KIDS SCHOOL LLC	Instructor fees - course #0182	1,260.00
P0100800	00194618	ART FOR KIDS SCHOOL LLC	Instructor fees - course #0180	1,260.00
P0100800	00194618	ART FOR KIDS SCHOOL LLC	Instructor fees - course #0183	1,260.00
<i>Org Key: PR2108 - Health and Fitness</i>				
P0100840	00194644	KENDO-KAI, CASCADE	Instructor fees - course #0644	924.00
P0100841	00194654	MIRACLE ISLAND PLLC	Instructor fees - course #0779	647.50
P0100841	00194654	MIRACLE ISLAND PLLC	Instructor fees - course #0778	483.70
P0100840	00194644	KENDO-KAI, CASCADE	Instructor fees - course #0642	420.00
P0100840	00194644	KENDO-KAI, CASCADE	Instructor fees - course #0643	126.00
<i>Org Key: PR3500 - Senior Services</i>				

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
P0100682	00194639	HOME CARE ASSISTANCE OF WA LLC	Senior Transportation Driving	280.50
<i>Org Key: PR4100 - Community Center</i>				
	00194660	PUGET SOUND ENERGY	ENERGY USE AUG 2018	142.59
	00194622	CENTURYLINK	PHONE EXPENSE AUG 2018	52.37
<i>Org Key: PR5400 - Gallery Program</i>				
P0100803	00194666	SAWYER, MICAIAH	Music performance at Art Uncor	600.00
P0100801	00194682	TOPACIO, VALERIE	Music performance at Art Uncor	500.00
P0100802	00194691	YANOYER, GRETCHEN	Music Performance at Art Uncor	300.00
<i>Org Key: PR6100 - Park Maintenance</i>				
	00194660	PUGET SOUND ENERGY	ENERGY USE AUG 2018	662.11
P0100818	00194640	HOME DEPOT CREDIT SERVICE	MID TINE TILLER RENTAL	67.20
P0100718	00194623	CESSCO	SHARPEN MOWER BLADES	65.67
P0100811	00194692	ZEE MEDICAL	FIRST AID SUPPLIES	4.98
<i>Org Key: PR6200 - Athletic Field Maintenance</i>				
P0100821	00194636	H D FOWLER	3" SCH 80 PIPE & FITTINGS	722.57
	00194622	CENTURYLINK	PHONE EXPENSE AUG 2018	90.95
P0100822	00194636	H D FOWLER	3' SCH 80 PVC CAPS	72.42
P0100811	00194692	ZEE MEDICAL	FIRST AID SUPPLIES	4.98
P0100821	00194636	H D FOWLER	CREDIT- RETURNED FITTINGS	-44.70
<i>Org Key: PR6500 - Luther Burbank Park Maint.</i>				
	00194660	PUGET SOUND ENERGY	ENERGY USE AUG 2018	817.66
P0100747	00194636	H D FOWLER	4" POLY CORRUGATED PIPE	498.31
P0100826	00194678	SUNBELT RENTALS INC	REAR TINE TILLER RENTAL	328.44
	00194622	CENTURYLINK	PHONE EXPENSE AUG 2018	215.45
P0100823	00194636	H D FOWLER	YARD HYDRANT & NOZZLE	132.68
P0100811	00194692	ZEE MEDICAL	FIRST AID SUPPLIES	4.98
<i>Org Key: PR6600 - Park Maint-School Related</i>				
P0100793	00194678	SUNBELT RENTALS INC	South Mercer Play Field mainte	1,076.33
	00194660	PUGET SOUND ENERGY	ENERGY USE AUG 2018	283.81
P0100846	00194685	UNITED SITE SERVICES	Portable Restrooms - Island Cr	77.53
P0100811	00194692	ZEE MEDICAL	FIRST AID SUPPLIES	4.27
<i>Org Key: PR6700 - I90 Park Maintenance</i>				
	00194660	PUGET SOUND ENERGY	ENERGY USE AUG 2018	148.46
P0100811	00194692	ZEE MEDICAL	FIRST AID SUPPLIES	4.98
<i>Org Key: PY4617 - Flex Spending Admin 2017</i>				
	00194670	SERFLING, JIMMI L	FLEX SPEND ACCT REIMB	480.08
<i>Org Key: PY4618 - Flex Spending Admin 2018</i>				
	00194674	STANFORD, CURTIS J	FLEX SPEND ACCT REIMB	1,200.00
	00194664	ROSTOV, HERSHEL P	FLEX SPEND ACCT REIMB	1,009.40
	00194663	ROBARGE, JAMES H	FLEX SPEND ACCT REIMB	1,000.00
	00194672	SOLOMON, MEARA	FLEX SPEND ACCT REIMB	384.62
	00194641	HORSCHMAN, BRENT	FLEX SPEND ACCT REIMB	241.00
<i>Org Key: WD130R - Street Related Storm Projects</i>				
P0100748	00194627	EJ USA INC	MANHOLE COVER & RING "DRAIN"	657.76

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: WG110T - Computer Equip Replacements</i>				
P0097364	00194686	VERIZON WIRELESS	2 iPads 1 EAM Hotspare and 1 I	1,011.98
<i>Org Key: WP122R - Vegetation Management</i>				
P0097782	00194685	UNITED SITE SERVICES	Volunteer Event Portable Restr	221.52
<i>Org Key: WP506R - Swim Beach Repair at Groveland</i>				
P0099786	00194617	ANCHOR QEA LLC	Construction management servic	2,650.25
<i>Org Key: WR101T - Residential Streets 2018</i>				
P0100830	00194648	KRAZAN & ASSOCIATES INC	2018 ARTERIAL/RESIDENTIAL STRE	1,815.00
<i>Org Key: WR111R - Pavement Markings</i>				
P0100833	00194616	ALPINE PRODUCTS INC	CONES, PAINT & ROLL UP SIGNS	2,925.45
<i>Org Key: WR517R - SE 40th (A) Corridor Improvemnt</i>				
P0100830	00194648	KRAZAN & ASSOCIATES INC	SE 40TH ST CORRIDOR IMPROV	1,017.50
<i>Org Key: WS160R - Street Related Sewer CIP</i>				
P0100744	00194627	EJ USA INC	6 X 24 RINGS & COVERS "SEWER"	3,671.53
<i>Org Key: WS710R - General Sewer Sys Improvements</i>				
P0094831	00194669	SEQUOYAH ELECTRIC LLC	2017 ON-CALL ELECTRICAL SERVIC	2,880.46
<i>Org Key: WS712P - Pump Sta/Lake Line Access Eval</i>				
P0099675	00194681	TETRA TECH INC	LAKE LINE & PUMP STATION ACCES	4,493.74
<i>Org Key: WW117R - Street Related Water Impvts</i>				
P0097326	00194632	FURY SITE WORKS INC	RETAINAGE	1,914.37
P0100744	00194627	EJ USA INC	6 X 24 RINGS & COVER "SEWER"	301.38
<i>Org Key: XP710R - Luther BB Minor Capital LEVY</i>				
P0099880	00194671	SITWISE DESIGN PLLC	Civil Engineering services for	1,740.00
<i>Org Key: YF1100 - YFS General Services</i>				
P0097795	00194662	QUENCH USA INC	Quench system for LB-YFS porti	59.40
<i>Org Key: YF1200 - Thrift Shop</i>				
P0097797	00194634	GRAND & BENEDICTS INC	Operating supplies for Thrift	1,025.31
P0097805	00194677	STRANGER, THE	Advertising for Thrift Shop -	800.00
	00194660	PUGET SOUND ENERGY	ENERGY USE AUG 2018	638.99
P0097795	00194662	QUENCH USA INC	Quench system at Tshop	118.80
P0100838	00194668	SEATTLE PACIFIC UNIVERSITY	Registration for Fall Job Fair	100.00
<i>Org Key: YF2100 - School/City Partnership</i>				
	00194656	ORTON, ANNA	LAW/ETHICS TRAINING EXPENSE	31.00
<i>Org Key: YF2600 - Family Assistance</i>				
P0097798	00194643	KC HOUSING AUTHORITY	Rental assistance for Emergenc	167.00
P0100837	00194645	KIDS COMPANY	Childcare payment for EA clien	160.00
P0099320	00194637	HADLEY APARTMENTS	Utilities and rent payments fo	85.44
P0097804	00194659	PUGET SOUND ENERGY	Utility Assistance for Emergen	27.13
Total				150,184.03

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00194615	09/06/2018	AA ASPHALTING INC ON-CALL ASPHALT REPAIRS 2017-1	P0100710	97963IN/97962IN	07/31/2018	10,347.00
00194616	09/06/2018	ALPINE PRODUCTS INC CONES, PAINT & ROLL UP SIGNS	P0100833	TM179315/316/091	08/17/2018	2,925.45
00194617	09/06/2018	ANCHOR QEA LLC Construction management servic	P0099786	58813	08/28/2018	2,650.25
00194618	09/06/2018	ART FOR KIDS SCHOOL LLC Instructor fees - course #0179	P0100800	OH010456	08/28/2018	5,040.00
00194619	09/06/2018	BEST PARKING LOT CLEANING INC 2017-18 SANITARY SEWER CCTV	P94698	C171125/007/008	08/15/2018	2,376.00
00194620	09/06/2018	BLACK KNIGHT EMBLEM & REPLACE WARRANT 194385		225B	09/05/2018	548.90
00194621	09/06/2018	BRANOM OPERATING COMPANY LLC REPAIR BACKFLOW TEST KIT	P0100828	600984	08/21/2018	104.60
00194622	09/06/2018	CENTURYLINK PHONE EXPENSE AUG 2018		OH010477	08/20/2018	3,513.76
00194623	09/06/2018	CESSCO INVENTORY PURCHASES	P0100718	9234	08/13/2018	462.42
00194624	09/06/2018	CHRISTIANSEN, ANNE Instructor fees - course #0272	P0100839	0272	09/04/2018	3,986.50
00194625	09/06/2018	CORE & MAIN LP 12" CL52 DI PIPE (18')	P0100832	J354919	08/20/2018	681.32
00194626	09/06/2018	DANIEL, KAMARIA MITV MISD Board Mtg 8/23/18	P0100854	018	08/28/2018	600.00
00194627	09/06/2018	EJ USA INC MANHOLE COVER & RING "DRAIN"	P0100744	110180066303	08/14/2018	4,630.67
00194628	09/06/2018	FEI - SEATTLE WW #1539 INVENTORY PURCHASES	P0100738	0685847/50/59	08/14/2018	5,556.87
00194629	09/06/2018	FINANCIAL CONSULTANTS INT'L FL-0462 EQUIPMENT OUTFIT INV 1	P0100795	16070/113/175/14	03/13/2018	4,557.47
00194630	09/06/2018	FORSMAN, LOWELL LEOFF1 RETIREE MEDICAL EXPENSE	P0100852	OH010457	09/04/2018	357.83
00194631	09/06/2018	FRANKLIN, JENNIFER D NATIONAL NIGHT OUT EXPENSE		OH010474	08/07/2018	224.27
00194632	09/06/2018	FURY SITE WORKS INC RETAINAGE	P0097326	#1FINALPAYMENT	08/24/2018	1,914.37
00194633	09/06/2018	GRAINGER INVENTORY PURCHASES	P0100746	9877321910/98781	08/15/2018	243.48
00194634	09/06/2018	GRAND & BENEDICTS INC Operating supplies for Thrift	P0097797	0979600IN	08/17/2018	1,025.31
00194635	09/06/2018	GRAYBAR ELECTRIC CO 3/8" ALL THREAD ROD (40")	P0100831	9305441044	08/03/2018	18.38
00194636	09/06/2018	H D FOWLER 2" PVC UNIONS S X S	P0100823	I4935492/4924287	08/15/2018	1,399.32
00194637	09/06/2018	HADLEY APARTMENTS Utilities and rent payments fo	P0099320	OH010460	08/30/2018	85.44
00194638	09/06/2018	HITCHCOCK, DAVID Gallery Sales of Patches - 75%	P0100804	OH010459	08/30/2018	75.00
00194639	09/06/2018	HOME CARE ASSISTANCE OF WA LLC Senior Transportation Driving	P0100682	15128	08/27/2018	280.50
00194640	09/06/2018	HOME DEPOT CREDIT SERVICE PVC CUTTING TOOL	P0100818	3900178/2900273	07/24/2018	90.25

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00194641	09/06/2018	HORSCHMAN, BRENT FLEX SPEND ACCT REIMB		OH010480	08/31/2018	241.00
00194642	09/06/2018	INTERCOM LANGUAGE SERVICES INC Intercom interp: invoice #18-2	P0100827	18275	08/24/2018	1,170.00
00194643	09/06/2018	KC HOUSING AUTHORITY Rental assistance for Emergenc	P0097798	OH010461	08/30/2018	167.00
00194644	09/06/2018	KENDO-KAI, CASCADE Instructor fees - course #0643	P0100840	0642/0643/0644	09/04/2018	1,470.00
00194645	09/06/2018	KIDS COMPANY Childcare payment for EA clien	P0100837	OH010462	08/28/2018	160.00
00194646	09/06/2018	KING COUNTY FINANCE ROAD SIGNAL SERVICES	P0100711	9324993252	07/31/2018	5,113.52
00194647	09/06/2018	KISSEL, TREVER WINDOW PROP MATERIALS		OH010475	08/29/2018	22.95
00194648	09/06/2018	KRAZAN & ASSOCIATES INC 2018 ARTERIAL/RESIDENTIAL STRE	P0100830	6109385832/61093	07/31/2018	2,832.50
00194649	09/06/2018	LEOPOLD, FREDERIC LEOFF1 RETIREE MEDICAL EXPENSE	P0100864	OH010467	08/05/2018	7,858.05
00194650	09/06/2018	MAGNAS LLC MONTHLY LONG DISTANCE JAN-DEC	P0097789	OH010465	08/31/2018	234.91
00194651	09/06/2018	MI CHAMBER OF COMMERCE MONTHLY BILLING FOR SERVICES	P0097790	OH010466	08/26/2018	1,200.00
00194652	09/06/2018	MI SCHOOL DISTRICT Solarize Workshop 9/15 Facilit	P0100836	FA0417	08/30/2018	220.00
00194653	09/06/2018	MI SCHOOL DISTRICT #400 2018 Operational support for M	P0098294	2018705	08/24/2018	14,116.14
00194654	09/06/2018	MIRACLE ISLAND PLLC Instructor fees - course #0779	P0100841	0779/0778	09/04/2018	1,131.20
00194655	09/06/2018	NATIONAL SAFETY INC REPAIR GAS DETECTOR	P0100825	0515340IN	08/17/2018	66.00
00194656	09/06/2018	ORTON, ANNA LAW/ETHICS TRAINING EXPENSE		OH010476	08/28/2018	31.00
00194657	09/06/2018	PACIFIC RUBBER FL-0382 REPAIR PARTS	P0100700	R011477	08/22/2018	107.86
00194658	09/06/2018	PTM DOCUMENT SYSTEMS SHIPPING	P0100578	0067737	08/28/2018	797.51
00194659	09/06/2018	PUGET SOUND ENERGY Utility Assistance for Emergen	P0097804	OH010468	08/30/2018	27.13
00194660	09/06/2018	PUGET SOUND ENERGY ENERGY USE AUG 2018		OH010478	08/23/2018	19,811.63
00194661	09/06/2018	PURE AIR FILTRATION LLC BLEND OF SULPHASORB XL & SULPH	P0100820	2018313	08/03/2018	5,852.74
00194662	09/06/2018	QUENCH USA INC Quench system - (LB-Parks & Re	P0097795	INV01386221	09/01/2018	237.60
00194663	09/06/2018	ROBARGE, JAMES H FLEX SPEND ACCT REIMB		OH010481	08/31/2018	1,000.00
00194664	09/06/2018	ROSTOV, HERSCHEL P FLEX SPEND ACCT REIMB		OH010483	08/31/2018	1,009.40
00194665	09/06/2018	RWC GROUP FL-0437 REPAIR PARTS	P0100796	103627S	08/28/2018	701.72
00194666	09/06/2018	SAWYER, MICAIAH Music performance at Art Uncor	P0100803	OH010469	08/29/2018	600.00

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00194667	09/06/2018	SEATTLE METRO SOFTBALL UMPIRE Umpire services	P0100794	1778	08/21/2018	434.00
00194668	09/06/2018	SEATTLE PACIFIC UNIVERSITY Registration for Fall Job Fair	P0100838	89	08/30/2018	100.00
00194669	09/06/2018	SEQUOYAH ELECTRIC LLC 2017 ON-CALL ELECTRICAL SERVIC	P0094831	7017819	08/10/2019	2,880.46
00194670	09/06/2018	SERFLING, JIMMI L FLEX SPEND ACCT REIMB		OH010479	08/31/2018	480.08
00194671	09/06/2018	SITWISE DESIGN PLLC Civil Engineering services for	P0099880	18091	08/22/2018	1,740.00
00194672	09/06/2018	SOLOMON, MEARA FLEX SPEND ACCT REIMB		OH010482	08/31/2018	384.62
00194673	09/06/2018	SOUND SAFETY PRODUCTS MISC. WORK CLOTHES	P0100736	380055	08/20/2018	119.78
00194674	09/06/2018	STANFORD, CURTIS J FLEX SPEND ACCT REIMB		OH010484	08/31/2018	1,200.00
00194675	09/06/2018	STATE INDUSTRIAL PRODUCTS INVENTORY PURCHASES	P0100743	900611557	08/14/2018	526.08
00194676	09/06/2018	STOWE DEVELOPMENT & STRATEGIES July 2018 Long-Term Parking	P0100470	MI014	08/03/2018	6,215.00
00194677	09/06/2018	STRANGER, THE Advertising for Thrift Shop -	P0097805	718FFF22/718CAA8	07/05/2018	800.00
00194678	09/06/2018	SUNBELT RENTALS INC REAR TINE TILLER RENTAL	P0100793	815010700001	08/16/2018	1,404.77
00194679	09/06/2018	SUPERION LLC ONESOLUTION GLOBAL CORE IFAS M	P0100790	213507	08/20/2018	51.55
00194680	09/06/2018	TAWNEY, LAURA TRAVEL EXPENSES	P0100835	OH010470	08/29/2018	2,285.55
00194681	09/06/2018	TETRA TECH INC LAKE LINE & PUMP STATION ACCES	P0099675	51343758	08/14/2018	4,493.74
00194682	09/06/2018	TOPACIO, VALERIE Music performance at Art Uncor	P0100801	OH010471	08/30/2018	500.00
00194683	09/06/2018	TOURNESOL SITEWORKS Donation Bench & Table	P0100799	110406	08/21/2018	1,721.51
00194684	09/06/2018	TRAFFIC SAFETY SUPPLY INVENTORY PURCHASES	P0100724	INV004857	08/15/2018	972.10
00194685	09/06/2018	UNITED SITE SERVICES Portable Restrooms - Island Cr	P0097782	1147208359/43526	08/17/2018	299.05
00194686	09/06/2018	VERIZON WIRELESS 2 iPads 1 EAM Hotspare and 1 I	P0097364	9000125121	01/01/2018	1,011.98
00194687	09/06/2018	WA FITNESS SERVICES INC FITNESS EQUIPMENT REPAIR CITY	P0100819	W17080	08/26/2018	187.00
00194688	09/06/2018	WALLACE, THOMAS LEOFF1 RETIREE MEDICAL EXPENSE	P0100865	OH010472	09/05/2018	937.41
00194689	09/06/2018	WALTER E NELSON CO INVENTORY PURCHASES	P0100624	664505	08/16/2018	1,157.98
00194690	09/06/2018	WORKSAFE SERVICE INC, A Alcohol test for J. Landlois.	P0100856	263357	08/31/2018	35.00
00194691	09/06/2018	YANOYER, GRETCHEN Music Performance at Art Uncor	P0100802	OH010458	08/29/2018	300.00
00194692	09/06/2018	ZEE MEDICAL FIRST AID SUPPLIES	P0100811	68362445	08/21/2018	71.15

Accounts Payable Report by Check Number

<u>Check No</u>	<u>Check Date</u>	<u>Vendor Name/Description</u>	<u>PO #</u>	<u>Invoice #</u>	<u>Invoice Date</u>	<u>Check Amount</u>
					Total	<u>150,184.03</u>



CITY OF MERCER ISLAND CERTIFICATION OF PAYROLL

PAYROLL PERIOD ENDING

9.07.18

PAYROLL DATED

9.14.18

Net Cash	\$	539,108.51
Net Voids/Manuals	\$	11,462.37
Net Total	\$	550,570.88
Federal Tax Deposit - Key Bank	\$	86,494.22
Social Security and Medicare Taxes	\$	45,639.27
Medicare Taxes Only (Fire Fighter Employees)	\$	2,281.32
State Tax (Oregon)	\$	279.32
Public Employees Retirement System 1 (PERS 1)	\$	-
Public Employees Retirement System 2 (PERS 2)	\$	27,306.21
Public Employees Retirement System 3 (PERS 3)	\$	6,580.78
Public Employees Retirement System (PERSJM)	\$	764.36
Public Safety Employees Retirement System (PSERS)	\$	189.73
Law Enforc. & Fire fighters System 2 (LEOFF 2)	\$	26,942.76
Regence & LEOFF Trust - Medical Insurance	\$	12,707.80
Domestic Partner/Overage Dependand - Insurance	\$	1,316.03
Group Health Medical Insurance	\$	1,268.98
Health Care - Flexible Spending Accounts	\$	2,339.87
Dependent Care - Flexible Spending Accounts	\$	1,689.11
United Way	\$	100.00
ICMA Deferred Compensation	\$	30,199.67
Fire 457 Nationwide	\$	8,126.79
Roth - ICMA	\$	260.00
Roth - Nationwide	\$	620.00
401K Deferred Comp	\$	1,000.00
Garnishments (Chapter 13)	\$	1,331.00
Child Support	\$	599.99
Mercer Island Employee Association	\$	327.50
Cities & Towns/AFSCME Union Dues	\$	-
Police Union Dues	\$	-
Fire Union Dues	\$	2,019.69
Fire Union - Supplemental Dues	\$	154.00
Standard - Supplemental Life Insurance	\$	(42.60)
Unum - Long Term Care Insurance	\$	642.95
AFLAC - Supplemental Insurance Plans	\$	636.51
Coffee Fund	\$	94.00
Transportation	\$	125.00
HRA - VEBA	\$	4,395.69
Miscellaneous	\$	-
Nationwide Extra	\$	-
GET	\$	300.00
Oregon Transit Tax and Oregon Benefit Tax	\$	5.61
Tax & Benefit Obligations Total	\$	266,695.56
TOTAL GROSS PAYROLL		\$ 817,266.44

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.

Charles L. Corder

Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

Mayor

Date



CITY COUNCIL MINUTES REGULAR MEETING SEPTEMBER 4, 2018

CALL TO ORDER & ROLL CALL

Mayor Debbie Bertlin called the Regular Meeting to order at 5:00 pm at City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Debbie Bertlin, Deputy Mayor Salim Nice, and Councilmembers Tom Acker (arrived 5:05 pm), Bruce Bassett, Wendy Weiker (arrived 5:05 pm, departed 5:45 pm, arrived 7:00 pm), David Wisenteiner, and Benson Wong were present.

AGENDA APPROVAL

It was moved by Nice; seconded by Wong to:

Approve the agenda as presented.

Passed 5-0

FOR: 5 (Bassett, Bertlin, Nice, Wisenteiner, and Wong)

ABSENT: 2 (Acker, Weiker)

EXECUTIVE SESSION

At 5:01 pm, Mayor Bertlin convened the Executive Session to discuss with legal counsel pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 60 minutes

Councilmember Weiker left the Executive Session at 5:47 pm.

At 6:01 pm, Mayor Bertlin extended the Executive Session for 10 minutes.

At 6:12 pm, Mayor Bertlin adjourned the Executive Session.

STUDY SESSION

AB 5469: Planning Commission's Recommendation for Procedural Land Use (Title 19) Code Amendments

Interim Development Services Director Evan Maxim presented the proposed amendments to Title 19 of the Mercer Island City Code (MICC), explaining that they are intended to:

- 1) clarify the review process and language;
- 2) consolidate the procedural requirements and approval criteria;
- 3) ensure compliance with applicable state statutes and case law; and,
- 4) simplify the regulations for readability, ease of use, and to eliminate unintended consequences.

He noted that amendments to the substance of the criteria for land use approvals were not being proposed.

Staff summarized the recommended amendments, explaining that Title 19 of the MICC establishes the land use, and to some extent the engineering, standards for development on Mercer Island. Title 19 also establishes the procedural requirements for conducting land use reviews and the criteria for land use approvals (e.g., the process and approval criteria for subdivisions, design review, etc.).

Staff reviewed how they intended to clarify process as follows:

- Notice provided in bulletin and newspaper;
- Posted on site / mailed if specific to an individual property;
- 30-days before hearing;

- Public hearing before Planning Commission; and,
- Decision by City Council.

Additional staff recommendations included:

- Adopt language that clarifies the implementation of Comprehensive Plan amendments;
- Often policies / goals may be implemented immediately; and,
- Where significant new policies / goals are identified, additional time for review and implementation may warrant additional time.

SPECIAL BUSINESS

Mayor Bertlin opened the meeting at 7:10 pm and reported that Council would go back in to Executive Session at the end of the meeting to continue discussion with legal counsel on pending or potential litigation pursuant to RCW 42.30.110(1)(i).

AB 5467: Day of Concern for the Hungry Proclamation

Cindy Goodwin, Youth and Family Services Director, invited Christoph Reiner with the Church of Jesus Christ of Latter-day Saints and Michelle Carpenter with Daily Method to join her and receive the Mayor's Day of Concern for the Hungry Proclamation on behalf of the community. Reiner and Carpenter shared their involvement and planned activities, encouraging the community to participate and contribute non-perishable food items for those in need.

Mayor Debbie Bertlin proclaimed September 15, 2018 as the Mayor's Day of Concern for the Hungry in the City of Mercer Island and urged all citizens to join the Emergency Feeding Program and our local food banks to nourish those who are hungry.

AB 5464: Emergency Preparedness Month Proclamation

Ed Holmes, Police Chief, and Jennifer Franklin, Emergency Manager, asked long time Emergency Volunteer Jason King to join them and receive the National Preparedness Month Proclamation on behalf of the community. Staff summarized Emergency Preparedness program and reported on the following activities planned for the month of September:

- September 5 - Community Emergency Response Team Course begins to teach teach citizens how to prepare and respond to disasters.
- September 7 - Earthquake exercise to test the City's shelter and Emergency Operation Center response capabilities.
- September 16 - Emergency preparedness booth at the Farmer's Market to teach residents how to build their emergency kits and what seven days' worth of food and water may look like.

Mayor Bertlin proclaimed September 2018 as National Preparedness Month and encouraged all Mercer Island residents and businesses to commit to be prepared for 7 to 14 days following a disaster.

CITY MANAGER REPORT

City Manager Julie Underwood reported on the following items:

- Comprehensive Plan Update – Final Day to Submit Feedback:
 - Final Public Hearing – September 5 at 6 pm
 - Online Outreach – Ongoing through September
 - Email / Written Public Comment – September 5
- Arts Uncorked – Friday, September 7, 5:30 to 9 pm
- Northwest Collage Society Exhibit at Mercer Gallery – September 10 to October 26
- Classics on Film – Alijoia Theater, Friday, September 14 at 7:30 pm
- Volunteer at a Restoration Event – Luther Burbank Park, Saturday, September 15 10 am to 2 pm
- Public Hearing on Initiative 1631, Carbon Emissions Fee – Monday, September 17 at 7 pm
- Fall 2018/Winter 2019 Recreation Guide

APPEARANCES

The following people spoke in support of keeping the Mercer Island Library Board active past the sunset date of December 31, 2018:

- Dick Winslow, 3761 77th Avenue SE
- Carvel Zwingle, 6250 East Mercer Way
- Gary Robinson, 6026 East Mercer Way

CONSENT CALENDAR

Councilmember Wong requested to remove AB 5460: Accepting Funds from MIYFS Foundation for the Consent Calendar. Mayor Bertlin added it as the first item of Regular Business

Payables: \$445,456.85 (08/09/18), \$1,034,556.32 (08/16/18), & \$831,689.60 (08/23/18)

Recommendation: Certify that the materials or services hereinbefore specified have been received and that all warrant numbers listed are approved for payment.

Payroll: \$851,180.76 (08/17/18) & \$825,569.79 (08/31/18)

Recommendation: Certify that the materials or services specified have been received and that all fund warrants are approved for payment.

AB 5463: Interlocal Agreement with the Mercer Island School District for Counseling Services

Recommendation: Authorize the City Manager to sign the Interlocal Agreement with the Mercer Island School District for Counseling Services during the 2018-2019 school year.

It was moved by Wisenteiner; seconded by Nice to:

Approve the consent calendar and the recommendations contained therein.

Passed 7-0

FOR: 7 (Acker, Bassett, Bertlin, Nice, Weiker, Wisenteiner, and Wong)

REGULAR BUSINESS

AB 5460: Accepting Funds from MIYFS Foundation

Councilmember Wong expressed appreciation for the Mercer Island Youth and Family Services Foundation for its grant and supporting the Youth and Family Services Department.

It was moved by Wong; seconded by Nice to:

Approve AB 5460 and accept a donation of \$50,500 in funds from the MIYFS Foundation to fund three one-time projects to enhance the work of the YFS Department.

Passed 7-0

FOR: 7 (Acker, Bassett, Bertlin, Nice, Weiker, Wisenteiner, and Wong)

AB 5470: Planning Commission's Recommendation for Title 19 Procedural Code Amendments (1st Reading)

Interim Development Services Director, Evan Maxim referenced his earlier discussion with Council during the Study Session, wherein he explained the proposed amendments contained in Ordinance No. 18C-08. In summary, the amendments are intended to:

- 1) Clarify the land use review and approval process;
- 2) Consolidate the procedural requirements and approval criteria;
- 3) Ensure compliance with applicable state regulations and recent case law; and,
- 4) Simplify the regulations for readability, ease of use, and to eliminate inconsistencies and unintended consequences.

Council discussed the draft Ordinance and asked questions for clarification. Councilmember Acker explained that he was not comfortable with the proposed amendment and wanted more time to consider the information provided.

It was moved by Bassett; seconded by Wong to:

Set Ordinance No. 18C-06 to September 17, 2018 for second reading and adoption on the Consent Calendar.

Passed 6-1

FOR: 6 (Bassett, Bertlin, Nice, Weiker, Wisenteiner, and Wong)

AGAINST: 1 (Acker)

AB 5452: Planning Commission's Recommendation for Code Compliance Code Amendments (1st Reading)

DSG Ombudsman/Administrative Services Manager, Alison Van Gorp, presented the Planning Commission's recommended amendments to the Mercer Island City Code regarding code compliance. She noted that additional amendments throughout the code create consistency, update cross-references, and remove duplication related to code compliance.

She noted that in response to the Planning Commission recommendation that the amendments be reviewed in two to three years to evaluate their effectiveness in reducing the code compliance case load and improving overall code compliance within the City, staff will

- Develop operating procedures and online and print materials to clarify the City's prioritization and response to code compliance requests for the public;
- Establish target times for responding to compliance requests and track actual response times against the target times to collect data for analysis of effectiveness; and,
- Add updates of the Animal and Nuisance codes to the Development Services Group and Planning Commission work plan for 2019-2020 for modernization, additional clarity, and realignment.

It was moved by Nice; seconded by Acker to:

Set Ordinance No. 18C-06 to September 17, 2018 for second reading and adoption on the Consent Calendar.

It was moved by Wong; seconded by Acker to:

Amend the previous motion and delete all references to the ability to serve notices on the responsible person's place of employment.

Motion to amend passed 4-3:

FOR: 4 (Acker, Nice, Wisenteiner, and Wong)

AGAINST: 3 (Bassett, Bertlin, and Weiker)

Main Motion as Amended Passed 7-0

FOR: 7 (Acker, Bassett, Bertlin, Nice, Weiker, Wisenteiner, and Wong)

AB 5461: Business License Model Ordinance Code Amendments (1st Reading)

Assistant to the City Manager Ali Spietz reviewed the Business License Model Ordinance and presented the draft ordinance with proposed amendments. She explained that recent legislation requires cities and towns with either business licenses requirements and/or local B&O tax regulations to:

- Adopt a model business license ordinance which addresses uniform definition of engaging in business and allowing registration with no fee for businesses without a location in the city who report gross revenues of under \$2,000 per year (minimum threshold); and,
- Administer business licensing through the state's business license system (BLS) by 2027 or through the FileLocal system by 2020.

In addition to legislative requirements, additional amendments to chapter 5.01 MICC Business Licensing, were recommended to help clarify each type of license deleting the section regarding exemptions. In response to Council questions regarding business license program administration, Spietz explained that staff had researched each of the available systems and recommended BLS as it is a free service to the City.

It was moved by Bassett; seconded by Nice to:

Set Ordinance No. 18C-09 to September 17, 2018 for second reading and adoption on the Consent Calendar.

Passed 7-0
FOR: 7 (Acker, Bassett, Bertlin, Nice, Weiker, Wisenteiner, and Wong)

OTHER BUSINESS

Councilmember Absences

There were no absences.

Planning Schedule

City Manager Julie Underwood noted the following changes to the Planning Schedule:

- It may be necessary to add an Executive Session on September 17 at 5 pm.
- Three ordinances presented tonight for a first reading will be set to a second reading and adoption on the Consent Calendar at the September 17 meeting.
- A third reading of the Transportation Concurrency Ordinance is scheduled for the October 2 meeting.
- 2019-2020 Budget discussions will start with the October 16 meeting.

AB 5471: Design Commission Vacancies Appointments

Mayor Bertlin reported that she and Deputy Mayor Nice, in consultation with other Councilmembers, put forth a recommendation to appoint Claire McPherson and Thomas Soeprono to the Design Commission.

Councilmember Acker enquired about the appointment criteria and expressed concern that a candidate with Urban Planning experience was not appointed.

It was moved by Bassett; seconded by Wong to:

Affirm the Mayor and Deputy Mayor's appointments of Claire McPherson and Thomas Soeprono to the City's Design Commission.

Passed 6-1

FOR: 6 (Bassett, Bertlin, Nice, Weiker, Wisenteiner, and Wong)

AGAINST: 1 (Acker)

Councilmember Reports

There were no reports

EXECUTIVE SESSION

At 9:38 pm, Mayor Bertlin convened the Executive Session to discuss with legal counsel pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 30 minutes

At 10:11 pm, Mayor Bertlin adjourned the Executive Session.

ADJOURNMENT

The Regular Meeting adjourned at 10:12 pm.

Attest:

Debbie Bertlin, Mayor

Deborah Estrada, City Clerk



CITY COUNCIL MINUTES SPECIAL MEETING AUGUST 28, 2018

CALL TO ORDER & ROLL CALL

Mayor Debbie Bertlin called the Special Meeting to order at 6:00 pm at City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Debbie Bertlin, Deputy Mayor Salim Nice, and Councilmembers Bruce Bassett, David Wisenteiner, and Tom Acker were present. Councilmembers Wendy Weiker and Benson Wong were absent.

AGENDA APPROVAL

It was moved by Nice; seconded by Wisenteiner to:

Approve the agenda as presented.

Passed 5-0

FOR: 5 (Acker, Bassett, Bertlin, Nice, and Wisenteiner)

ABSENT: 2 (Weiker and Wong)

SPECIAL BUSINESS

AB 5466: WSDOT I-405 Renton to Bellevue Widening and Express Toll Lanes Project

Program Administrator Kim Henry spoke about the 405 Master Plan, specifically about the 40-mile corridor which includes the I-405/SR 167 Direct Connector Project. He noted that one part of the project is the I-405 Renton to Bellevue Widening and Express Toll Lanes Project. He detailed the environmental work, interagency coordination and the procurement schedule for the construction work.

He noted capacity improvements, by adding a lane to create two HOT lanes and spoke about the changes to the I-405 northbound to I-90 interchange. He also detailed the 2025 projections for morning and afternoon traffic from Renton to Bellevue and the NE 44th Street transit interchange.

CITY MANAGER REPORT

- Let's Talk Mercer Island - A New Way to Engage with Your Local Government
 - Go to letstalk.mercergov.org
 - Contribute your ideas and ask questions about featured projects
 - Interactive tools including: discussion forums, polls, surveys, and crowdsource mapping
 - City will use online feedback in conjunction with face-to-face activities (meetings, hearings, surveys, etc)
- Comprehensive Plan Updates:
 - Public Hearings - Aug. 29, 6 pm at City Hall, Sept. 5, 6 pm at City Hall
 - Online Outreach - Ongoing through Sept. 5
 - Email / Written Public Comment - Submit now through Sept. 5
 - Visit letstalk.mercergov.org/CompPlan to review proposed amendments and share your thoughts
- City Staff Featured in AWC's City Vision Magazine
- MIPA Summer Concert, Thurs., August 30, 6 pm at Mercerdale Park (77th Ave SE & SE 32nd St) - Free concert featuring Caspar Babypants
- Transit Service Changes Starting in September - Rainier Freeway Station at I-90 to close Sept. 22, reopening in 2023.
 - Bus Route 550 will bypass Rainier and will access Downtown via the I-90 mainline & Transit Tunnel

- Bus Route 216 will bypass Rainier and will access Downtown via the I-90 mainline & 4th Avenue
- Bus Route 554 will now stop at Rainier & South Charles Street. The 554 will continue Downtown via South Dearborn Street.
- CERT Classes Start Sept. 5 – Oct. 17, Wednesdays, 6:30-9:30pm at City Hall Emergency Operation Center (9611 SE 36th St).
- City Earthquake Exercise for staff and volunteers on Sept. 7, 10am-2pm at City Hall & MICEC
- Art Uncorked - Friday, Sept. 7, 5:30 – 9:00 pm at the Greta Hackett Outdoor Sculpture Gallery (78th Ave. and Sunset Blvd)
- Back to School - Wednesday, September 5. School zones are back in effect at 7:00am Wednesday morning.
- City Facilities Closed Labor Day - Monday September 3

APPEARANCES

Jim Schwab, President of HOA for 7800 Plaza Building, spoke about being included in a meeting regarding development of the Tully's site. He believes that there will be units impacted with a full buildout of the site. He stated that he and the HOA want to work with the City for the site and are supportive of MICA being at the site.

Brian Hildebrandt, 6880 West Mercer Way, spoke about the RFQ for the Tully's site and expressed concern about parking in the Town Center when school is back in session. He does not believe that time constricted parking is an acceptable use currently. City Manager Underwood clarified that the Council will review and hopefully approve the second draft of the RFQ, so it can be sent out to developers later this week.

Paul Shoemaker stated that he believes that parking is the number one priority for the Town Center. He noted that the MICA public engagement process concluded, and he spoke about the letter MICA sent to the City about being a part of the development at the Tully's site.

Jon Conratt, 9320 SE 36th Street, spoke about the proposed reductions for the 2019-2020 preliminary budget. He appreciated the hard work that has gone into finding a solution to the problem.

Sarah, 84th Ave SE, observed two CAG meetings and two open house meetings and noted that the City Manager and Finance Director led presentations on the city's financial situation, stating that the City is a lean organization and finding efficiencies. She identified inefficiencies and recommended that the City finish projects, reduce staffing, and focus on essential city services, primarily safety and infrastructure.

Sharon Perez, 3404 79th Ave SE, spoke about what MICA heard from the community over the past few months. She was encouraged by how many people attended the meetings and the positive feedback they received.

CONSENT CALENDAR

Payables: \$876,487.37 (07/12/18), \$596,069.59 (07/20/18), \$363,822.98 (07/26/18), & \$226,803.68 (08/02/18)

Recommendation: Certify that the materials or services hereinbefore specified have been received and that all warrant numbers listed are approved for payment.

Payroll: \$854,768.77 (07/20/18) & \$841,360.54 (08/03/18)

Recommendation: Certify that the materials or services specified have been received and that all fund warrants are approved for payment.

AB 5465: Lincoln Landing Stormwater and Park Improvements Project Appropriation Request

Recommendation: Appropriate \$170,300 from the Sewer Fund for the design of sewer utility line replacements within the Lincoln Landing Stormwater and Park Improvements Project.

It was moved by Bassett; seconded by Nice to:

Approve the consent calendar and the recommendations contained therein.

Passed 5-0

FOR: 5 (Acker, Bassett, Bertlin, Nice, and Wisenteiner)

ABSENT: 2 (Weiker and Wong)

REGULAR BUSINESS

AB 5459: Finalize RFQ for Transit Commuter Parking and Public-Private, Mixed-Use Development Project on the Tully's/Parcel 12 Site

City Manager Underwood presented a second draft of the Request for Qualifications (RFQ) for a Transit Commuter Parking and Public-Private Mixed-Use Development Project for the Tully's/Parcel 12 Site. She provided background information about the proposed project, the RFQ process, and the funding structure. Bob Stowe spoke about the benefits of the public private partnership for this project and reviewed the proposed RFQ criteria, selection process, and timeline.

Seeking direction from Council, Underwood further explained the Mercer Island Center for the Arts (MICA) request that the City more heavily "weigh" arts and cultural event space as a community benefit.

After debate, Council directed staff to modify the RFQ's section on Community Benefit by removing the "Parking" preference and making it a mandatory requirement. Council then defined the stated community benefit preferences in order of importance as follows:

- 1) Public Open Spaces
- 2) Well-Designed Integration
- 3) Arts and Cultural Events & Spaces
- 4) Housing Diversity

Council further agreed to modify the community benefit preference "Arts and Cultural Events & Spaces" to include language from the MICA letter stating, "inclusion of arts performances, education and collaboration venues."

The Council agreed with the proposed RFQ timeline.

It was moved by Wisenteiner; seconded by Nice to:

Approve the Request for Qualifications and selection process for the proposed transit commuter parking and public-private, mixed-use project on the Tully's/Parcel 12 site, including a mandatory element of parking and revising the order of preferences accordingly. .

Passed 4-1

FOR: 5 (Acker, Bassett, Bertlin, Nice, and Wisenteiner)

ABSENT: 2 (Weiker and Wong)

AB 5462: 2019-2020 Biennial Budget: Council Direction

Assistant City Manager/Finance Director Chip Corder and City Manager Julie Underwood provided information to confirm Council direction given to staff at the June 9 Mini-Planning Session regarding the development of the 2019-2020 Biennium Budget in light of the Contingency Fund target recommendation from Management Partners.

Finance Director Corder reviewed the Council's June 9, 2018 direction for the 2019-2020 biennial budget to assume no levy lid lift, draw down one-time monies, and other additional key revenue assumptions.

He noted that on July 17, Management Partners recommended a target of 17% (or 2 months) for the Contingency Fund. He stated that the current balance 10% (or 1.2 months) and that staff recommends starting with 12.5% (or 1.5 months).

Director Corder then explained the proposed strategy to meet the Contingency Fund target and balance the 2019-2020 biennial budget with ongoing expenditure reductions (services and FTEs). He reviewed the Council's budget review and adoption schedule.

City Manager Underwood further explained that on July 24 the Council approved an ordinance to put a levy lid lift on the November ballot, and should the levy fail, starting with the 2021 budget, additional reductions, or new revenues, will be necessary to balance the budget. The gap for the 2021-2022 Biennium Budget starts at \$3 million in 2021, or an additional 29 FTEs.

Councilmembers asked clarifying questions and Councilmember Acker expressed a desire to see process improvements and administrative cuts, before cuts in personnel.

It was moved by Nice; seconded by Wisenteiner to:

Adopt the 1.5 months Contingency Fund target as outlined in staff's budget balancing recommendation.

Passed 4-1

FOR: 4 (Bassett, Bertlin, Nice, and Wisenteiner)

AGAINST: 1 (Acker)

ABSENT: 2 (Weiker and Wong)

OTHER BUSINESS

Councilmember Absences

Councilmember Bassett will be absent October 16 and 23.

Planning Schedule

City Manager Underwood noted the following:

- The September 18 Regular Meeting will be moved to September 17 due to Yom Kippur.
- An Executive Session will be tentatively scheduled for September 4 or October 2, 2018.
- January 2, 2019 Regular Meeting is canceled. January 8, 2019 is tentatively scheduled as a Special Meeting.

Board Appointments

There were no appointments. Mayor Bertlin reported that there would be two appointments to the Design Commission scheduled for the September 4 Regular Meeting.

Councilmember Reports

Councilmember Acker reported that he had received a lot of positive feedback on LimeBikes from Islanders and kids. He also reported that he referred three concerns to City Manager Underwood for review.

Councilmember Bassett reported that King County Councilmember Claudia Balducci would be speaking at a Town Hall meeting scheduled for September 15 at the Mercer Island Community and Events Center.

Councilmember Wisenteiner expressed his gratitude to the Mercer Island Police Department and their handling of Seafair. He also reported that the Let's Talk Mercer Island is very well done.

ADJOURNMENT

The Special Meeting adjourned at 8:30 pm.

Attest:

Debbie Bertlin, Mayor

Deborah Estrada, City Clerk



CITY COUNCIL MINUTES SPECIAL MEETING JULY 24, 2018

CALL TO ORDER & ROLL CALL

Mayor Debbie Bertlin called the meeting to order at 6:01 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Debbie Bertlin, Deputy Mayor Salim Nice, and Councilmembers Tom Acker, Bruce Bassett, Wendy Weiker (arrived 6:09 pm), David Wisenteiner, and Benson Wong were present.

AGENDA APPROVAL

It was moved by Wisenteiner; seconded by Wong to:

Approve the agenda as presented.

Passed 6-0

FOR: 7 (Acker, Bassett, Bertlin, Nice, Weiker, Wisenteiner, Wong)

ABSENT: 1 (Weiker)

SPECIAL BUSINESS

AB 5454: 2018 Flash Family Inspiration Award

Youth and Family Services Director Cindy Goodwin spoke about the history of the Flash Family Inspiration Award. Mayor Debbie Bertlin spoke about Marcia Zervis and her nomination that was supported by members of the community who walk with her at the weekly Solemates outings or join her in numerous volunteer efforts. She noted that Marcia donates her time and effort with no expectation for recognition, but rather, to contribute to the benefit of the whole. Her leadership and optimism reflect the qualities the Flash Family Inspiration Award seeks to recognize.

CITY MANAGER REPORT

City Manager Julie Underwood presented information on the following items:

- **Sound Transit Update:**
 - **Rail Station & Track:** Headhouse Construction 77th Ave, Headhouse Construction 80th Ave, Prepare for concrete slab (Nov. – Dec.)
 - **Park & Ride:** 77th Ave Transit Integration and Bus Turnaround, Park & Ride Lighting Retrofit Project, Pedestrian and Cyclist Improvements at Park & Ride frontage
 - **Miscellaneous:** Mercer Island Boat Launch, Traffic closures, Construction noise exemption notice mailed (start date TBD)
- **Puget Sound Sumi Artists Exhibit:** Mercer Gallery at MICEC, Artist Reception July 26, 6:30 - 8 pm
- **MICA Community Visioning Session:** Sat. July 28, 9:30 – 11:00am, MICEC
- **Seafair Weekend:** August 2-5. **I-90 Closure Schedule:** Thurs., Aug. 2, 9:45 am - 12:15 pm; 1:00-2:45 pm, Fri., Sat., and Sun. Aug. 3 -5, 12:55-2:45 pm
- **West Mercer Way Mural Update:** Painting begins Aug. 6
- **Comprehensive Plan Updates - We Want Your Feedback:** Public Hearings: Aug. 29, 6 pm at City Hall, Sept. 5, 6 pm at City Hall. Online Outreach, Aug. 15. Email / Written Public Comment submit now through Sept. 5

APPEARANCES

There were no appearances.

REGULAR BUSINESS

AB 5458: City's Financial Challenges: Levy Lid Lift Ordinance (2nd Reading & Adoption)

City Manager Julie Underwood presented a proposed ordinance to place a six-year levy lid lift on the November 6, 2018 General Election ballot for second reading and adoption. She spoke about the six-year forecast (2019-2024) and the key revenue assumptions involved in the forecast. She stated that after the July 17 meeting, staff revised Levy Lid Lift structure, incorporated Council's input regarding adding code compliance, ROW/median maintenance, and making clear park maintenance vs. capital and adjusted down the levy lid lift rate and annual growth factor.

The Council asked questions about and discussed the following:

- Efficiencies and cost reductions versus the use of one-time monies and reserve balances
- Capital levy needs
- Timing of the fiscal sustainability plan
- Moving the levy to the Special Election in February 2019
- Setting the Contingency Fund target
- Pro and Con committee and spokespersons appointments

City Attorney Kari Sand spoke about the state laws that City officials and staff will be required to adhere to if the ordinance is adopted and she reviewed campaign do's and don'ts.

It was moved by Bassett; seconded by Wong to:

Adopt Ordinance No. 18-07, providing for the submission on the November 7, 2018 General Election ballot, a proposition authorizing the City to lift the levy limit established in RCW 84.55.010 to sustain current service levels for Public Safety, Youth, Family, & Senior Services, and Parks & Recreation.

It was moved by Weiker; seconded by Acker to:

**Amend the previous motion as follows:
Consider this levy for August 2019.**

Motion to Amend Failed 2-5

FOR: 2 (Acker, Weiker)

AGAINST: 5 (Bassett, Bertlin, Nice, Wisenteiner, Wong)

Main Motion Passed 5-2

FOR: 5 (Bassett, Bertlin, Nice, Wisenteiner, Wong)

AGAINST: 2 (Acker, Weiker)

It was moved by Bassett; seconded by Wong to:

Appoint the pro and con committee members as recommended:

Pro Committee: Leslie Meagley, Alan Merkle, and John Stewart

Con Committee: Lisa Anderl, Mike Cero, and Heather Cartwright

Passed 7-0

FOR: 7 (Acker, Bassett, Bertlin, Nice, Weiker, Wisenteiner, Wong)

OTHER BUSINESS

Planning Schedule

City Manager Underwood reviewed the August 7 meeting agenda, National Night Out is from 5:00-6:00 pm at City Hall with the Regular Meeting starting at 6:00 pm.

Councilmember Bassett asked about the knotweed ordinance. City Manager Underwood responded that staff would prepare a work plan for addressing the issue and possible legislation.

Councilmember Absences

Councilmembers Wisenteiner, Bertlin, and Wong will be absent August 7 and Councilmember Weiker needs to leave by 8:00 pm.

ADJOURNMENT

The Special Meeting adjourned at 7:53 pm.

Attest:

Debbie Bertlin, Mayor

Allison Spietz, Acting City Clerk



BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA

AB 5475
September 17, 2018
Consent Calendar

Table with 3 columns: CODE COMPLIANCE CODE AMENDMENTS (2ND READING AND ADOPTION), Action: Conduct second reading of the Code Compliance Code Amendments and adopt Ordinance 18C-06, and checkboxes for Discussion Only, Action Needed (Motion, Ordinance, Resolution).

Table with 2 columns: DEPARTMENT OF (Development Services Group), COUNCIL LIAISON (n/a), EXHIBITS (1. Proposed Ordinance No. 18C-06 with Attachment A), 2018-2019 CITY COUNCIL GOAL (6. Update Outdated Codes, Policies and Practices), APPROVED BY CITY MANAGER.

Table with 3 columns: AMOUNT OF EXPENDITURE, AMOUNT BUDGETED, APPROPRIATION REQUIRED, all with values \$ n/a.

SUMMARY

The City of Mercer Island is proposing amendments to Titles 1, 8, 15, 17 and 19 of the Mercer Island City Code (MICC), as shown in Exhibit 1, Attachment A. The proposed amendments create a new chapter 6.10 related to code compliance and amend chapters 1.16, 8.24, 15.06, 15.14, 17.14 and 19.15 MICC for consistency, to update cross-references, and to remove duplication.

On September 4, 2018, City Council conducted the first reading of proposed Ordinance No. 18C-06 and provided amendments to the Ordinance for second reading. Revisions and grammatical corrections were made to the final version of the Ordinance and Attachment A (see Exhibit 1).

Please note that the language related to providing notice BY MAIL to a workplace [MICC 6.10.040 (c)] was retained in the Ordinance as this form of notice is needed when the person responsible is a contractor, tree company, or another entity that performed work on a property that was not in compliance with the applicable codes. The language related to providing notice IN PERSON at the workplace of the person responsible has been removed as directed by the Council [MICC 6.10.040 (a)].

RECOMMENDATION

DSG Ombudsman/Administrative Services Manager

MOVE TO: Adopt Ordinance No. 18C-06 amending Mercer Island City Code Titles 1, 8, 15, 17 and 19 and adopting Chapter 6.10 MICC to consolidate and improve code compliance provisions.

**CITY OF MERCER ISLAND
ORDINANCE NO. 18C-06**

AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON AMENDING MERCER ISLAND CITY CODE CHAPTERS 1.16, 8.24, 15.06, 15.14, 17.14 AND 19.15 AND ADOPTING CHAPTER 6.10 TO CONSOLIDATE AND IMPROVE THE CODE COMPLIANCE PROVISIONS; PROVIDING FOR SEVERABILITY AND RATIFICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, effective code compliance is necessary to maintain public health, welfare and safety, environmental protection and community character; and,

WHEREAS, the Mercer Island City Council determined that the code compliance provisions should be consolidated, updated and strengthened; and,

WHEREAS, code compliance regulations are currently in chapters 1.16, 8.24, 15.06, 15.14, 17.14 and 19.15 MICC, and do not provide sufficient authority to resolve code compliance cases in a timely, efficient and effective manner; and,

WHEREAS, the Mercer Island Planning Commission held a public hearing on June 20, 2018, and held two public meetings on April 4 and May 2, 2018, to consider the code text amendments to establish a new chapter 6.10 and amend chapters 1.16, 8.24, 15.06, 15.14, 17.14 and 19.15 MICC; and

WHEREAS, the Washington Department of Commerce granted expedited review of the proposed amendments to the MICC on August 2, 2018;

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

Section 1: **Amend Chapters 1.16, 8.24, 15.06, 15.14, 17.14 and 19.15 of the Mercer Island City Code.** Chapters 1.16, 8.24, 15.06, 15.14, 17.14 and 19.15 of the Mercer Island City Code are hereby amended as set forth in Attachment “A.”

Section 2: **Adoption of a New Chapter 6.10 to the Mercer Island City Code.** A new Chapter 6.10 to the Mercer Island City Code as set forth in Attachment “A” to this ordinance is hereby adopted.

Section 3: **Codification of the Regulations.** The City Council authorizes the Development Services Group Director and the City Clerk to correct scrivener’s errors in Attachment A, codify the regulatory provisions in chapter 6.10 of the Mercer Island City Code, and publish the amended code.

Section 4: **Interpretation.** The City Council authorizes the Development Services Group Director to adopt administrative rules, interpret, and administer the amended code as necessary to implement the legislative intent of the City Council.

Section 5: **Severability.** If any section, sentence, clause, or phrase of this ordinance or any city code section amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance or the amended code section.

Section 6: **Ratification.** Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 7: **Effective Date.** This Ordinance shall take effect and be in full force five days after its passage and publication.

PASSED by the City Council of the City of Mercer Island, Washington at its regular meeting on the 17th day of September 2018 and signed in authentication of its passage.

CITY OF MERCER ISLAND

Debbie Bertlin, Mayor

Approved as to Form:

ATTEST:

Kari Sand, City Attorney

Deborah A. Estrada, City Clerk

Date of Publication: _____

1 **Ordinance No. 18C-06**
2 **Attachment A**

3
4
5 Chapter 1.16
6 ENFORCEMENT PROVISIONS

7 ...

8 **1.16.020 Violation of ordinance provision – A misdemeanor, gross misdemeanor or traffic infraction.**

9 A. The violation of any provision of any ordinance or code provision is a misdemeanor unless specifically
10 designated as a gross misdemeanor, civil violation (as defined in section 6.10.110), ~~or~~ traffic infraction,
11 or civil infraction (as defined in section 6.10.110). Each violation may be prosecuted by the city in the
12 name of the people of the state or the city or may be redressed by civil action at the option of the city,
13 or both.

14 B. The maximum penalty for a violation designated as a misdemeanor or as a gross misdemeanor is the
15 maximum penalty set forth in RCW 35A.11.020, or as amended.

16 C. The maximum penalty for a violation designated as a traffic infraction is a fine not to exceed \$500
17 except where another penalty is provided for by state statute or city code provision.

18 D. Each day a violation is committed or permitted to continue shall constitute a separate offense and
19 shall be punishable as such. (Ord. A-87 § 2, 1991; added during 1980 codification).

20 ...

21 Chapter 6.10

22 CODE COMPLIANCE

23
24 Sections:

25 6.10.010 Purpose and Scope

26 6.10.020 General Provisions

27 6.10.030 Right of Entry

28 6.10.040 Service of Written Notice

29 6.10.050 Enforcement Provisions

30 6.10.060 Voluntary Compliance Agreements

31 6.10.070 Stop Work Orders

32 6.10.080 Abatement

- 1 6.10.090 Appeals
- 2 6.10.100 Recovery of Penalties and Costs
- 3 6.10.110 Definitions
- 4

5 **6.10.010 PURPOSE AND SCOPE**

6 **A. Purpose and Intent**

7 The purpose of this chapter is to ensure compliance with the City’s adopted building, land development,
8 land use, nuisance and related codes as specified in subsection B, enabling the City to fulfil its duty to
9 protect the health, safety and welfare of the public. These regulations establish procedures and
10 mechanisms to resolve violations of the City’s adopted building, land development, land use, nuisance,
11 and related codes. Chapter 6.10 MICC establishes penalties for violations, provides an opportunity for a
12 prompt hearing, decision, and appeal as to alleged code violations, provides for abatement when
13 necessary, and provides a mechanism to recover the City’s costs. This chapter shall be enforced for the
14 benefit of the general public, not for the benefit of any particular person or class of persons.

15 It is the intent of this chapter to place the obligation for code compliance on the person responsible for
16 a violation, within the scope of this chapter, and not to impose any duty upon the City or any of its
17 officers, officials or employees, which would subject them to damages in a civil action.

18 **B. Scope**

19 This chapter may be applied for the purposes of enforcing the Mercer Island City Code (MICC) Chapter
20 8.24 Nuisance Control Code, Title 15 Water, Sewers and Public Utilities, Title 17 Construction Codes,
21 Title 19 Unified Land Development Code, and other codes, ordinances, resolutions, permit conditions, or
22 public rules that promote or protect the public health, safety or welfare and the environment. The
23 provisions of this chapter are not exclusive and may be used, to the fullest extent permitted by law, in
24 addition to other applicable provisions of the MICC or other applicable law or regulation.

25

26 **6.10.020 GENERAL PROVISIONS**

27 **A. Declaration of Public Nuisance**

28 All code violations are determined to be detrimental to the public health, safety, welfare and
29 environment, and are declared to be public nuisances. All conditions determined to be code violations
30 may be subject to and enforced pursuant to the provisions of this chapter, except where specifically
31 excluded by law or regulation.

32

33 **B. Authority and Approach**

34 The director (as that term is defined in section 6.10.110) is authorized to enforce the provisions of the
35 MICC Chapter 8.24 Nuisance Control Code, Title 15 Water, Sewers and Public Utilities, Title 17
36 Construction Codes, Title 19 Unified Land Development Code, and other codes, ordinances, resolutions,
37 or public rules that promote or protect the public health, safety or welfare and the environment. The
38 violation of any regulation is unlawful, and the director may take reasonable action to bring about
39 compliance through the use of the provisions of this chapter and any other applicable provisions of the

1 MICC, including but not limited to the revocation or modification of permits, and/or through the
2 enforcement, penalty and abatement provisions described in this chapter.

3
4 Code compliance actions will be pursued at the discretion of the director primarily in a complaint driven
5 manner. Responses to complaints or evidence of a civil violation shall be prioritized based on
6 significance and severity, with potential violations concerning health, safety and welfare of the public or
7 damage to the environment receiving highest priority.

8
9 After a complaint has been investigated, the director will determine the course of action. If a violation is
10 present, the City may pursue compliance with City codes through the provisions of this chapter. The
11 director shall have discretion to follow an incremental approach to securing compliance. This means
12 starting by contacting the person responsible, explaining the violation and requesting voluntary
13 correction. The director has the authority to reasonably determine the level of compliance, mitigation or
14 remediation that is required as well as a reasonable timeline for completing the required actions. When
15 appropriate, the director may secure compliance by proceeding incrementally to higher penalty levels
16 by using the techniques and options in this title. Likewise, the director has the authority to offer
17 reasonable extensions of timelines or other measures as appropriate when extenuating circumstances
18 are present.

19
20 Alternatively, in the course of the investigation, the director may determine: a) no violation exists; or b)
21 the basis of the issue is private in nature; or c) the violation is *de minimus*. In which case, the director
22 may decide to take no further action. Further, the director may find that a complaint or series of
23 complaints between two or more individuals are frivolous, excessive and/or a form of harassment. In
24 this case, the director may work with the complainant(s) to identify alternative means of dispute
25 resolution (e.g. mediation), and may, under consultation with the city attorney, choose to limit
26 communication with complainants and responses to complaints that are frivolous or excessive. The City
27 does not intend to ignore complaints and will continue to investigate subsequent, unrelated complaints
28 from the complainant.

29
30 Nothing in this section shall preclude the director from taking other appropriate enforcement action to
31 preclude harm to the health, safety or welfare of the public or the environment.

32 33 **C. Duty to Comply**

34 It shall be the responsibility of any person responsible for a violation to cure the violation, and if
35 property is involved, to bring the property into compliance. Payment of fines, applications for permits,
36 acknowledgment of stop work orders, and compliance with other remedies does not substitute for
37 performing the corrective work required and having the property brought into compliance to the
38 maximum extent reasonably possible under the circumstances. The date set for compliance in the notice
39 of violation takes precedence over any date established for the expiration of any required permit(s) and
40 will be subordinate only if modified by a supplemental notice of violation.

41
42 The person responsible has a duty to notify the director of any actions taken to achieve compliance. A
43 violation shall be considered ongoing until the person responsible has come into compliance and has
44 notified the director of this compliance, and an official inspection has verified compliance and all
45 assessed penalties and costs have been paid to the City.

1
2 **D. Additional Enforcement Provisions**

3 The procedures set forth in this chapter are not exclusive. These procedures shall not in any manner
4 limit or restrict the City from remedying or abating code violations in any other manner authorized by
5 law.

6
7 **6.10.030 RIGHT OF ENTRY**

8 The director is authorized to enter any property or premises at any reasonable time to determine
9 whether a civil violation has occurred or is occurring, or to enforce any provision of the MICC or any City
10 ordinance, violation of which is a civil violation under this title and could be a criminal violation under
11 the MICC, or to perform follow up inspections related to such a violation. The director may make
12 examinations, surveys, and studies as may be necessary in the performance of his or her duties. These
13 may include, but are not limited to, the taking of photographs, digital images, videotapes, video images,
14 audio recordings, samples, or other physical evidence. If the property or premises is occupied, the
15 director shall first present credentials and request entry. If an owner, occupant, or agent refuses entry,
16 the City may apply to a court of competent jurisdiction for a search warrant authorizing access.

17 **6.10.040 SERVICE OF WRITTEN NOTICE**

18 Service of a notice of violation, stop work order, infraction or other official written notice of violation
19 issued by the director shall be made by one of the following methods:

20 (a) Personal service. By personal service to the person responsible for the code violation, or by leaving a
21 copy of the written notice at such person's place of residence with a person of suitable age and
22 discretion who resides therein.

23 (b) Service by posting. By posting the written notice in a conspicuous place on the property where the
24 violation occurred and concurrently sending a notice either by electronic mail or by first class mail.

25 (c) Service by mail. By mailing the written notice by regular first class mail, to the person responsible for
26 the code violation at his, her or its last known address, at the address of the violation, or at the address
27 of the place of business of the person responsible for the code violation. The taxpayer's address as
28 shown on the tax records of the county shall be deemed to be the proper address for the purpose of
29 mailing such notice to the landowner of the property where the violation occurred. Service by mail shall
30 be presumed effective upon the third business day following the day upon which the official written
31 notice of violation was placed in the mail.

32 (d) Service by publication. For notice of violation only, when the address of the person responsible for
33 the code violation cannot reasonably be determined, service may be made by publishing the abstract of
34 the notice of violation substantially in the manner as set forth in RCW 4.28.110, as currently enacted or
35 hereafter amended.

36 The failure of the director to make or attempt service of written notice shall not invalidate any
37 proceedings as to any other person duly served.

38
39 **6.10.050 ENFORCEMENT PROVISIONS**

1 Violations may be enforced by issuing one or more civil infractions or one or more notices of violation or
2 any combination thereof. The City shall have discretionary authority to enforce a violation by issuing a
3 civil infraction or a notice of violation pursuant to this chapter or prosecuting it as a criminal matter.

4 Each day during which a code violation is committed, occurs or continues shall be considered a separate
5 offense for purposes of civil infractions or notices of violation.

6 **A. Misdemeanors**

7 Any person who willfully or knowingly causes, aids or abets a code violation by any act of commission or
8 omission is guilty of a misdemeanor, unless specifically designated as a gross misdemeanor, where such
9 code violation results, or is likely to result, in a threat to public health, life, or safety or in significant
10 harm to the environment. Upon conviction, the person shall be punished by a fine not to exceed \$1,000
11 and/or imprisonment in the County jail for a term not to exceed 90 days.

12 **B. Code Violations**

13 Whenever the director has reason to determine that a code violation occurred or is occurring, or that
14 the code violations cited in an infraction have not been corrected, or that the terms of a Voluntary
15 Correction Agreement have not been met, the director is authorized to issue a notice of violation to any
16 person responsible for the code violation.

17 Subsequent violations shall be treated as new violations for purposes of this section.

18 **1. Notice of Violation**

19 A notice of violation shall be completed in a form approved by the director and the city attorney, and
20 shall be served consistent with MICC 6.10.040 and shall, at minimum, include the following:

21 (a) The tax parcel number(s), address, when available, or description sufficient for identification of the
22 building, structure, premises or land upon which or within which the violation has occurred or is
23 occurring;

24 (b) A statement of each ordinance, regulation, code provision or permit requirement violated, and the
25 facts to support that the violation(s) occurred or is occurring;

26 (c) The name of the City official issuing the notice and order and the name(s), if known, of the
27 responsible party(ies) to whom the notice and order is being issued;

28 (d) An order requiring corrective action to be taken; description of corrective action that is necessary to
29 achieve compliance; and a date by which the correction must be completed;

30 (e) A statement that if the violation is not corrected and the notice is not appealed, the determination is
31 final and monetary penalties shall be due;

32 (f) The amount of penalty that will be assessed; and

33 (g) A statement advising of the right to appeal the notice of violation to the hearing examiner,
34 instructions on how to file an appeal, and the date by which it must be filed.

35 **2. Supplementation, revocation or modification**

36 Whenever there is new information or a change in circumstances, the director may add to, rescind in
37 whole or in part or otherwise modify a notice of violation by issuing a supplemental notice of violation.

1 The supplemental notice shall be governed by the same procedures applicable to all notices of violation
2 contained in this title, including the right to appeal to the hearing examiner. In addition, the director is
3 authorized to issue penalties accrued as a part of the supplemental notice of violation. If the deadline to
4 appeal the notice of violation has expired, only portions from the notice of violation that are modified in
5 the supplemental notice of violation are subject to appeal to the hearing examiner.

6 **3. Failure to correct**

7 Failure to correct the code violation in the manner prescribed in the notice of violation subjects the
8 person responsible to any of the following compliance remedies:

- 9 a. civil penalties and costs;
- 10 b. continued responsibility for abatement, remediation and/or mitigation;
- 11 c. permit suspension, revocation, modification and/or denial;
- 12 d. costs of abatement incurred by the City; and/or
- 13 e. other remedies that may be available to the City.

14 **4. Time Limits**

15 (a) Persons receiving a notice of violation shall rectify the code violations identified within the time
16 period specified by the director in the notice of violation issued pursuant to this chapter.

17 (b) Unless an appeal is filed with the City for a hearing before the hearing examiner in accordance with
18 the provisions of this chapter, the notice of violation shall become the final administrative order of the
19 director, and the civil penalties assessed and accrued shall be immediately due and subject to
20 collection.

21 **5. Appeals**

22 Any person identified in a notice of violation (or supplemental notice of violation) as a person
23 responsible for a violation may appeal the same within 14 days of service, according to the procedures
24 described in MICC 6.10.090. Failure to appeal the notice within 14 days shall render the notice a final
25 determination that the conditions described therein existed and constitutes a code violation, assessed
26 and accrued civil penalties are due, and that the named party is liable as a person responsible.

27 **C. Civil Infractions**

28 Whenever the director has reason to determine that a civil code violation occurred or is occurring, the
29 director is authorized to issue a civil infraction in accordance with chapter 7.80 RCW, which is
30 incorporated herein by this reference, upon the person responsible for the condition and or who
31 committed the civil code violation. First offenses shall be class 2 civil infractions, for which the maximum
32 penalty and the default amount shall be \$125 for each infraction, and second or subsequent violations
33 shall be class 1 civil infractions, for which the maximum penalty and the default amount shall be \$250
34 for each infraction, not including fees, costs, and assessments. The Mercer Island Municipal Court shall
35 have jurisdiction over all infractions issued under this chapter.

36 **D. Civil Penalties**

37 **1. Civil Penalties**

1 A civil penalty for violation of the terms and conditions of a notice of violation, stop work order or
2 voluntary correction agreement shall be imposed at the rate of \$100 per day for each violation, accruing
3 for every day after the compliance date listed in the notice of violation. Thirty days after the compliance
4 date, the penalty will increase to a rate of \$250 per day for each violation. Sixty days after the
5 compliance date, the penalty will increase to a rate of \$500 per day for each violation, up to a maximum
6 total penalty of \$50,000 for each violation.

7 **2. Priority Violations**

8 In addition to the penalties described above in Section D (1), any person that is responsible for a
9 violation of the provisions of the following regulations will be subject to additional penalties. These
10 penalties for priority violations will be assessed one time, will not accrue daily and are not subject to any
11 maximum, as described below:

12

<u>Violation</u>	<u>Penalty</u>
<u>Damage or removal of trees in violation of chapter 19.10 MICC</u>	<u>Triple the value of the cut or damaged tree, plus the cost of remediation. See MICC 19.10.160 for details.</u>
<u>Ecological damage in violation of chapter 19.07 MICC</u>	<u>Up to \$25,000, plus the cost of remediation.</u>
<u>Failure to meet storm water, erosion control requirements in violation of chapter 15.09 MICC</u>	<u>Up to \$10,000, plus the cost of remediation.</u>
<u>Fat, oil, grease discharge in violation of chapter 15.06 MICC</u>	<u>Up to \$10,000, plus the cost of remediation.</u>
<u>Violation of stop work order or voluntary compliance agreement in violation of sections 6.10.060 or 6.10.070 MICC</u>	<u>Up to \$10,000</u>

13
14 When the potential penalty amount is listed as a range, the director will set the penalty based on the
15 following criteria:

- 16 a) The significance and severity of the violation and its impact on the public and the environment.
17 b) The difficulty and time involved in resolving the violation and mitigating or remediating the area
18 impacted by the violation.
19 c) The resulting ill-gotten economic benefit and savings of construction costs realized by the
20 person responsible for the violation.

21
22 **3. Repeat Violations**

23 A repeat violation is a violation that has occurred on the same property or that has been committed by
24 the same person responsible elsewhere within the city, for which voluntary compliance previously has
25 been agreed to or any enforcement action taken that was not timely appealed or if appealed, the appeal
26 was dismissed, within the previous 36-month period. (For purposes of this subsection, repeat violation
27 does not include each day in violation being counted as a separate violation.) To constitute a repeat
28 violation, the violation need not be the same violation as the prior violation. Violation of a written order

1 of the hearing examiner that has been served as provided in this chapter shall also constitute a repeat
2 violation. Repeat violations will incur double the civil penalties set forth in Sections D (1) and (2), above.
3 If violations are repeated a third or subsequent time within a 36-month period, the penalties will be five
4 times those set forth above. The City also has authority to suspend or revoke a business license when a
5 responsible party is repeatedly doing work in violation of City regulations (chapter 5.01 MICC).

6 **4. Deliberate Violation**

7 If a violation was deliberate, the result of blatant disregard for direction from the City or knowingly false
8 information submitted by the property owner, agent or their contractor, civil penalties will be incurred
9 at double those set forth above in Sections D(1), (2) and (3).

10 **5. Voluntary compliance**

11 The director may reduce penalties at their discretion, if voluntary compliance is achieved. The remaining
12 penalty shall reflect the significance and severity of the violation, whether or not the violation was
13 deliberate, and the costs incurred by the City in enforcing a notice of violation, stop work order, or
14 voluntary compliance agreement.

16 **E. Suspension, Revocation or Limitation of a Permit**

17 The director may suspend, revoke or limit any permit issued whenever:

- 18 a. The permit holder has committed a code violation in the course of performing activities subject
19 to that permit;
20 b. The permit holder has interfered with the director in the performance of his or her duties
21 relating to that permit;
22 c. The permit was issued in error or on the basis of materially incorrect information supplied to
23 the City by the permit holder; or
24 d. Permit fees or costs were paid to the City by check and returned from a financial institution
25 marked nonsufficient funds (NSF) or cancelled.

26 Such suspension, revocation or modification shall be carried out through the civil violation provisions of
27 this chapter and shall be effective upon the compliance date established by the notice of violation. Such
28 revocation, suspension or cancellation may be appealed to the hearing examiner using the appeal
29 provisions of this chapter. Notwithstanding any provision of this chapter, the director may immediately
30 suspend operations under any permit by issuing a stop work order.

31 **F. Hold on Future Permits**

32 The director may place a hold on the issuance of future permits on a property if:

- 33 a. A notice of violation or stop work order has been issued, and
34 b. The appeal period has passed, or an appeal was brought but it was dismissed, and
35 c. The violation has not been corrected and/or penalties or fines have not been paid, and
36 d. The permits relate to the violation.

37 A hold on future permits will prevent the issuance of any land use or building permit for the subject
38 property, and for the person responsible on any other property within the city, until the violation is

1 resolved, corrective actions are taken and penalties are paid. The director may use their discretion to
2 issue exceptions to this subsection for emergencies or hazardous situations, or other situation they
3 deem reasonable.

4 **G. Notice on Title**

5 The director may file a notice with the King County recorder's office, or its successor agency, if:

- 6 a. A notice of violation or stop work order has been issued, and
- 7 b. The appeal period has passed, or an appeal was brought but it was dismissed, and
- 8 c. The violation has not been corrected and/or penalties or fines have not been paid, and
- 9 d. The violation relates to real property owned by the responsible party.

10 The notice shall inform the public of the presence of an unresolved notice of violation or stop work
11 order on the subject property.

12 When all violations specified in the notice of violation have been corrected or abated, the director shall
13 record within a reasonable time a release of notice with the King County recorder's office, or its
14 successor agency.

15

16 **6.10.060 VOLUNTARY COMPLIANCE AGREEMENTS**

17 **A. Timing**

18 A voluntary compliance agreement (VCA) may be used to resolve code compliance cases, and may be
19 entered into at any time before an administrative appeal is decided.

20 **B. Contents**

21 A VCA is a written contract between the person responsible for the violation and the City, where such
22 person agrees to abate the violation within a specified time and according to specified conditions. The
23 VCA shall be completed on a form approved by the director and the city attorney and shall, at minimum,
24 include the following:

25 (1) The name and address of the person responsible;

26 (2) The street address or other description sufficient for identification of the building, structure,
27 premises, or land upon which the violation has occurred or is occurring;

28 (3) A description of the violation(s) and a reference to the code(s) which has been violated;

29 (4) The necessary corrective action to be taken, and the date by which the correction must be
30 completed;

31 (5) An agreement by the person responsible that the City may inspect the premises as may be necessary
32 to determine compliance with the VCA;

33 (6) The reduced amount of the civil penalty, if any, that the person responsible is agreeing to pay to the
34 City for the violation;

35 (7) A statement that the person responsible acknowledges that the violation occurred as described in
36 the VCA and waives the right to an administrative or judicial hearing for appeal purposes; and

1 (8) An agreement by the person responsible that if the City determines that such person does not meet
2 his or her obligations specified in the VCA, the City may impose any remedy authorized by this chapter,
3 including, but not limited to:

4 (a) Assessment of civil penalties;

5 (b) Abatement of the violation;

6 (c) Assessment of all costs and expenses incurred by the City to pursue code enforcement and to
7 abate the violation, including legal and incidental expenses; and

8 (d) Suspension, revocation, or limitation of a permit.

9 **C. Waiver of Appeal**

10 In consideration of the City's agreement to enter into a VCA, the person responsible shall completely
11 surrender and have no right to an administrative or judicial hearing, under this chapter or otherwise,
12 regarding the matter of the violation and/or the required corrective action. The VCA is a final, binding
13 agreement, it is not a settlement agreement, and its contents are not subject to appeal.

14 **D. Amendment**

15 The director may amend a VCA to grant an extension of the time limit for compliance, or a modification
16 of the required corrective action, if the person responsible has shown due diligence and/or substantial
17 progress in correcting the violation but unforeseen circumstances or circumstances beyond the control
18 of the person responsible, render full and timely compliance under the original conditions unattainable.
19 Such request shall be made in writing by the person responsible and clearly establish the need for such
20 an amendment.

21
22 **6.10.070 STOP WORK ORDERS**

23 **A. Issuance**

24 The director shall issue a stop work order if the director finds that:

25 1. The work is not authorized by a valid permit or inaccurate information was used to obtain the
26 permit; or

27 2. The permittee is not complying with the terms or conditions of the permit or approved plans,
28 including storm water management and erosion control requirements, conditions of a seasonal
29 development deviation, tree protection, construction impact mitigation plan; or

30 3. Previously unknown contamination of site soils from hazardous materials is encountered and poses
31 a potential risk to human health and the environment; or

32 4. Adverse weather is causing significant problems on or off site; or

33 5. The work is adversely affecting the public health, safety, or welfare; or

34 6. The work is a hazard to property or is adversely affecting, or could adversely affect, adjacent
35 property including: a right-of-way, a drainage way, a watercourse, an environmentally critical area, a
36 storm water facility or a storm water treatment and flow control best management practice; or

37 7. Otherwise materially impairs the director's ability to secure compliance with the MICC.

1 The stop work order shall state the reasons for the order, specify the violation(s) and prohibit any work
2 or other activity at the site. The stop work order may be appended to, or incorporate by reference, a
3 notice of violation. However, issuance of a notice of violation is not a condition precedent to the
4 issuance of a stop work order. A stop work order shall be served consistent with MICC 6.10.040 and
5 shall take effect immediately upon service.

6 **B. Effect**

7 When a stop work order has been issued, posted and/or served pursuant to this section, it is unlawful to
8 conduct the activity or perform the work covered by the order, even if the order has been appealed,
9 until the director has removed the copy of the order, if posted, and issued written authorization for the
10 activity or work to be resumed. Any violation of a stop work order is hereby declared to be a nuisance
11 and the director is authorized to enjoin or abate such nuisance by any legal or equitable means
12 available. The costs, specifically including reasonable attorney and expert witness fees, for the injunction
13 or abatement, shall be recovered by the City from the person responsible for the code violation in the
14 manner provided by law. Failure to comply with the terms of a stop work order subjects the person
15 responsible for the code violation to civil penalties and costs as set forth in this chapter, including a
16 monetary penalty that shall accrue for each day that a violation of a stop work order occurs.

17 **C. Appeal**

18 A stop work order may be appealed according to the procedures prescribed by MICC 6.10.090. During
19 any such appeal, the stop work order shall remain in effect. Failure to appeal the stop work order within
20 the applicable time limits renders the stop work order a final determination that the civil code violation
21 occurred and that work was properly ordered to cease.

22 **D. Removal of a Stop Work Order**

23 When a stop work order has been posted in conformity with the requirements of this chapter, removal
24 of such order without the authorization of the City, or the hearing examiner if the matter has been
25 heard by the hearing examiner, is unlawful and a violation. The director will remove the stop work
26 order and write a letter of authorization to resume work only when the director finds that the reason for
27 the order has been resolved or abated.

28
29 **6.10.080 ABATEMENT**

30 **A. Abatement**

31 Upon consultation with the city attorney and prior approval by the city manager, the City may abate a
32 condition which was caused by or continues to be a code violation when:

33 (a) The terms of the Voluntary Correction Agreement pursuant to this chapter have not been met;
34 or

35 (b) A notice of violation or stop work order has been issued, the period for filing an appeal with
36 the hearing examiner has expired, and the required correction has not been completed; or

37 (c) A notice of violation or stop work order has been issued, a timely appeal was filed, the
38 appellant failed to appear at the scheduled hearing or a hearing was held as provided in this

1 chapter and the required correction has not been completed by the date specified by an order of
2 the hearing examiner; or

3 (d) The condition is subject to abatement as provided for in this chapter or other provisions of city
4 or state law.

5 **B. Summary Abatement**

6 Other provisions in this chapter notwithstanding, when a code violation causes a condition, the
7 continued existence of which constitutes an immediate and emergent threat to the public health, safety,
8 or welfare or to the environment, the City may summarily, and without prior notice to the person
9 responsible, abate the condition. Notice of such abatement, including the reason for it, shall be given to
10 the person responsible for the violation as soon as reasonably possible after the abatement.

11 **C. Authorized Action by the City**

12 Using any lawful means, the City may enter upon the subject property and may remove or correct the
13 condition which is subject to abatement. The City may seek judicial process as it deems necessary to
14 effect the removal or correction of such condition.

15 **D. No Cause of Action Against City**

16 No cause of action shall lie against the City or its agents, officers, or employees for actions reasonably
17 taken, or not taken, to prevent or cure any immediate threats.

18
19 **6.10.090 APPEALS**

20 **A. Administrative Appeal – Filing Requirements**

21 Persons named in a notice of violation or stop work order, or any owner of the land where the violation
22 for which such a notice or order is issued, may file with the city clerk a notice of appeal within 14 days of
23 the service of the notice or order. The notice of appeal shall be made in writing using the appropriate
24 City form, clearly explaining the basis for the appeal, and shall include the applicable appeal fee as
25 established in a fee schedule adopted by the Mercer Island City Council.

26 **B. Administrative Appeal – Procedures**

- 27 1. Upon receipt of the appeal, the City shall schedule an appeal hearing before the hearing examiner.
28 The hearing shall be conducted in accordance with the procedures set forth in MICC 3.40 and the
29 rules of procedure of the hearing examiner.
- 30 2. Enforcement of a notice of violation issued pursuant to this chapter shall be stayed as to the
31 appealing party during the pendency of any administrative appeal under this section, except when
32 the director determines that the violation poses a significant threat of immediate and/or irreparable
33 harm and so states in any notice issued.
- 34 3. Enforcement of a stop work order issued pursuant to this chapter shall not be stayed during the
35 pendency of any administrative appeal under this section.
- 36 4. When multiple stop work orders or notices of violation have been issued for any set of related facts
37 constituting various violations, their appeals may be consolidated.

38 **C. Administrative Appeal – Final Order**

1 1. Following review of the evidence submitted, if the examiner finds that no violation has occurred, the
2 hearing examiner shall uphold the appeal and reverse the notice of violation or stop order. If the
3 hearing examiner finds that a violation has occurred, the hearing examiner shall issue an order to
4 the person responsible for the violation which includes the following information:

5 (a) The decision regarding the alleged violation including findings of fact and conclusions based
6 thereon in support of the decision;

7 (b) The required corrective action;

8 (c) The date by which the correction must be completed; and

9 (d) The civil penalties assessed based on the provisions of this chapter and the fee resolution;

10
11 2. If an owner of property where a violation has occurred has affirmatively demonstrated that the
12 violation was caused by another person or entity not the agent of the property owner and without
13 the property owner's knowledge or consent, such property owner shall be responsible only for
14 abatement of the violation.

15
16 **D. Effect of Decision**

17 The decision of the hearing examiner shall constitute the final decision of the City, and the failure to
18 comply with the decision of the hearing examiner, unless the decision is appealed to a court of
19 competent jurisdiction, shall constitute a misdemeanor punishable by a fine of not more than \$1,000 or
20 up to 90 days' imprisonment, or both. In addition to criminal punishment pursuant to this section, the
21 City may pursue collection and abatement as authorized by law.

22
23 **6.10.100 RECOVERY OF PENALTIES AND COSTS**

24 **A. Payment**

25 Any monetary penalties or costs assessed pursuant to this chapter constitute a personal obligation of
26 the person responsible for the violation. In addition, the monetary penalties or costs assessed pursuant
27 to this chapter may be assessed against the property that is the subject of the enforcement action. The
28 city attorney is authorized to collect the monetary penalty or costs by use of appropriate legal remedies,
29 the seeking or granting of which shall neither stay nor terminate the accrual of additional per diem
30 monetary penalties so long as the violation continues.

31 **B. Recovery of Costs**

32 All reasonable expenses incurred by the City in abating a violation shall be billed to the person
33 responsible for the violation and shall become due and payable to the City within 30 calendar days from
34 the date of the bill. Such costs may include, but are not limited to, the following:

35 1. "Legal expenses," which shall include, but are not limited to:

36 (a) Personnel costs, both direct and indirect, including attorney's fees and all costs incurred by the
37 city attorney's office or its designee;

1 (b) Actual and incidental expenses and costs incurred by the City in preparing notices, contracts,
2 court pleadings, and all other necessary documents; and

3 (c) All costs associated with retention and use of expert witnesses or consultants.

4 2. "Abatement expenses," which shall include, but are not limited to:

5 (a) Costs incurred by the City for preparation of notices, contracts, and related documents;

6 (b) All costs associated with inspection of the abated property and monitoring of said property
7 consistent with orders of compliance issued by the City's hearing examiner or a court of competent
8 jurisdiction;

9 (c) All costs incurred by the City for hauling, storage, disposal, or removal of vegetation, trash,
10 debris, dangerous structures or structures unfit for occupancy, potential vermin habitat or fire
11 hazards, junk vehicles, obstructions to public rights-of-way, and setback obstructions;

12 (d) All costs incurred by law enforcement or related enforcement agencies;

13 (e) All costs incurred by the City during abatement of nuisance and code violations may include
14 interest in an amount as prescribed by law; and

15 The city manager or designee, or the hearing examiner, may in their discretion waive in whole or part
16 the assessment of any costs upon a showing that abatement has occurred or is no longer necessary or
17 that the costs would cause a significant financial hardship for the person responsible for the violation.
18 Any challenge to the amount of the legal or abatement costs must be made within 14 days of issuance
19 of the bill and shall be heard by the hearing examiner. The hearing examiner shall make a determination
20 as to whether or not the City's costs were accurate and necessary for correcting the violation.

21 **C. Use of Collection Agency**

22 Pursuant to RCW 19.16.500, as currently enacted or hereafter amended, the City may, at its discretion,
23 use a collection agency for the purposes of collecting penalties and costs assessed pursuant to this
24 chapter. The collection agency may add fees or interest charges to the original amount assigned to
25 collections as allowed by law.

26 **D. Continuing Duty to Abate Violations**

27 Payment of a monetary penalty or costs pursuant to this chapter does not relieve the person
28 responsible for the violation of the duty to correct or abate the violation. Additional notices of violation
29 may be issued and/or criminal charges filed for continuing failure to correct or abate a violation.

30
31 **6.10.110 DEFINITIONS**

32 Except where specifically defined in this section, all words used in this title shall carry their customary
33 meanings. The word "shall" is always mandatory, and the word "may" denotes a use of discretion in
34 making a decision. The following words and phrases used in this title shall have the following meanings:

35 "Abate" means to take whatever steps are deemed necessary in the interest of the general health,
36 safety, and welfare of the City by the director to return a property to the condition in which it existed
37 before a civil code violation occurred or to assure that the property complies with applicable code

1 requirements. Abatement may include, but is not limited to, rehabilitation, demolition, removal,
2 replacement or repair.

3 “Appeal hearing” means a hearing requested in response to a notice of violation, stop work order, or
4 other official written notice of violation issued by the director to contest the finding that a violation
5 occurred or to contest that the person cited for a violation is responsible for the violation.

6 “Civil penalty” or “monetary penalty,” means a fine or fee levied as a consequence for a civil violation,
7 civil infraction or stop work order.

8 “Civil violation” or “code violation” or “violation” means and includes one or more of the following:

9 (1) Any act or omission contrary to any ordinance, resolution, regulation or public rule of the City
10 that regulates or protects public health, the environment or the use and development of land or
11 water, whether or not the ordinance, resolution or regulation is codified.

12 (2) Any act or omission contrary to the conditions of any permit, violation notice or stop work or
13 other order issued pursuant to any such ordinance, resolution, regulation or public rule.

14 “Compliance” means the violation has been abated, remediated or otherwise resolved and any
15 applicable penalties or costs have been paid.

16 “Complainant” means the person that makes a complaint to the City reporting a violation or potential
17 violation.

18 “Costs” means, but is not limited to, contract expenses and City employee labor expenses incurred in
19 abating a nuisance; a rental fee for City equipment used in abatement; costs of storage, disposal, or
20 destruction; legal expenses and attorneys’ fees associated with civil judicial enforcement of abatement
21 orders or in seeking abatement orders; and any other costs incurred by the City, excluding fees and
22 expenses associated with appeals authorized by this code or by state law.

23 “De minimus” means a civil violation that is of very low impact and poses low risk to the health, safety
24 and welfare of the public and to the environment.

25 “Development” means the erection, alteration, enlargement, demolition, maintenance or use of any
26 structure or the alteration or use of land above, at, or below ground or water level, and all acts
27 authorized by a City permit or regulation.

28 “Director” means the director of the development services group, or their designee.

29 “Excessive Complaint” means a complainant that repeatedly reports to the City the same or closely
30 related issues in a manner that may be intended to harass or antagonize the alleged person responsible.

31 “Found in violation” means that:

32 (1) A notice of violation, stop work order or infraction has been issued and not timely appealed; or

1 (2) The hearing examiner has determined that the violation has occurred and the hearing examiner's
2 determination has not been stayed or reversed on appeal.

3 "Frivolous complaint" means a complaint that is based on an issue that is not a code violation or is a de
4 minimus violation. The complaint may be an attempt to harass or antagonize the alleged person
5 responsible.

6 "Hearing examiner" means the City of Mercer Island hearing examiner, as provided in chapter 3.40
7 MICC.

8 "Infraction" or "civil infraction" means any code violation designated as an infraction or civil infraction
9 by the director pursuant to Chapter 7.80 RCW, incorporated herein by reference.

10 "Mortgagee" means a financial institution, including a bank, credit union or other commercial lender,
11 which holds mortgaged property as security for repayment of a loan.

12 "Notice of violation" means a written statement, issued by the director, that contains the information
13 required under MICC 6.10.050 (B)(1) notifying a person that they are responsible for one or more civil
14 violations of the MICC, orders the timely correction of the same, and/or assesses civil penalty for failure
15 to timely correct.

16 "Nuisance" (also referred to herein as "violation" or "nuisance violation") means:

17 (1) A violation of any City of Mercer Island development, land use, or public health ordinance;

18 (2) Doing an act, omitting to perform any act or duty, or permitting or allowing any act or omission
19 that annoys, injures, or endangers the comfort, repose, health, or safety of others, is unreasonably
20 offensive to the senses, or that obstructs or interferes with the free use of property so as to
21 interfere with or disrupt the free use of that property by any lawful owner or occupant;

22 (3) Potential vermin habitat or fire hazard; or

23 (4) Junk Vehicles. A "junk vehicle" includes apparent inoperable, immobile, disassembled, or
24 extensively damaged vehicles. In addition, any wrecked inoperable, abandoned, or disassembled
25 trailer, house trailer, boat, tractor, automobile, other vehicle, or any parts thereof.

26 "Owner" means any owner, part owner, joint owner, tenant in common, tenant in partnership, joint
27 tenant, or tenant by the entirety, of the whole or of a part of a building or land.

28 "Permit" means any form of certificate, approval, registration, license or any other written permission
29 issued by the City of Mercer Island. All conditions of approval, and all easements and use limitations
30 shown on the face of an approved final plat which are intended to serve or protect the general public
31 are deemed conditions applicable to all subsequent plat property owners and their tenants and agents
32 as permit requirements enforceable under this chapter.

33 "Person responsible for the violation" or "person responsible" or "violation" means any of the following:
34 the person doing the work, a person who has titled ownership or legal control of the property or

1 structure that is subject to the violation; an occupant or other person in control of the property or
2 structure that is subject to the violation; a developer, builder, business operator, or owner who is
3 developing, building, or operating a business on the property or in a structure that is subject to the
4 violation; a mortgagee that has filed an action in foreclosure on the property that is subject to the
5 violation, based on breach or default of the mortgage agreement, until title to the property is
6 transferred to a third party; a mortgagee of property that is subject to the violation and has not been
7 occupied by the owner, the owner's tenant, or a person having the owner's permission to occupy the
8 premises for a period of at least 90 days; or any person who created, caused, participated in, or has
9 allowed a violation to occur.

10 "Public nuisance" means a nuisance that affects equally the rights of an entire community or
11 neighborhood, although the extent of the damage may be unequal.

12 "Resolution" means any resolution adopted by the Mercer Island City Council.

13 "Repeat violation" means a violation that has occurred on the same property or that has been
14 committed by the same person responsible elsewhere within the city, for which voluntary compliance
15 previously has been agreed to or any enforcement action taken that was not timely appealed or if
16 appealed, the appeal was dismissed, within the previous 36-month period. (For purposes of this
17 subsection, repeat violation does not include each day in violation being counted as a separate
18 violation.) To constitute a repeat violation, the violation need not be the same violation as the prior
19 violation. Violation of a written order of the hearing examiner that has been served as provided in this
20 chapter shall also constitute a repeat violation.

21 "Stop work order" means a written order specifying code violations and prohibiting any work or other
22 activity at a particular site.

23 "Voluntary compliance agreement" or "VCA" means a written contract between the person responsible
24 for the violation and the City, under which such person agrees to abate the violation within a specified
25 time and according to specified conditions.

26 ...

27 Chapter 8.24
28 NUISANCE CONTROL CODE

29 ...

30 **8.24.050 Enforcement ~~notice.~~**

31 Any person who violates any provision of this chapter may be issued a civil infraction, notice of violation,
32 or other penalties as authorized by Chapter 6.10 MICC

33 ~~An enforcement officer appointed by the city manager, having knowledge of any public nuisance, shall~~
34 ~~cause any owner or other responsible person to be notified of the existence of a public nuisance on~~

~~any premises and shall direct the owner or other responsible person to abate the condition within 10 days after notice or other reasonable period. The notice shall be substantially in the following form:~~

~~NOTICE TO ABATE UNSAFE OR UNLAWFUL CONDITION~~

~~(Name and address of person notified)~~

~~As owner, agent, lessee or other person occupying or having charge or control of the building, lot or premises at _____ you are hereby notified that the undersigned pursuant to Chapter 8.24 of Mercer Island city code has determined that there exists upon or adjoining said premises the following condition contrary to the provisions of subsection ___ of 8.24.020:~~

~~You are hereby notified to abate said condition to the satisfaction of the undersigned within 10 days of the date of this notice. If you do not abate such condition within ___ days the city will abate the condition at your expense.~~

~~Abatement is to be accomplished in the following manner:~~

~~Dated: _____ (Name of enforcement officer)~~

~~by _____~~

~~(Ord. 486 § 1, 1979).~~

~~8.24.060 Abatement by city.~~

~~In all cases where the enforcement officer has determined to proceed with abatement, 10 days after giving notice, the city shall acquire jurisdiction to abate the condition at the person's expense as provided in this chapter. Upon the abatement of the condition or any portion thereof by the city, all the expenses thereof shall constitute a civil debt owing to the city jointly and severally by such of the persons who have been given notice as provided in this chapter. The debt shall be collectable in the same manner as any other civil debt owing to the city. (Ord. 486 § 1, 1979).~~

~~8.24.070 Abatement by owner or other responsible person.~~

~~If and when an owner or other responsible person undertakes to abate any condition described in this chapter, whether by order of the enforcement officer or otherwise, all needful and legal conditions pertinent to the abatement may be imposed by the enforcement officer. It is unlawful for the owner or other responsible person to fail to comply with such conditions. Nothing in this chapter shall relieve~~

1 ~~any owner or other responsible person of the obligation of obtaining any required permit to do any~~
2 ~~work incidental to the abatement. (Ord. 486 § 1, 1979).~~

3 ~~8.24.080 Immediate danger — Summary abatement.~~

4 ~~Whenever any condition on, or use of, property causes or constitutes or reasonably appears to cause~~
5 ~~or constitute an imminent or immediate danger to the health or safety of the public, or a significant~~
6 ~~portion thereof, the enforcement officer shall have the authority to summarily and without notice~~
7 ~~abate the same. The expenses of such abatement shall become a civil debt against the owner or other~~
8 ~~responsible party and be collected as provided in MICC 8.24.060. (Ord. 486 § 1, 1979).~~

9 ~~8.24.090 Violation a misdemeanor.~~

10 ~~Any person violating any of the provisions of this chapter is guilty of a misdemeanor. (Ord. 486 § 1,~~
11 ~~1979).~~

12 ...

13

14 Title 15
15 WATER, SEWERS AND PUBLIC UTILITIES

16 ...

17 **15.06.180 Enforcement.**

18 Failure to comply with any applicable provisions under this chapter shall be deemed a violation. Each
19 day that any violation or failure to comply exists may be construed as a separate offense. Enforcement
20 proceeds under this chapter shall follow the processes and procedures set forth in [Chapter 6.10](#) MICC
21 [Title 6 19.15.030\(C\), \(D\), \(E\), \(F\), \(G\) and \(H\)](#). (Ord. 14C-03 § 2).

22 ...

23 **15.14.080 Enforcement.**

24 A. The city shall have the authority to terminate water service, take abatement action as set forth in
25 MICC 15.14.090 and impose monetary penalties for violations of the inspection, testing and installation
26 requirements in this chapter.

27 B. Water Service Termination and Monetary Penalties. In the event that the water purveyor, or his/her
28 designee, determines that an unlawful cross-connection exists and/or that the consumer has failed to

1 meet the inspection and testing requirements for backflow preventers, the consumer shall be subject to
2 the following penalties:

3 1. Warning. Written notice shall be sent to the consumer or, alternatively, a copy of such written
4 notice shall be posted on the premises involved. The notice shall provide that the unlawful cross-
5 connection shall be corrected by testing or installation within 30 days of the date the notice is
6 mailed or posted on the premises.

7 2. First Violation. If the consumer does not correct the violation by testing or installation within 30
8 days of the first written notice, the consumer shall ~~receive a \$100 penalty~~ be issued an infraction
9 as provided in MICC 6.10.050 (C) and a ~~and~~ notice that water service to the premises may be
10 terminated after 30 days.

11 3. Second Violation. If the consumer does not correct the violation by testing or installation within
12 30 days of the issuance of the first ~~penalty~~ infraction, the consumer shall be issued a second
13 infraction as provided in MICC 6.10.050 (C) ~~receive an additional \$150 penalty~~ and water service to
14 the premises may be shut off immediately.

15 4. If the water purveyor determines that service should not be interrupted, the city may hire a
16 contractor to abate the unlawful cross-connection as set forth in MICC 15.14.090. (Ord. 15C-09
17 § 1; Ord. A-38 § 1, 1985).

18 ...

19 Chapter 17.14
20 CONSTRUCTION ADMINISTRATIVE CODE

21 ...

22 SECTION 114

23 VIOLATIONS

24 114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect,
25 construct, alter, extend, repair, move, remove, demolish or occupy any building, structure
26 or equipment regulated by the construction codes and the Construction Administrative
27 Code, or cause same to be done, in conflict with or in violation of any of the provisions of
28 the construction codes or the Construction Administrative Code.

1 114.2 Enforcement. Enforcement of the construction codes and the Construction
2 Administrative Code shall be in conformance with the procedures set forth in ~~MICC Chapter~~
3 ~~6.10 MICC19.15.030~~; provided, that references to the development code shall be deemed
4 to refer to the Construction Administrative Code and the Construction Codes.

5 114.3 Enforcement Authority.

6 1. Development Services Group. The development services group of the city of Mercer
7 Island shall be responsible for enforcement of the construction codes, under the
8 administrative and operational control of the building official, who shall be designated by
9 the code official (as defined by MICC [19.16.010](#)); provided, the fire code official or his or her
10 designee shall be responsible for enforcement of the International Fire Code, IBC Chapter 9
11 – Fire Protection Systems and IRC Appendix Q related to residential fire sprinklers.

12 2. Building Official. The building official is responsible for administration and interpretation
13 of the Construction Administrative Code and the construction codes; provided, the fire code
14 official or his or her designee shall be responsible for administration and interpretation of
15 the fire code, IBC Chapter 9 – Fire Protection Systems and IRC Appendix Q related to
16 residential fire sprinklers.

17 Whenever the term or title “administrative authority,” “responsible official,” “building
18 official,” “chief inspector,” “code enforcement officer” or other similar designation is used
19 in this title or in any of the construction codes, it shall be construed to mean the building
20 official designated by the code official; provided, with regard to the International Fire Code,
21 it shall mean the fire code official or his or her designee.

22 ...

23 Chapter 19.15
24 ADMINISTRATION

25 **19.15.030 Enforcement.**

26 A. Violations.

27 1. It is a violation of the development code, MICC Title 19, for any person to initiate or maintain or
28 cause to be initiated or maintained the use of any structure, land or real property within the city
29 of Mercer Island without first obtaining proper permits or authorizations required for the use by
30 the development code.

1 2. It is a violation of the development code for any person to use, construct, locate, demolish or
2 cause to be used, constructed, located, or demolished any structure, land or property within the
3 city of Mercer Island in any manner that is not permitted by the terms of any permit or
4 authorization issued pursuant to the development code or previous codes.

5 3. It is a violation of the development code to misrepresent any material fact in any application,
6 plans or other information submitted to obtain any land use authorization.

7 4. It is a violation of the development code for anyone to fail to comply with the requirements of
8 the development code, as set out in the specific sections of the code.

9 5. Any person who violates any provision of this chapter may be issued a civil infraction, notice of
10 violation, or other penalties as authorized by [Chapter 6.10 MICC Title 6](#).

11 ~~B. Duty to Enforce.~~

12 ~~1. It shall be the duty of the director of the development services group to enforce the~~
13 ~~development code. The director may call upon the police, fire, health or other appropriate city~~
14 ~~departments to assist in enforcement.~~

15 ~~2. Upon presentation of proper credentials, the director or duly authorized representative of the~~
16 ~~director may, with the consent of the owner or occupier of a building or premises, or pursuant to~~
17 ~~a lawfully issued inspection warrant, enter at reasonable times any building or premises subject to~~
18 ~~the consent or warrant to perform the duties imposed by the development code.~~

19 ~~3. The development code shall be enforced for the benefit of the health, safety and welfare of the~~
20 ~~general public, and not for the benefit of any particular person or class of persons.~~

21 ~~4. It is the intent of the development code to place the obligation of complying with its~~
22 ~~requirements upon the owner, occupier or other person responsible for the condition of the land~~
23 ~~and buildings within the scope of this code.~~

24 ~~5. No provisions or term used in this code is intended to impose any duty upon the city or any of~~
25 ~~its officers or employees, which would subject them to damages in a civil action.~~

26 ~~C. Investigation.~~

1 ~~1. The director or his/her designee, shall investigate any structure or use which the director~~
2 ~~reasonably believes does not comply with the standards and requirements of this development~~
3 ~~code.~~

4 ~~2. If, after investigation, the director determines that the standards or requirements have been~~
5 ~~violated, the director shall serve a notice of violation upon the owner, tenant or other person~~
6 ~~responsible for the condition. The notice of violation shall state separately each standard or~~
7 ~~requirement violated; shall state what corrective action, if any, is necessary to comply with the~~
8 ~~standards or requirements; and shall set a reasonable time for compliance. The notice shall state~~
9 ~~that any further violation may result in criminal prosecution and civil penalties.~~

10 ~~3. The notice shall be served upon the owner, tenant or other person responsible for the condition~~
11 ~~by personal service, registered mail, or certified mail with return receipt requested addressed to~~
12 ~~the last known address of such person. If, after a reasonable search and reasonable efforts are~~
13 ~~made to obtain service, the whereabouts of the person or persons is unknown or service cannot~~
14 ~~be accomplished and the director makes an affidavit to that effect, then service of the notice upon~~
15 ~~such person or persons may be made by publication and mailing to the last known address.~~

16 ~~D. Stop Work/Emergency Orders.~~

17 ~~1. Stop Work Order. Whenever a continuing violation of the development code will materially~~
18 ~~impair the director's ability to secure compliance with this code, or when the continuing violation~~
19 ~~threatens the health or safety of the public, the director may issue a stop work order specifying~~
20 ~~the violation and prohibiting any work or other activity at the site. A failure to comply with a stop~~
21 ~~work order shall constitute a violation of this development code.~~

22 ~~2. Emergency Order. Whenever any use or activity in violation of this code threatens the health~~
23 ~~and safety of the occupants of the premises or any member of the public, the director may issue~~
24 ~~an emergency order directing that the use or activity be discontinued and the condition causing~~
25 ~~the threat to the public health and safety be corrected. The emergency order shall specify the~~
26 ~~time for compliance and shall be posted in a conspicuous place on the property, if posting is~~
27 ~~physically possible. A failure to comply with an emergency order shall constitute a violation of this~~
28 ~~development code.~~

29 ~~3. Any condition described in the emergency order which is not corrected within the time~~
30 ~~specified is hereby declared to be a public nuisance and the director is authorized to abate such~~
31 ~~nuisance summarily by such means as may be available. If the city declines to bring an abatement~~
32 ~~action, then such action may be brought by any person who owns or resides on property within~~

1 ~~300 feet of the structure or whose use and enjoyment of property is impaired by the structure or~~
2 ~~use complained of.~~

3 ~~E. Extension of Compliance Date.~~

4 ~~1. The director may grant a reasonable extension of time for compliance with any notice or order,~~
5 ~~whether pending or final, upon the director's finding that substantial progress toward compliance~~
6 ~~has been made and that the public will not be adversely affected by the extension. Such extension~~
7 ~~of time shall not exceed 180 days.~~

8 ~~2. An extension of time may be revoked by the director if it is shown that the conditions at the~~
9 ~~time the extension was granted have changed, the director determines that a party is not~~
10 ~~performing corrective actions as agreed, or if the extension creates an adverse effect on the~~
11 ~~public. The date of revocation shall then be considered as the compliance date.~~

12 ~~F. Civil Penalty.~~

13 ~~1. In addition to any other sanction or remedial procedure which may be available, any person~~
14 ~~violating or failing to comply with any of the provisions of the development code, stop work order~~
15 ~~or emergency order shall be subject to a cumulative monetary penalty. Each separate day of~~
16 ~~noncompliance shall be a separate and distinct violation of the development code and shall be~~
17 ~~subject to a separate notice of civil infraction. The penalty shall be:~~

18 ~~a. Fifty dollars (\$50) for the first day of noncompliance after the compliance date set in the~~
19 ~~notice.~~

20 ~~b. Seventy-five dollars (\$75) for the second day of noncompliance after the compliance date~~
21 ~~set in the notice.~~

22 ~~c. One hundred dollars (\$100) for the third and each following additional day of~~
23 ~~noncompliance after the compliance date set in the notice.~~

24 ~~2. The penalty imposed by this section shall be collected by notice of civil infraction, as authorized~~
25 ~~by Chapter 7.80 RCW.~~

26 ~~3. The director of development services, and his/her designees, are the authorized enforcement~~
27 ~~officers for purposes of issuing a notice of infraction for violation of the development code.~~

1 ~~4. A notice of infraction issued under this section represents a determination that a civil infraction~~
2 ~~has been committed, and the determination is final unless contested.~~

3 ~~5. The city's notice of infraction shall include the following:~~

4 ~~a. A statement that the notice represents a determination that a civil infraction has been~~
5 ~~committed by the person named and the determination is final unless contested.~~

6 ~~b. A statement that a civil infraction is a noncriminal offense for which imprisonment may~~
7 ~~not be imposed.~~

8 ~~c. A statement of the specific violation of the development code for which the notice is~~
9 ~~issued.~~

10 ~~d. A statement of the monetary penalty for the violation.~~

11 ~~e. A statement of the options available for responding to the notice of infraction and the~~
12 ~~procedures necessary to exercise those options.~~

13 ~~f. A statement that at the hearing to contest the notice the city has the burden of proving, by~~
14 ~~a preponderance of the evidence, that the civil infraction was committed and that the~~
15 ~~person may subpoena witnesses, including the enforcement officer issuing the notice.~~

16 ~~g. A statement that at any hearing requested to explain mitigating circumstances~~
17 ~~surrounding the commission of the civil infraction, the person will be deemed to have~~
18 ~~committed the infraction and may not subpoena witnesses.~~

19 ~~h. A statement that the person must respond to the notice within 14 days.~~

20 ~~i. A statement that failure to respond to the notice or to appear at a hearing, if requested,~~
21 ~~will result in a default judgment in the amount of the penalty and may be referred for~~
22 ~~criminal prosecution for failure to appear.~~

23 ~~j. A statement, which the person shall sign, that the person promises to respond to the~~
24 ~~notice of civil infraction in one of the ways set forth in this section.~~

25 ~~6. Any person who receives a notice of infraction for violation of the development code shall~~
26 ~~respond to the notice as provided in this section within 14 days of the date of the notice.~~

1 a. If the person does not contest the determination, he/she shall respond by completing the
2 appropriate portion of the notice and sending it, with a check or money order in the amount
3 of the penalty, to the court specified on the notice.

4 b. If the person wishes to contest the civil infraction, the person shall complete the portion
5 of the notice requesting a hearing and submit it to the court specified on the notice. The
6 court shall notify the person of the time and place of the hearing.

7 c. If the person does not contest the violation but wishes to explain mitigating circumstances
8 surrounding the violation, the person shall complete the portion of notice requesting a
9 hearing for that purpose and submit it to the court specified on the notice. The court shall
10 notify the person of the time and place of the hearing.

11 d. The court shall enter a default judgment for the amount of the penalty for the civil
12 infraction if a person fails to respond within 15 days or to appear at the hearing.

13 7. The violator may show as full or partial mitigation of the infraction:

14 a. That the violation giving rise to the action was caused by the willful act, or neglect, or
15 abuse of another; or

16 b. That correction of the violation was commenced promptly upon receipt of the notice
17 thereof, but that full compliance within the time specified was prevented by inability to
18 obtain necessary materials or labor, inability to gain access to the subject structure, or other
19 condition or circumstance beyond the control of the defendant.

20 8. Failure to respond to a civil citation within 14 days or to appear for a requested hearing is a
21 misdemeanor, punishable by fine or imprisonment in jail.

22 G. Criminal Penalties. Any person violating or failing to comply with any of the provisions of this
23 development code shall be subject to criminal prosecution and upon conviction shall be fined in a sum
24 not exceeding \$1,000 or be imprisoned in the city jail for a term not exceeding 90 days or be both fined
25 and imprisoned. Each day of noncompliance with any of the provisions of this development code shall
26 constitute a separate offense. However, the aggregate penalty for all days of noncompliance shall not
27 exceed \$5,000 or one year in the city jail.

28 H. Additional Relief. The director may seek legal or equitable relief to enjoin any actions or practices and
29 abate any condition which constitutes or will constitute a violation of this development code when civil
30 or criminal penalties are inadequate to effect compliance. (Ord. 99C-13 § 1).



BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA

AB 5468
September 17, 2018
Consent Calendar

Table with 3 columns: Title (BUSINESS LICENSE MODEL ORDINANCE CODE AMENDMENTS (2ND READING & ADOPTION)), Action (Adopt Ordinance No. 18C-09, updating chapter 5.01 MICC to include amendments required under chapter 35.90 RCW for business licensing.), and checkboxes (Discussion Only, Action Needed: Motion, Ordinance, Resolution).

Table with 2 columns: Department/Council Liaison/Exhibits/Goal/Approved By, and City Manager (Ali Spietz & Deb Estrada) or n/a.

Table with 3 columns: Amount of Expenditure, Amount Budgeted, Appropriation Required, and values (\$ n/a).

SUMMARY

At the September 4 meeting, City Council conducted the first reading (see AB 5461) of Ordinance No. 18C-09 (see Exhibit 1) updating chapter 5.01 MICC to include amendments required under chapter 35.90 RCW for business licensing.

Engrossed House Bill 2005, passed by the state legislature in 2017, amended chapter 35.90 RCW to require cities and towns to update their business license code by January 1, 2019 to include a new definition of what constitutes "engaging in business" in the city and licensing fee exemptions for certain businesses that do not maintain a place of business within the city.

In addition, staff recommends additional amendments to chapter 5.01 MICC regarding business licensing to clarify the classification of certain types of business licenses and remove exemptions that are no longer relevant.

Staff recommends adoption of Ordinance No. 18C-09. The amendments will become effective on December 31, 2018.

RECOMMENDATION

Assistant to the City Manager & City Clerk

MOVE TO: Adopt Ordinance No. 18C-09, updating chapter 5.01 MICC to include amendments required under chapter 35.90 RCW for business licensing.

**CITY OF MERCER ISLAND
ORDINANCE NO. 18C-09**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON
UPDATING CHAPTER 5.01 MICC TO INCLUDE AMENDMENTS REQUIRED
UNDER CHAPTER 35.90 RCW FOR BUSINESS LICENSE, PROVIDING FOR
SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE FOR THE
AMENDMENTS AND THE ORDINANCE.**

WHEREAS, the City of Mercer Island’s business license requirements, including fees, are adopted in chapter 5.01 MICC; and

WHEREAS, chapter 35.90 RCW requires the City to update its business license code by January 1, 2019 to include a new definition of what constitutes “engaging in business” in the city and licensing fee exemptions for certain businesses that do not maintain a place of business within the city; and

WHEREAS, chapter 5.01 MICC includes classification of certain types of business license and exemption that are no longer relevant or desired;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1: **Amended.** Chapter 5.01 MICC, Business License Code, shall be amended as set forth in Exhibit A to this Ordinance. Exhibit A is incorporated herein by this reference as if set forth in full.

Section 2: **Effective Date of Amendments.** Chapter 5.01 MICC, Business License Code, as amended in Section 1 of this Ordinance, shall become effective on December 31, 2018.

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

Section 4: **Effective Date of Ordinance.** This Ordinance shall take effect and be in force on 5 days after its passage and publication.

PASSED by the City Council of the City of Mercer Island, Washington at its regular meeting on the 17th day of September 2018 and signed in authentication of its passage.

CITY OF MERCER ISLAND

Debbie Bertlin, Mayor

Approved as to Form:

ATTEST:

Kari Sand, City Attorney

Deborah A. Estrada, City Clerk

Date of Publication: _____

EXHIBIT A

Chapter 5.01 MICC

BUSINESS LICENSE CODE

Sections:

- 5.01.010 Short title.
- 5.01.020 Purpose.
- 5.01.030 Scope.
- [5.01.035 Definition of “engaging in business.”](#)
- 5.01.040 Business license – Required.
- 5.01.050 Separate general business license required.
- 5.01.060 License fees – Payment.
- 5.01.070 Duration of license.
- 5.01.080 License renewal – Filing date.
- 5.01.090 Late charge.
- 5.01.100 Refund request.
- 5.01.110 General business license – Application.
- 5.01.120 License issuance and renewal – Appeal from denial.
- 5.01.130 Denial, suspension, or revocation of licenses.
- 5.01.140 Appeal.
- 5.01.150 Display of licenses – Transferability.
- 5.01.160 Notice of right to suspend or revoke.
- 5.01.170 Licenses subject to specific controls.
- ~~5.01.180 Exemptions.~~
- 5.01.1890 Separate offenses.
- 5.01.20190 Penalty for violations – Principal offender.
- 5.01.2100 Effect on pending or past prosecutions.

5.01.010 Short title.

This chapter shall be known as “the business license code” of the city of Mercer Island and may be cited as such.

5.01.020 Purpose.

The provisions of this chapter shall be an exercise of the power of the city to license for the purpose of revenue and regulation.

5.01.030 Scope.

All persons ~~and businesses who engage~~ in business ~~activities or occupations~~ within ~~the~~ city of Mercer Island ~~as set forth in MICC 4.10.030~~ shall be subject to the provisions of this chapter ~~regardless of whether or not a place of business within the city is maintained~~, unless a specific business license is required to be obtained under the provisions of another chapter of the city code or unless specifically exempted from licensing herein.

[5.01.035 Definition of “engaging in business.”](#)

[\(1\) The term "engaging in business" \(or variations thereof\) as used in this chapter means commencing, conducting, or continuing in business, and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.](#)

[\(2\) This section sets forth examples of activities that constitute engaging in business in the city, and establishes safe harbors for certain of those activities so that a person who meets the criteria may engage in de minimus business activities in the city without having to pay a business license fee. The activities listed in this section are illustrative only and are not intended to narrow the definition of "engaging in business" in subsection \(1\). If an activity is not](#)

listed, whether it constitutes engaging in business in the city shall be determined by considering all the facts and circumstances and applicable law.

(3) Without being all inclusive, any one of the following activities conducted within the city by a person, or its employee, agent, representative, independent contractor, broker or another acting on its behalf constitutes engaging in business and requires a person to register and obtain a business license.

(a) Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the city.

(b) Owning, renting, leasing, using, or maintaining, an office, place of business, or other establishment in the city.

(c) Soliciting sales.

(d) Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.

(e) Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.

(f) Installing, constructing, or supervising installation or construction of, real or tangible personal property.

(g) Soliciting, negotiating, or approving franchise, license, or other similar agreements.

(h) Collecting current or delinquent accounts.

(i) Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.

(j) Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including the listing of homes and managing real property.

(k) Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, consultants, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.

(l) Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.

(m) Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the city, acting on its behalf, or for customers or potential customers.

(n) Investigating, resolving, or otherwise assisting in resolving customer complaints.

(o) In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of the goods took place.

(p) Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.

(4) If a person, or its employee, agent, representative, independent contractor, broker or another acting on the person's behalf, engages in no other activities in or with the city but the following, it need not register and obtain a business license.

(a) Meeting with suppliers of goods and services as a customer.

(b) Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.

(c) Attending meetings, such as board meetings, retreats, seminars, and conferences, or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person or on its behalf. This provision does not apply to any board of director member or attendee engaging in business such as a member of a board of directors who attends a board meeting.

(d) Renting tangible or intangible property as a customer when the property is not used in the city.

(e) Attending, but not participating in a "trade show" or "multiple vendor events". Persons participating at a trade show shall review the city's trade show or multiple vendor event ordinances.

(f) Conducting advertising through the mail.

(g) Soliciting sales by phone from a location outside the city.

(5) A seller located outside the city merely delivering goods into the city by means of common carrier is not required to register and obtain a business license, provided that it engages in no other business activities in the city. Such activities do not include those in subsection (4).

The city expressly intends that engaging in business include any activity sufficient to establish nexus for purposes of applying the license fee under the law and the constitutions of the United States and the State of Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus generating contact or subsequent contacts.

5.01.040 Business license – Required.

It is unlawful for any person or business, whether or not a place of business within the city is maintained, to ~~conduct, operate,~~ engage in ~~or practice any~~ business in the city without having first obtained and being the holder of a valid and subsisting license to do so, to be known as a “business license,” and paying the fees, if any, prescribed herein; provided that, persons under the age of 18 years shall not be required to have a business license.

5.01.050 Separate general business license required.

A separate license shall be obtained for each branch, establishment or location at which the business-related activity is carried on, and each license shall authorize the licensee to carry on or pursue, or conduct only that business, or business-related activity at that location.

5.01.060 License fees – Payment.

A. There is levied to be collected from those persons engaging in business in the city annual license fees in such amounts as are established by city council resolution for the following types of licenses:

1. Original License or Renewal License.

- a. Home occupation (business conducted within a home in the city of Mercer Island);
- b. Resident ~~commercial~~ business (business conducted from place of business located in the nonresidential zone in the city of Mercer Island);
- c. Nonresident ~~commercial~~ business (business conducted from place of business located outside city of Mercer Island – no license fee shall be required for nonresident business whose annual value of products, gross proceeds of sales, or gross income of business in the city is equal to or less than \$2,000 to obtain a business license);
- ~~d. Temporary business (original only – for period of less than one month).~~

2. Master Exhibitor’s License. This license is available for persons who sponsor carnivals, exhibitions or like events where such events do not extend beyond seven days and no more often than twice a year and where multiple individuals are participating. In such cases the master exhibitor must provide to the city a complete and accurate list of participants with names and addresses of those participating. If participants also do business in the city other than during the events covered by the master exhibitor’s license, such participants are required to have a separate business license.

B. Such annual license fee shall become due and payable on the first day of each calendar year as to any business required to have a business license under this chapter and in existence on said date. As to any business commenced during the year, the annual license fee shall be due and payable on the first day that business is transacted or carried on. The business license fee shall not be prorated for any part of the year.

C. Payment made by draft or check shall not be deemed a payment of the fee unless and until the same has been honored in the usual course of business, nor shall acceptance of any such check or draft operate as an acquittance or discharge of the fee unless and until the same is honored.

5.01.070 Duration of license.

All licenses issued pursuant to the provision of this chapter shall expire on December 31 of the year for which they were issued, unless sooner suspended or revoked in the manner provided in this chapter.

5.01.080 License renewal – Filing date.

Applications for renewal of a license shall be made on or before the expiration date provided for herein. All licenses issued subsequent to the original license shall be deemed renewal licenses if there has been no discontinuance of the licensee’s operations or activities.

5.01.090 Late charge.

There shall be assessed by the clerk an additional charge on applications not filed on or before said expiration date as follows:

Days Past Due	Percent of License Fee
16 to 30	25
31 to 60	50
61 or more	75

5.01.100 Refund request.

If pursuant to the provisions of this chapter, the applicant’s request for a license is denied, either upon original application or renewal, 100 percent of the fee tendered shall be refunded to the applicant no later than 90 days following such denial; provided, that no refund shall be made where during the pendency of the original application the applicant has engaged in the business activity for which the license was intended, and in that case such amount shall be forfeited to the city.

5.01.110 General business license – Application.

A. An application for a business license shall be made to the city clerk.

B. The application shall be on a form prescribed by the city clerk and shall include:

1. The name of the applicant;
2. His/her residence;
3. The address of the principal place of business of the applicant;
4. The nature and/or type of business to be conducted;
5. The applicant’s state employer number, if applicable;
6. The applicant’s state sales tax number, if applicable;
7. The number of current employees;
8. A statement, executed under the penalty of perjury, that the facts stated in the application are true and correct to the best of the applicant’s knowledge.

5.01.120 License issuance and renewal – Appeal from denial.

A. The city clerk shall issue a business license to the applicant within 10 working days, if the information supplied to the city clerk is complete and the required license fee is paid; otherwise the license application shall be denied. Upon denial of the application, written notice shall be sent to the applicant as set forth in MICC 5.01.140.

B. Any applicant whose application has been denied may file an appeal and request a hearing as set forth in MICC 5.01.140.

5.01.130 Denial, suspension, or revocation of licenses.

A. Revocation by City Clerk. The city clerk shall have the right to revoke or suspend any license at any time on the following grounds:

1. That the license was procured by fraud or false representation of facts;
2. That the applicant or licensee or any of his servants, agents or employees, while acting within the scope of their employment, has violated or failed to comply with any of the ordinances of the city; provided, that this section shall not apply to traffic violations or to violations of ordinances when said violations are corrected within a period of 30 days from the date of the violation or when said violations are deemed not significant by the city clerk;
3. That the licensee or any of his servants, agents or employees has been convicted of either a felony or misdemeanor involving moral turpitude, or involving fraud or an attempt to defraud while acting within the scope of their employment; or
4. Conviction of a violation of any provision of this title shall be prima facie evidence to warrant or suspension or revocation of the license.

The city clerk, upon finding that one or more of the above cited conditions exist, shall suspend the business license for a period of 30 days in case of a first violation and revoke the business license in cases involving a second violation.

5.01.140 Appeal.

A. Notice of Denial, Suspension or Revocation. The city clerk shall notify the applicant or licensee in writing of the denial, suspension or revocation of the business license.

The notice shall contain:

1. A statement by the city clerk setting forth the grounds for such action;
2. A statement of any action required to be taken as determined by the city clerk;
3. Statements advising:
 - a. That the applicant or licensee may appeal from the notice of any action taken by the city clerk to the city council, provided the appeal is made in writing, specifically sets forth the grounds for appeal and is filed with the city clerk within 10 days, excluding legal holidays, from the date of service of such notice, and
 - b. That failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.
4. The notice shall be served upon the applicant or licensee either personally or by mailing a copy of such notice by certified or registered mail, postage prepaid, return receipt requested, to such applicant or licensee at his address as it appears on the application or license. Service by mail in the manner herein provided shall be effective on the date of mailing.

B. Filing of Appeal. Within 10 days, excluding legal holidays, from the date of service of the foregoing notice, the applicant may file an appeal for a hearing before the city council and shall specify an address at which the appellant may be given notice of the hearing date. The notice of appeal must be in writing and be filed with the city clerk.

Upon receipt of such notice of appeal, the applicant or licensee shall be afforded a public hearing on appeal before the city council at the second regular council meeting after the filing of notice of appeal, unless the city council orders the hearing to be held at some earlier date. A regular meeting falling on the date of filing shall be counted in computing the hearing date.

C. Hearing – Notice to Appellant. Upon the setting of such matter for hearing, the city clerk shall notify the appellant at least 10 days before the date fixed for the hearing, unless appellant waives notice in writing. The notice of such hearing shall be delivered to the address specified by the appellant pursuant to this section and in the manner specified in subsection (A)(4) of this section. The notice shall include:

1. A statement of the time, place and nature of the proceeding;
2. A short and plain statement of the matters under appeal;
3. Advice that the appellant may elect to appear pro se before the city council or be represented by legal counsel; and
4. That the appellant may elect to testify orally before the city council or furnish a written statement.

D. Hearing – Procedure. The hearing on appeal shall be conducted as provided in MICC 2.30.060.

E. City Council – Final Decision. The city council shall within 30 days after the conclusion of such hearing, reduce to writing its findings and conclusions. A copy of such written findings shall be furnished to the appellant at his request. The city council may affirm, modify, or reverse the denial, suspension or revocation and grant or reinstate the license, and may impose any terms or conditions upon the granting, continuance or retention of the business license which the city council may deem advisable under the circumstances. Such decision of the city council shall be final. Proceedings to review the decision of the city council in superior court must be instituted within 15 days of final action of the city council.

F. Effective Date of Denial, Suspension or Revocation. No denial, suspension or revocation of a license shall take effect until 10 days have passed after service of the notice thereof on the applicant or licensee, and if an appeal is taken as herein prescribed, the denial, suspension or revocation shall be stayed pending final action by the city council.

G. Effect of Denial, Suspension or Revocation. All licenses which are denied, suspended or revoked shall be immediately surrendered to the city clerk on the effective date of such denial, suspension or revocation. When revoked, the business license shall be canceled, and when suspended the city clerk shall retain the same during the period of suspension. Revocation or suspension of a business license shall not relieve the licensee of the other penalties provided in this chapter.

H. Revocation – Return of License Fee. Upon revocation of a business license, no portion of the license fee shall be returned to the licensee.

5.01.150 Display of licenses – Transferability.

A. Licenses – To Be Posted – Exception. All licenses issued pursuant to this chapter authorizing the maintenance or conducting of any occupation, business, trade or entertainment at a specified location, shall be posted in a conspicuous place at such location, and such license shall not be tampered with in any manner; provided however, that when the licensee has no established place of business and goes from place to place or from house to house, then such license must be carried on the person of such licensee while actually engaged in the licensed occupation, business or trade.

B. License – Unlawful Use.

1. It is unlawful for any person to use, or permit to be used, any license, except those issued by the city clerk in conformity with the provisions of this chapter.
2. It is unlawful for any person to make, or manufacture, any licenses, except upon order of the city clerk.

C. Licenses – Not Transferable. No license issued under provisions of this chapter shall be transferable or assignable, unless specifically provided otherwise. All licenses issued by the city clerk are and remain the property of the city and if found in the possession of any person other than the licensee or his servants, agents or employees, such license shall be forthwith confiscated by officials of the city.

5.01.160 Notice of right to suspend or revoke.

Every license issued pursuant to the provisions of this chapter shall state thereon in substance that such license is issued in consideration of the fee paid therefor and that the same is subject to suspension or revocation in the manner provided in this chapter.

5.01.170 Licenses subject to specific controls.

The issuance of a license pursuant to the terms of this chapter and all activities of any licensee granted a license hereunder shall at all times be subject to all ordinances and regulations of the city enacted in the exercise of its police power, and the prohibition or regulation of any specific activity or sale of commodity by specific ordinance shall prevail over the terms and conditions of this chapter wherever they may conflict.

~~**5.01.180 Exemptions.**~~

~~The provisions of this chapter shall not apply to:~~

~~A. National banks, state banks, trust companies, mutual savings banks, building and loan associations with respect to their banking business, trust business or savings and loan business but not with respect to engaging in any other business subject to the provisions of this chapter;~~

~~B. Any instrumentality of the United States, state of Washington, or political subdivision thereof with respect to the exercise of governmental functions;~~

~~C. Any farmer, gardener, or other person who shall sell, deliver, or peddle any fruits, vegetables, berries, butter, eggs, fish, milk, poultry, meats, or any farm produce or edibles raised, caught, produced or manufactured by such person in this state.~~

5.01.190~~180~~ Separate offenses.

Each day that any person, firm, corporation or association shall operate any device, vehicle or thing, or engage in any business, calling, profession, trade, occupation or activity licensed herein without having procured a valid existing license as provided for by this chapter shall constitute a separate offense and be punished as such.

5.01.200~~190~~ Penalty for violations – Principal offender.

A. Violations – Penalty. Any person violating or failing to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine in a sum not to exceed \$500 or by imprisonment for a period not exceeding 90 days or both such fine and imprisonment.

B. Principal Offender Defined. Every person concerned in any act or omission in violation of this chapter, or who aids or abets the same, whether present or absent, and every person who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to commit such violation is, and shall be a principal under the terms of this title and shall be proceeded against and prosecuted as such.

5.01.210~~200~~ Effect on pending or past prosecutions.

No prosecution now pending and no offense heretofore committed under any ordinance heretofore enacted shall be affected in any way by the passage of this chapter, but all such prosecutions shall be conducted to final judgment and all such offenses shall be prosecuted in the same manner as if this chapter had not been enacted.



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA**

**AB 5478
September 17, 2018
Consent Calendar**

81ST AVE SE BACKYARD SEWER PROJECT BID AWARD	Action: Award the construction contract.	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
----------------------------------------------------------------	----------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

DEPARTMENT OF	Public Works (Brian McDaniel)
COUNCIL LIAISON	n/a
EXHIBITS	1. Project Location Map
2018-2019 CITY COUNCIL GOAL	n/a
APPROVED BY CITY MANAGER	

AMOUNT OF EXPENDITURE	\$ 248,491
AMOUNT BUDGETED	\$ 121,759
APPROPRIATION REQUIRED	\$ 126,732

SUMMARY

The City provides a sewage collection system to adequately convey sewage to locations where it can be treated and safely discharged. Due to the topography of the island, the sewer collection system utilizes gravity flow for much of the collection system. Backyard sewer mains are existing City owned sewer mains that run through private property (“backyards”) where access is difficult and sometimes non-existent. Since 2015, the City has had a program within the Sewer Utility Capital Improvement Program to identify these backyard systems, design, and construct improvements.

Sewer service for the lots on the west side of 82nd Avenue SE (between 6409, south to 6759) are being served by the sewer main located in 81st Avenue SE (see Exhibit 1). This sewer main is a backyard sewer, where the existing lateral sewer mains are located within easements on private property. These mains currently do not have adequate access points for regular cleaning and maintenance operations.

The proposed project includes the installation of eight sewer manholes in 81st Avenue SE which will provide access for inspection and ongoing maintenance and operations of these segments of City owned pipe.

BACKGROUND

In 2017, the City was notified of a landslide on private property at 6501 82nd Ave SE. The landslide impacted the City’s backyard sewer main that traverses across multiple properties in the area. As a short term, emergency repair, a smaller access point was constructed in December 2017 for a cost of \$26,523.

Staff identified eight additional backyard sewer mains in the same area (west side of 82nd Avenue between 6409 and 6759) that do not have adequate access and the current condition of the pipe is unknown.

BID RESULTS AND AWARD RECOMMENDATION

Staff retained CHS Engineers to design improvements and access points for ongoing maintenance and operations. Five construction bids for the project were received and opened on September 6, 2018. The lowest responsive bid was received from Kamins Construction Inc. in the amount of \$209,629.04, including Washington State sales tax. Increased project costs are attributed to the narrow construction window to complete this project before the rainy season (work is to be completed by November 9, 2018).

Table 1 below provides the summary of the bid results:

TABLE 1: Bid Results	
Company Name	Total Bid Amount (*)
KAMINS CONSTRUCTION INC.	\$209,629.04
PACIFIC SITE WORK	\$209,728.20
LASER UNDERGROUND & EARTHWORKS	\$279,328.50
BAYSHORE CONCRETE LLC	\$300,210.93
DURNFORD CONSTRUCTION INC.	\$309,364.00
ENGINEER'S ESTIMATE	\$193,620.00
Bid Amount Includes Washington State Sales Tax of 10%	

Staff has reviewed the bid submittals and completed reference checks. Kamins Construction Inc. has a good history of completing projects within the specified time frame and to the satisfaction of the contracting agency. Kamins Construction Inc. has constructed comparable sewer system improvements for other agencies including the City of Bellevue, King County Water District No. 90, and Northshore Utility District. Kamins Construction Inc. has also successfully completed previous contracts for the City of Mercer Island including sewer system improvements (2017), two storm drainage projects in 2016, the Roadside Shoulders East Mercer Way Phase 8 project in 2013 and is currently wrapping up construction on the SE 40th Street Corridor Improvement Project.

A review of the Labor and Industries (L&I) website confirms Kamins Construction Inc. is a contractor in good standing, with no license violations, outstanding lawsuits, or L&I tax debt. Kamins Construction Inc. has current insurance and bonding capacity. Based on staff's review of the bid submittals including reference checks, and successful past performance for the City, Kamins Construction Inc. is the lowest responsible bidder for the project.

PROJECT BUDGET

The total estimated cost of the project, including sales tax, inspection services, and a construction contingency, is \$248,491. Table 2 on the next page summarizes the overall project cost. A budget appropriation of \$126,732 is needed to fully fund this project.

TABLE 2: TOTAL PROJECT BUDGET	
81ST AVENUE SE BACKYARD SEWER PROJECT - PHASE 2	
DESCRIPTION	TOTAL
	Award to Kamins Construction Inc.
Construction Contract	\$190,572
Sales Tax @ 10%	\$19,057
Construction Contingency	\$28,900
Inspection Services	\$9,962
Total Estimated Cost	\$248,491
Less Total Budget Available for Project	-\$121,759
Additional Funding Needed	\$126,732

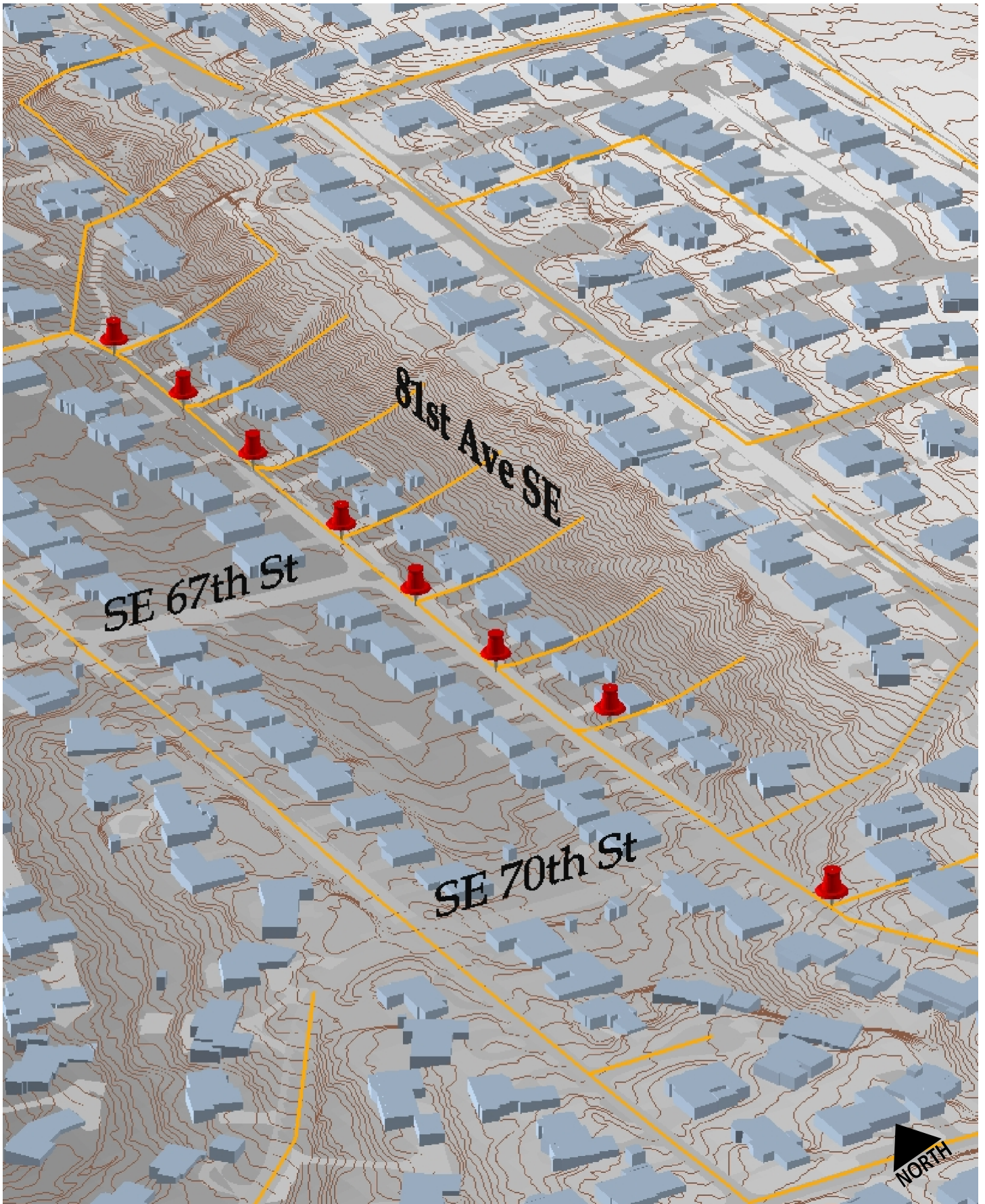
Project savings (\$126,732) from another sewer project (Special Catch Basin Project) will be utilized to cover the cost without impacting other 2017-2018 planned projects. By completing the installation of the Special Catch Basin plates (designed by a consultant) utilizing existing City resources, significant savings will be achieved. Staff proposes to reallocate these project savings from the Sewer Special Catch Basins project to fund the remaining balance of the Backyard Sewer project.

Staff has been working efficiently on the annual sewer work plan and are ahead of schedule. The crews have capacity for these projects and possess the technical expertise to complete this work. Construction on both projects is scheduled to begin and finish this year.

RECOMMENDATION

Utilities Operations Manager

MOVE TO: Reallocate \$126,732 from the Sewer Special Catch Basins project to the Backyard Sewer System Improvement project within the Sewer Fund and direct the City Manager to execute the construction contract.



Proposed Manholes



Sewer Main

81st Ave SE Backyard

Sewers Phase 2

AB 5478 | Exhibit 1 | Page 4





BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA

AB 5480
September 17, 2018
Public Hearing

RECEIVE PUBLIC COMMENTS AND
CONSIDER A RESOLUTION IN SUPPORT
OF STATE INITIATIVE 1631, CARBON
EMISSIONS FEE MEASURE

Action:
Receive public comment. Approve,
amend, or reject Resolution No. 1546
expressing support for State Initiative
Measure No. I-1631 on the November
6, 2018 General Election ballot.

- Discussion Only
Action Needed:
Motion
Ordinance
Resolution

DEPARTMENT OF City Manager (Ross Freeman)
COUNCIL LIAISON Bruce Bassett Salim Nice Benson Wong
EXHIBITS 1. Proposed Resolution No. 1546.
2018-2019 CITY COUNCIL GOAL 3. Sustainability and Livability
APPROVED BY CITY MANAGER

Table with 3 columns: Category, Amount, and Value. Rows include AMOUNT OF EXPENDITURE, AMOUNT BUDGETED, and APPROPRIATION REQUIRED, all with values of \$ n/a.

SUMMARY

Initiative Measure No. I-1631 (I-1631), entitled "An act relating to reducing pollution by investing in clean air, clean energy, clean water, healthy forests, and healthy communities by imposing a fee on large emitters based on their pollution; and adding a new chapter to Title 70 RCW," has been certified and will be presented to the voters of the State of Washington at the general election on November 6, 2018.

Initiative Measure No. I-1631 would enact a carbon emissions fee on the State's largest greenhouse gas emitters and is described as follows:

Description: This measure would charge pollution fees on sources of greenhouse gas pollutants and use the revenue to reduce pollution, promote clean energy, and address climate impacts, under oversight of a public board. Should this measure be enacted into law? Yes [] No []

State statute prohibits the use of public facilities for the promotion of or opposition to any ballot measure except in limited instances. RCW 42.17.130 allows the Council to express a collective position or vote to support or oppose a ballot proposition if (a) any required notice of the meeting includes the title and number of the ballot proposition; and (b) the members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view. The City Clerk duly noticed a public hearing, and both opponents and proponents of Initiative Measure No. I-1631 have been invited to present their perspective to the Council.

In considering individual positions, Councilmembers may find it useful to review the websites of the proponents and opponents of I-1631 by visiting: <https://yeson1631.org> (proponents) or <https://votenoon1631.com> (opponents).

Staff has drafted a resolution supporting Initiative Measure No. I-1631 (Exhibit 1) per the Council Sustainability Subcommittee. Following the public hearing, during which both proponents and opponents will be afforded an approximately equal opportunity to express their viewpoints, the Council can approve, amend, or reject Resolution No. 1546 expressing support for I-1631.

At this time, staff is aware that other City Councils in the region (e.g., Kirkland and Redmond) are considering this topic and may also choose to hold Public Hearings.

RECOMMENDATION

In compliance with state law, staff makes no recommendation regarding Initiative Measure No. I-1631.

**CITY OF MERCER ISLAND
RESOLUTION NO. 1546**

A RESOLUTION OF THE CITY OF MERCER ISLAND, WASHINGTON, ENDORSING INITIATIVE MEASURE NO. I-1631, RELATING TO REDUCING POLLUTION BY INVESTING IN CLEAN AIR, CLEAN ENERGY, HEALTHY FORESTS, AND HEALTHY COMMUNITIES BY IMPOSING A FEE ON LARGE EMITTERS BASED ON THEIR POLLUTION, AND ADDING A NEW CHAPTER TO TITLE 70 RCW, TO BE KNOWN AS THE PROTECT WASHINGTON ACT, SCHEDULED FOR THE NOVEMBER 6, 2018 GENERAL ELECTION.

WHEREAS, the residents of Mercer Island and those throughout Washington state all deserve to breath clean air, drink healthy water, and live in protected environments; and

WHEREAS, over 600,000 Washingtonians live with asthma and thousands more suffer from upper respiratory illnesses and diseases caused by air pollution; and

WHEREAS, climate change is one of the paramount challenges of our generation and will have near and long-term consequences for the economy, the environment and public health and safety in the City of Mercer Island and King County; and

WHEREAS, residents of the City of Mercer Island and King County are already experiencing the impacts of a changing climate, including more extreme rainfall events, increasing flooding risk, and more-frequent heat events that impact health; and

WHEREAS, Mercer Island recognizes the need to pass on a safe, healthy environment and a stable climate to our children and future generations of Washingtonians; and

WHEREAS, in 2014, King County and thirty-nine cities adopted shared regional targets to reduce countywide greenhouse gas emissions twenty-five percent by 2020, fifty percent by 2030 and eighty percent by 2050, against a 2007 baseline; and

WHEREAS, King County and fifteen local governments whose members represent over seventy-five percent of the population of the county are partnering through the King County-Cities Climate Collaboration; and

WHEREAS, in 2015, the King County-Cities Climate Collaboration developed specific, shared action commitments to reduce greenhouse gas emissions across King County; and

WHEREAS, Mercer Island is a signatory to the King County-Cities Climate Collaboration Joint Letter of Commitment, which includes the following:

Catalytic Policy Commitment: Advocate for comprehensive federal, regional and state science-based limits and *a market-based price on carbon pollution* and other greenhouse gas (GHG) emissions. A portion of revenue from these policies should support local GHG

reduction efforts that align with these joint County-City Climate Commitments, such as funding for transit service, energy efficiency projects, and forest protection and restoration initiatives; and

WHEREAS, according to King County's Renewable Electricity Transition Pathways report, only a multi-faceted collection of actions, *including a fee on carbon pollution*, will be sufficient to attain King County's goal of a 90% renewable electricity supply countywide by 2030; and

WHEREAS, state, county and city shared climate change goals cannot be met without the accelerated phase out of coal-fired electricity and replacement with renewable energy, investments in energy efficiency, cleaner forms of transportation and investments in healthy forests and agriculture, all of which will be aided by the passage of Initiative Measure No. I-1631; and

WHEREAS, Mercer Island supports policies that provide consumers with affordable, cleaner, and more efficient fuel, energy and transportation choices; and

WHEREAS, the largest corporate polluters causing the most damage to our health are currently not being held accountable nor being required to pay to mitigate the damage they are causing to our communities; and

WHEREAS, Initiative Measure No. I-1631, by hastening a transition from polluting fossil fuel energy to clean energy, will create thousands of high-paying local jobs that contribute to local economies, in rural and urban communities alike, without hurting the health of their neighbors; and

WHEREAS, Initiative Measure No. I-1631 will provide a source of funding that Mercer Island and other municipalities will be able to apply for to help fund projects that reduce climate pollution and mitigate the effects of climate change; and

WHEREAS, Initiative Measure No. I-1631 prioritizes the protection of communities disproportionately harmed by pollution by targeting investments to provide direct, meaningful, and assured benefits to those communities; and

WHEREAS, Initiative Measure No. I-1631 provides assistance to families with low incomes as the transition to clean energy is implemented; and

WHEREAS, Initiative Measure No. I-1631 invests in our state's natural resources, which are vital to our state's economy and industries like agriculture, timber, tourism, and fishing, and which protect our health by reducing pollution in the air and water, and secure our community by lowering the risk of fires, floods, and landslides; and

WHEREAS, Initiative Measure No. I-1631 provides funding to restore and protect estuaries, fisheries, and marine shoreline habitats; prepare for sea level rise; increase sustainable supply of water; and improve infrastructure for treating stormwater; and

WHEREAS, Initiative Measure No. I-1631 includes provisions for strong public oversight and accountability; and

WHEREAS, Initiative Measure No. I-1631 respects tribal sovereignty and ensures that affected communities and tribal nations are consulted and involved in decision-making; and

WHEREAS, Initiative Measure No. I-1631 was shaped by tribal nations and communities most affected by pollution and climate change, and is supported by a coalition of business, labor unions, environmental and economic justice advocates, healthcare professionals, communities of color, faith-based organizations and community leaders, and

WHEREAS, Initiative Measure No. I-1631 provides Washington state an opportunity to lead the nation and set an example in how to address pollution and climate change in an equitable and economically responsible manner; and

WHEREAS, in compliance with RCW 42.17A.555(1), notice of the meeting during which this resolution is being voted on included the title and number of the ballot measure, and members of the public and City Councilmembers were afforded an approximately equal opportunity for the expression of an opposing view;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON AS FOLLOWS:

That the City Council of the City of Mercer Island hereby declares its support of the approval of Initiative Measure No. I-1631, relating to reducing pollution by investing in clean air, clean energy, healthy forests, and healthy communities by imposing a fee on larger emitters based on their pollution, and adding a new chapter to Title 70 RCW, to be known as the Protect Washington Act, and encourages the citizens of Mercer Island to vote “Yes” on Initiative Measure No. I-1631 at the November 6, 2018 general election.

Passed by the City Council of the City of Mercer Island, Washington, at its regular meeting on the 17th day of September, 2018.

CITY OF MERCER ISLAND

Debbie Bertlin, Mayor

ATTEST:

Deborah A. Estrada, City Clerk



BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA

AB 5479
September 17, 2018
Regular Business

Table with 3 columns: TITLE 19 PROCEDURAL CODE AMENDMENTS (SECOND READING & ADOPTION), Action: Second Reading and Adoption of Ordinance No. 18C-08, and checkboxes for Discussion Only, Action Needed (Motion, Ordinance, Resolution).

Table with 2 columns: DEPARTMENT OF, COUNCIL LIAISON, EXHIBITS, 2018-2019 CITY COUNCIL GOAL, APPROVED BY CITY MANAGER. Values include Development Services Group (Evan Maxim), n/a, 1. Ordinance No. 18C-08 with Attachment A, 6. Update Outdated Codes, Policies and Practices.

Table with 3 columns: AMOUNT OF EXPENDITURE, AMOUNT BUDGETED, APPROPRIATION REQUIRED, \$, n/a.

SUMMARY

Following adoption of Ordinance No. 17C-15, the Residential Development Standards, the City Council directed DSG staff to review its procedural and appeals requirements for land use reviews and approvals and identify recommended amendments. This direction was further memorialized in the 2018-2019 City Council Goal #6.

The public process and the substance of the proposed amendments contained in Ordinance No. 18C-08 (Exhibit 1 and Attachment A) is described in more detail in AB 5469, as presented during the September 4, 2018 Study Session.

- The amendments are intended to:
1) clarify the land use review and approval process;
2) consolidate the procedural requirements and approval criteria;
3) ensure compliance with applicable state regulations and recent case law; and
4) simplify the regulations for readability, ease of use, and to eliminate inconsistencies and unintended consequences. No amendments to the criteria for land use review approvals are proposed.

On September 4, 2018, City Council held a Study Session and a first reading to review the draft amendments. Following review, City Council made a motion to move Ordinance 18C-08 forward to a second reading on September 17, 2018. Staff has revised attachment A (amended code language) to incorporate the staff recommended approach to adopting Comprehensive Plan amendments and implementing regulations or programs and various technical corrections identified by Council and staff.

RECOMMENDATION

Interim Director of Development Services

MOVE TO: Adopt Ordinance No. 18C-08 amending Title 19 of the Mercer Island City Code to clarify land use review and approval procedural requirements.

**CITY OF MERCER ISLAND
ORDINANCE NO. 18C-08**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND AMENDING
MERCER ISLAND CITY CODE TITLE 19 MICC REGARDING CODE
AMENDMENTS TO CLARIFY LAND USE REVIEW AND APPROVAL
PROCEDURES**

WHEREAS, the Mercer Island City Code (MICC) establishes procedures for the processing of permits as part of its development regulations that are intended to result in the implementation of the Mercer Island Comprehensive Plan pursuant to RCW 36.70A.040; and,

WHEREAS, the Mercer Island City Council determined that amendments to the permit processing procedures were necessary to ensure that permit processing was clear to staff and to the public and was occurring consistent with the provisions of the Mercer Island Comprehensive Plan; and,

WHEREAS, the Mercer Island City Council directed the Planning Commission to periodically review Title 19 of the Mercer Island City Code and recommend amendments to clarify the regulations to the City Council; and,

WHEREAS, on April 16, 2018, a Public Notice of Application was published in the City of Mercer Island Permit Bulletin regarding the code amendment proposal to give public notice of the proposed text amendment; and

WHEREAS, a public comment period was provided from April 16, 2018 through May 16, 2018 to obtain public comments regarding the proposed code amendment; and

WHEREAS, the adoption of procedures related to the processing of permits is exempt from SEPA review pursuant to WAC 197-11-800(19)(a), which states that procedural actions relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment are exempt from SEPA review.

WHEREAS, on March 14, 2018, a Notice of Public Hearing was published in the Mercer Island Reporter, giving public notice of the open record hearing in front of the Planning Commission and encouraging public participation; and

WHEREAS, the Mercer Island Planning Commission held a public hearing on April 18, 2018, and held two public meetings to consider clarifying amendments to the procedural requirements of Title 19 of the Mercer Island City Code; and

WHEREAS, the Washington Department of Commerce granted expedited review of the proposed amendments to the development regulations on August 20, 2018;

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

Section 1: **Adoption of Amendments to Title 19 of the Mercer Island City Code.** The amendments to the Mercer Island City Code as set forth in Attachment “A” to this Ordinance are hereby adopted.

Section 2: **Codification of the Regulations.** The City Council authorizes the Development Services Group Interim Director and the City Clerk to correct scrivener’s errors in Attachment A, codify the regulatory provisions of the amendment into Title 19 of the Mercer Island City Code, and publish the amended code.

Section 3: **Interpretation.** The City Council authorizes the Development Services Group Interim Director to adopt administrative rules, interpret, and administer the amended code as necessary to implement the legislative intent of the City Council.

Section 4: **Severability.** If any section, sentence, clause or phrase of this ordinance or any municipal code section amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance or the amended code section.

Section 5: **Ratification.** Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 6: **Effective Date.** This Ordinance shall take effect and be in force on 5 days after its passage and publication.

PASSED by the City Council of the City of Mercer Island, Washington at its regular meeting on the 17th day of September 2018 and signed in authentication of its passage.

CITY OF MERCER ISLAND

Debbie Bertlin, Mayor

Approved as to Form:

ATTEST:

Kari L. Sand, City Attorney

Deborah A. Estrada, City Clerk

Date of Publication: _____

**CITY COUNCIL REVIEW DRAFT
Second Reading
Zoning Text Amendments
Procedural Code Amendments**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

RESIDENTIAL

19.02.030 Accessory dwelling units.

GENERAL REGULATIONS

19.06.040 Wireless communications.

19.06.110 Criteria for approval - conditional use permits, variances, and setback deviations. (New section)

19.06.120 Criteria for approval - design review. (New section)

ENVIRONMENT

19.07.040 Review and construction requirements.

19.07.060 Geologic hazard areas.

19.07.110 Shoreline master program.

SUBDIVISIONS

19.08.010 General provisions for long and short subdivisions.

19.08.020 Application procedures and requirements for long and short subdivisions.

19.08.050 Final plats.

19.08.070 Lot line revisions. (New section)

PROPERTY DEVELOPMENT

19.09.010 Preapplication and intake screening meetings.

TOWN CENTER DEVELOPMENT AND DESIGN STANDARDS

19.11.150 Administration.

DESIGN STANDARDS FOR OUTSIDE TOWN CENTER

19.12.010 General

ADMINISTRATION

19.15.010 Purpose, intent, and roles.

19.15.020 Land use review types.

19.15.030 Legislative actions. (New section)

19.15.040 Summary of reviews and authorities. (New section)

19.15.050 Review procedures.

19.15.060 Preapplication. (New section)

19.15.070 Application.

19.15.080 Determination of Completeness and Letter of Completion (New section)

19.15.090 Public notification. (New section)

19.15.100 Notice of Application (New section)

19.15.110 Notice of Public Hearing (New section)

19.15.120 Request for Information and Extensions (New section)

- 1 19.15.130 Notice of Decision (New section)
- 2 19.15.140 Appeals. (New section)
- 3 19.15.150 Open Record Public Hearing. (New section)
- 4 19.15.160 Expiration of Approvals. (New section)
- 5 19.15.170 Code Interpretations.
- 6 19.15.180 Vesting. (New section)
- 7 19.15.190 Additional procedures for shoreline review. (New section)
- 8 19.15.200 Permit review for 6409 eligible wireless communication facilities. (New section)
- 9 19.15.210 Revisions.
- 10 19.15.220 Compliance required.
- 11 19.15.230 Design review and the design commission.
- 12 19.15.240 Comprehensive plan amendments.
- 13 19.15.250 Reclassification of property (rezones).
- 14 19.15.260 Code amendment.
- 15 19.15.270 Review procedures for comprehensive plan amendments, reclassification of property,
16 and code amendments.
- 17 19.15.280 Enforcement.

18
19 DEFINITIONS

- 20 19.16.010 Definitions.

- 21
- 22 "Normal Text" is existing code language
- 23 "~~Strikethrough Text~~" is existing code language that will be deleted
- 24 "Underline Text" is new code language that will be added
- 25 "... " represents that existing code language is omitted and will not be amended

1 **RESIDENTIAL**

2 19.02.030 Accessory dwelling units.

3 ...

4 C. Exceptions – Ceiling Height. All existing accessory dwelling units that are located within a single-family
5 dwelling, which was legally constructed but does not now comply with current ceiling height
6 requirements of the construction codes set forth in MICC Title 17, shall be allowed to continue in their
7 present form.

8
9 **D. Permitting and Enforcement**~~Notice on title.~~

10 ~~1. Application. The property owner shall apply for an accessory dwelling unit permit with the~~
11 ~~development services group. The application shall include an affidavit signed by the property~~
12 ~~owner affirming that the owner or an immediate family member will occupy the principal~~
13 ~~dwelling unit or accessory dwelling unit for more than six months per year.~~

14 ~~2. Notice. The city shall provide notice of the intent to issue a permit for an accessory dwelling~~
15 ~~unit as required by MICC 19.15.020(D) and (E).~~

16 ~~3. Applicable Codes. The accessory dwelling unit shall comply with all construction codes set~~
17 ~~forth in MICC Title 17 and any other applicable codes, except as provided in this chapter. The~~
18 ~~ADU shall comply with all development code provisions for single-family dwellings including~~
19 ~~height and setbacks, and the ADU shall be included as part of the impervious surface and floor~~
20 ~~area limitations for a building site.~~

21 ~~4. Inspection. After receipt of a complete application and prior to approval of an accessory~~
22 ~~dwelling unit, the city shall inspect the property to confirm that all applicable requirements of~~
23 ~~this code and other codes are met.~~

24
25 ~~5. Recording Requirements – Permits. Approval of the accessory dwelling unit shall be subject to~~
26 ~~the applicant recording a document with the King County department of records and elections~~
27 ~~which runs with the land and identifies the address of the property, states that the owner(s)~~
28 ~~resides in either the principal dwelling unit or the accessory dwelling unit, includes a statement~~
29 ~~that the owner(s) will notify any prospective purchasers of the limitations of this section, and~~
30 ~~provides for the removal of the accessory dwelling unit if any of the requirements of this~~
31 ~~chapter are violated.~~

32
33 ~~6. Permit. Upon compliance with the provisions of this section, a permit for an accessory~~
34 ~~dwelling unit will be issued.~~

35 ~~7. Enforcement. The city retains the right with reasonable notice to inspect the ADU for~~
36 ~~compliance with the provisions of this section.~~

37
38 E. Elimination/Expiration. Elimination of an accessory dwelling unit may be accomplished by the owner
39 recording a certificate with the King County department of records and elections and development
40 services stating that the accessory dwelling unit no longer exists on the property.

41
42 ~~F. Variance. Variances to this chapter shall require variance approval as outlined in MICC~~
43 ~~19.15.020(G)(4).~~

44 ~~G. Violations. Any violation of any provision hereof is a criminal violation under MICC 19.15.030.~~

45

1 **GENERAL REGULATIONS**

2 19.06.040 Wireless communications.

3 A. Town Center, Commercial/Office, Business and Planned Business Zones.

4
5 1. Permitted Use. Attached WCFs are permitted in the Town Center, commercial/office, business
6 and planned business zones. WCFs with support structures are permitted in the
7 commercial/office and planned business zone districts, and are not permitted in the Town
8 Center district.

9 a. Town Center Zone (TC). The height of attached WCFs shall not exceed the height of
10 the structure it is attached to by more than 15 feet. Wireless support structures are not
11 allowed in the TC zone.

12 b. Commercial/Office Zone (C-O). The height of attached WCFs shall not exceed the
13 height of the structure it is attached to by more than 10 feet. Structures shall not be
14 located within front yard setbacks. Structures in the side and rear yards must be set
15 back from adjacent property a distance equal to the height of the pole. New WCFs may
16 be located on a monopole and shall not exceed 60 feet in height.

17 c. Planned Business Zone (PBZ) and Business Zone (B). The height of attached WCFs shall
18 not exceed the height of the structure it is attached to by more than 10 feet. Structures
19 shall not be located within the setbacks. New WCFs may be located on a monopole and
20 shall not exceed 60 feet in height.

21
22 2. ~~Approval Process/Review~~ Performance standards. Wireless communications facilities are
23 subject to review by the code official as outlined shall comply with the standards in subsection E
24 of this section ~~and MICC 19.15.010(E). When there are more than six antennas at one site, the~~
25 ~~code official may deem that site full and deny additional antennas.~~

26
27 B. Public Institution Zone (I-90 Corridor).

28
29 1. Permitted Use. Wireless communications facilities, including antenna support structures and
30 equipment cabinets, are permitted. Facilities must meet all of the following criteria:

31 a. Antennas shall not project more than two feet in height over the nearest I-90
32 retaining wall, unless they are located on an existing structure, and must be screened as
33 much as possible from public views;

34 b. Equipment cabinet dimensions shall not exceed 480 cubic feet, should be placed
35 underground if feasible and shall be completely screened from pedestrian and park
36 activities with landscaping;

37 c. Facilities shall be within 15 feet of the pedestrian side of the I-90 retaining wall, unless
38 they are located on an existing structure. Facilities may be located between the
39 retaining walls in the traffic corridor;

40 d. Facilities shall be at least 300 feet from any single-family dwelling, unless located
41 between and below the top of the retaining walls in the traffic corridor;

42 e. Applicants shall demonstrate that they have attempted to collocate on existing
43 structures such as other wireless support structures, rooftops, light poles, utility poles,
44 walls, etc.

45
46 2. ~~Approval Process/Review~~ Performance Standard and Location.

47 ~~a-~~ Wireless communications facilities shall comply with the standards in ~~are subject to review by~~
48 ~~the code official as outlined in~~ subsection E of this section. and MICC 19.15.010(E). When there

1 are more than six antennas at one site, the code official may deem that site full and deny
2 additional antennas.

3 b. No wireless communications facilities are allowed along the ~~Mercer Island~~
4 ~~Artway~~ Greta Hackett Outdoor Sculpture Gallery, defined as the south side of I-90
5 between 76th Avenue SE and 80th Avenue SE.

6 C. Island Crest Way Corridor.

7
8 1. WCFs are permitted within the right-of-way boundary along Island Crest Way from SE 40th
9 Street to SE 53rd Place and from SE 63rd to SE 68th Street. WCFs must be attached directly to
10 and incline with existing utility poles, with minimal overhang. WCF antennas shall not exceed 96
11 inches in length, 12 inches in width, and 12 inches in depth. The WCF must not project over the
12 height of the pole, but a pole with a height of up to 70 feet may replace an existing pole or a
13 pole with a height of up to 110 feet may replace an existing pole if the WCF is being collocated
14 with another WCF consistent with subsection F of this section. All WCFs shall be set back from
15 adjacent residential structures by a minimum of 40 feet.

16
17 2. ~~Performance Standards. Approval Process/Review.~~ WCFs in the Island Crest right-of-way
18 ~~must be reviewed and approved by the code official in accordance with~~ Wireless
19 communications facilities shall comply with the standards in subsection E of this section, and
20 MICC 19.15.010(E) and be approved by the city engineer. When there are more than six
21 antennas at one site, the code official may deem that site full and deny additional antennas.
22 Proponents ~~must~~ shall provide an agreement with the utility pole owner granting access to the
23 pole.

24
25 D. Residential Districts.

26
27 ...

28
29
30 ~~2. Approval Process/Review. Wireless communications facilities are subject to review by the~~
31 ~~code official as outlined in subsection E of this section and MICC 19.15.010(E). When there are~~
32 ~~more than six antennas at one site, the code official may deem that site full and deny additional~~
33 ~~antennas.~~

34
35 ...

36
37 H. When there are more than six antennas at one site, the code official shall deem that site full and deny
38 additional antennas. Height Variance. If strict application of these provisions would preclude an
39 antenna from receiving or transmitting a usable signal, or, if the property owner believes that an
40 alternative exists which is less burdensome to adjacent property owners, an application for a variance
41 may be filed under the provisions of MICC 19.15.020. The code official may grant a height variance upon
42 finding that the criteria in MICC 19.15.020(G)(4) are met, and that one of the following criteria are also
43 met:

44
45 1. ~~Compliance with the above provisions would prevent the antenna from receiving or~~
46 ~~transmitting a usable signal; and the alternative proposed constitutes the minimum necessary to~~
47 ~~permit acquisition or transmission of a usable signal; or~~

1 ~~2. The alternative proposed has less impact on adjacent property owners than strict application~~
2 ~~of the above provisions; or~~

3
4 ~~3. In Island Crest Park if the parks director supports the variance because there will be a~~
5 ~~significant benefit to the park by either the retention of trees and/or vegetation or~~
6 ~~improvement of park uses.~~

7
8 I. 6409 eligible facilities. 6409 eligible wireless facilities shall be reviewed in accordance with 47 CFR §
9 1.40001 Wireless Facility Modifications or as hereafter amended.

10
11 J. Removal of WCFs. If a WCF becomes obsolete or unused, it must be removed within six months of
12 cessation of operation at the site.

13
14 ~~J. Administration and Appeals. Applications to construct WCFs shall follow the permit review procedures~~
15 ~~in MICC 19.15.020. Appeals shall follow the appeal process outlined in MICC 19.15.020(J).~~

16
17 ...
18
19 19.06.110 Criteria for approval - conditional use permits, variances, and setback deviations.

20 A. Conditional Use Permits

21 1. Purpose. A use may be authorized by a conditional use permit for those uses listed in chapters
22 19.02 and 19.11 MICC. The intent of the conditional use permit review process is to evaluate the
23 particular characteristics and location of certain uses relative to the development and design
24 standards established in this title. The review shall determine if the development proposal
25 should be permitted after weighing the public benefit and the need for the use with the
26 potential impacts that the use may cause.

27
28 2. Criteria for conditional use permits that are not located in Town Center. An applicant must
29 demonstrate how the development proposal meets the following criteria.

30 a. The permit is consistent with the regulations applicable to the zone in which the lot is
31 located;

32 b. The proposed use is determined to be acceptable in terms of size and location of site,
33 nature of the proposed uses, character of surrounding development, traffic capacities of
34 adjacent streets, environmental factors, size of proposed buildings, and density;

35 c. The use is consistent with policies and provisions of the comprehensive plan; and

36 d. Conditions shall be attached to the permit assuring that the use is compatible with
37 other existing and potential uses within the same general area and that the use shall not
38 constitute a nuisance.

39
40 3. Criteria for conditional use permits that also require design review and are located in Town
41 Center. An applicant must demonstrate how the development proposal meets the following
42 criteria.

43 a. General Criteria.

44 (i) The proposed use complies with all the applicable development and design
45 provisions of this chapter.

46 (ii) The proposed use is consistent with the comprehensive plan.

47 (iii) The proposed use is harmonious and appropriate in design, character, and
48 appearance with the existing or intended uses within the surrounding area.

1 (iv) The proposed use will not generate excessive fumes, odor, dust, light,
2 radiation, or refuse that would be injurious to surrounding uses.

3 (v) The proposed use will not generate levels of noise that adversely impact the
4 health, safety, or general welfare of surrounding uses.

5 (vi) The proposed use will be served by adequate public services, including
6 streets, fire and public safety protection, water, sewer, and storm water control,
7 and will not adversely impact the level of service standards for such facilities.

8 (vii) The proposed location, size, design, and operating characteristics of the
9 proposed use will not be detrimental to the public interest, health, safety,
10 convenience, or welfare of the city.

11 b. Additional Criteria for Approval of a Conditional Use for Adult Entertainment in Town
12 Center.

13 (i) The point of entry into the structure housing the adult entertainment use
14 shall be located at least 100 feet, measured in a straight line, from the property
15 line of: (1) any R-zoned property; (2) any public institution zoned property; (3)
16 any property containing one or more of the following uses: residential uses
17 including single- or multiple-family dwellings, or residential care facilities;
18 schools including public, private, primary or secondary, preschool, nursery
19 school, day care; recreational uses including publicly owned park or open space,
20 commercial or noncommercial or private recreation facility; religious
21 institutions; public institutions; or uses which cater primarily to minors.

22 (ii) No adult entertainment use shall be located closer than 400 feet to another
23 adult entertainment use. Such distance shall be measured by following a
24 straight line from the nearest point of entry into the proposed adult
25 entertainment to the nearest point of entry into another adult entertainment
26 use.

27 (iii) The point of entry into adult entertainment use shall not be located along
28 78th Avenue SE.

29 (iv) Signing shall be limited to words and letters only. Window or exterior
30 displays of goods or services that depict, simulate, or are intended for use in
31 connection with specified sexual activities as defined by Chapter 5.30 MICC are
32 prohibited.

33
34 4. No building permit, business license, or other permits related to the use of the land shall be
35 issued until final approval of the conditional use permit.

36
37 5. Change After Conditional Use Permit Granted.

38 a. Change of Ownership. Conditional use permits granted shall continue to be valid upon
39 change of ownership of the site.

40 b. Change of Use. Modifications to the use shall require an amendment to the
41 conditional use permit and shall be subject to the review process in chapter 19.15 MICC.

42
43 B. Variances.

44 1. Purpose. An applicant or property owner may request a variance from any numeric standard,
45 except for the standards contained within Chapter 19.07 MICC. A variance shall be granted by
46 the city only if the applicant can meet all criteria in subsections (B)(2)(a) through (h) of this
47 section. A variance for increased lot coverage for a regulated improvement pursuant to

1 subsection (B)(2)(i) of this section shall be granted by the city only if the applicant can meet
2 criteria in subsections (B)(2)(a) through (i) of this section:
3

4 2. Criteria.

5 a. The strict enforcement of the provisions of this title will create an unnecessary
6 hardship to the property owner. For the purposes of this criterion, in the R-8.4, R-9.6, R-
7 12, and R-15 zoning designations, an “unnecessary hardship” is limited to those
8 circumstances where the adopted standards of this title prevent the construction of a
9 single-family dwelling on a legally created, residentially zoned lot;

10 b. The variance is the minimum necessary to grant relief to the property owner;

11 c. No use variance shall be allowed;

12 d. There are special circumstances applicable to the particular lot such as the size,
13 shape, topography, or location of the lot; or factors necessary for the successful
14 installation of a solar energy system such as a particular orientation of a building for the
15 purposes of providing solar access;

16 e. The granting of the variance will not be materially detrimental to the public welfare or
17 injurious to the property or improvements in the vicinity and zone in which the property
18 is situated;

19 f. The granting of the variance will not alter the character of the neighborhood, nor
20 impair the appropriate use or development of adjacent property;

21 g. The variance is consistent with the policies and provisions of the comprehensive plan
22 and the development code;

23 h. The basis for requesting the variance is not the direct result of a past action by the
24 current or prior property owner; and

25 i. Public and private schools, religious institutions, private clubs and public facilities in
26 single-family zones with slopes of less than 15 percent may request a variance to
27 increase the impervious surface to a maximum 60 percent impervious surface and such
28 variance application will be granted if the hearing examiner determines that the
29 applicant has demonstrated that the following criteria are satisfied:

30 i. There will be no net loss of permeable surface from the existing permeable
31 surface. No net loss will be determined by the code official and may be achieved
32 by off-site mitigation and/or by reconstructing existing parking areas to allow
33 stormwater penetration. This replacement will be an exception to subsection
34 (D)(2)(b) of this section prohibiting parking areas from being considered as
35 permeable surfaces;

36 ii. All storm water discharged shall be mitigated consistent with the most recent
37 Washington State Department of Ecology Stormwater Management Manual for
38 Western Washington, including attenuation of flow and duration. Mitigation will
39 be required for any and all new and replaced impervious surfaces. In designing
40 such mitigation, the use of a continuous simulation hydrologic model such as
41 KCRTS or WWHM shall be required; event based models will not be allowed. In
42 addition, mitigation designs shall utilize flow control best management practices
43 (BMPs) and low impact development (LID) techniques to infiltrate, disperse and
44 retain stormwater on site to mitigate the increased volume, flow and pollutant
45 loading to the maximum extent feasible;

46 iii. The director must approve a storm drainage report submitted by the
47 applicant and prepared by a licensed civil engineer assuring the city that city
48 infrastructure, in concert with the project design, is adequate to accommodate

1 storm drainage from the project site, or identifying appropriate improvements
2 to public and/or private infrastructure to assure this condition is met, at the
3 applicant's expense; and
4 iv. The variance may not be used with other provisions to exceed this maximum
5 60 percent impervious surface coverage.
6

7 3. Height Variance for a Wireless Communication Facility. If strict application of the provisions of
8 MICC 19.06.040 would preclude an antenna from receiving or transmitting a usable signal, or, if
9 the property owner believes that an alternative exists which is less burdensome to adjacent
10 property owners, an application for a variance may be filed under the provisions of MICC
11 19.15.020. The code official may grant a height variance upon finding that the criteria in MICC
12 19.15.020(G)(4) are met, and that one of the following criteria are also met:

- 13 a. Compliance with the above provisions would prevent the antenna from receiving or
14 transmitting a usable signal; and the alternative proposed constitutes the minimum
15 necessary to permit acquisition or transmission of a usable signal; or
16 b. The alternative proposed has less impact on adjacent property owners than strict
17 application of the above provisions; or
18 c. In Island Crest Park if the parks director supports the variance because there will be a
19 significant benefit to the park by either the retention of trees and/or vegetation or
20 improvement of park uses.
21

22 4. The code official may grant a variance, with restrictions if deemed necessary, from the four-
23 acre limitation for purpose of permitting short subdivision of property containing more than
24 four acres into four or less lots when all of the following circumstances shall be found to apply:

- 25 a. That there are special circumstances applicable to the particular lot, such as type of
26 ownership, restrictive covenants, physiographic conditions, location or surroundings, or
27 other factors;
28 b. That the granting of the variance will not result in future uncoordinated development
29 nor alter the character of the neighborhood; and
30 c. That granting the variance will not conflict with the general purposes and objectives
31 of the comprehensive plan or the development code.
32

33 C. Setback Deviations

34 1. Purpose. The purpose of a setback deviation is to increase protection of a critical area or
35 critical area buffer. A setback deviation provides flexibility in design a development proposal to
36 allow for increased protection of critical areas or critical area buffer.

37 2. Criteria. A setback deviation shall be granted by the city only if the applicant demonstrates all
38 of the following:

- 39 a. No use deviation shall be allowed;
40 b. The granting of the deviation will not be materially detrimental to the public welfare
41 or injurious to the property or improvements in the vicinity and zone in which the
42 property is situated;
43 c. The granting of the deviation will not alter the character of the neighborhood, nor
44 impair the appropriate use or development of adjacent property;
45 d. The deviation is consistent with the policies and provisions of the comprehensive plan
46 and the development code;
47 e. The basis for requesting the deviation is not the direct result of a past action by the
48 current or prior property owner;

- 1 f. The setback deviation is associated with the approval of development of a single lot or
2 subdivision that is constrained by critical areas or critical area buffers;
3 g. The building pad resulting from the proposed deviation will result in less impact to
4 critical areas or critical area buffers; and
5 h. Yard setbacks shall not be reduced below the following minimums:
6 (i) Front and rear setbacks may not be reduced to less than 10 feet each;
7 (ii) Side setbacks may not be reduced to less than five feet.
8
9

10 19.06.120 Criteria for approval - design review.

11 A. Intent and Purpose. These regulations are intended to implement and further the comprehensive
12 plan of the city and are adopted for the following purposes:

- 13
14 1. To promote the public health, safety and general welfare of the citizens of the city.
15
16 2. To recognize that land use regulations aimed at the orderliness of community growth, the
17 protection and enhancement of property values, the minimization of discordant and unsightly
18 surroundings, the avoidance of inappropriateness and poor quality of design and other
19 environmental and aesthetic objectives provide not only for the health, safety and general
20 welfare of the citizens, but also for their comfort and prosperity and the beauty and balance of
21 the community, and as such, are the proper and necessary concerns of local government.
22
23 3. To protect, preserve and enhance the social, cultural, economic, environmental, aesthetic,
24 and natural values that have established the desirable quality and unique character of Mercer
25 Island.
26
27 4. To promote and enhance construction and maintenance practices that will tend to promote
28 visual quality throughout Mercer Island.
29
30 5. To recognize environmental and aesthetic design as an integral part of the planning process
31

32 B. Criteria for Design Review Decisions. Design objectives and standards for regulated improvements
33 within the Town Center are set forth in Chapter 19.11 MICC. Design objectives and standards for
34 regulated improvements in all zones outside the Town Center are set forth in Chapter 19.12 MICC.
35 Following the applicable review process in chapter 19.15 MICC, the design commission or code official
36 shall deny an application if it finds that all the following criteria have not been met, or approve an
37 application, or approve it with conditions, based on finding that all the following criteria have been met:
38

- 39 1. The proposal conforms with the applicable design objectives and standards of the design
40 requirements for the zone in which the improvement is located, provided further:
41 a. In the Town Center, particular attention shall be given to whether:
42 i. The proposal meets the requirements for additional building height, if the
43 proposal is for a building greater than two stories; and
44 ii. The proposal adheres to the required parking standards and a parking plan
45 has been provided that demonstrates that the proposal meets the objectives of
46 MICC 19.11.130.
47

1 **ENVIRONMENT**

2 19.07.040 Review and construction requirements.

3
4 ...

5
6 C. Setback Deviation. An applicant may seek a deviation from required front, side, and back yard setbacks pursuant to MICC 19.15.020050.

7
8
9 D. Variances. Variances are not available to reduce any numeric requirement of this chapter. However, the allowed alterations and the reasonable use exception allowed pursuant to MICC 19.07.030 may result in city approvals with reduced numeric requirements.

10
11
12
13 E. Appeals. Appeals of decisions made under the provisions of this chapter shall follow the procedures described in MICC 19.15.020(J).

14
15
16 F. Fees.

17 1. Fees shall be set forth in a schedule adopted by city council resolution. The fee should be based on a submittal fee and the time required to review development applications for alterations within critical areas and buffers.

18
19
20
21 2. The code official may require peer review of any report or study by a second qualified professional to verify the adequacy of the information and analysis. The applicant shall bear the cost of the peer review.

22
23
24 ...

25
26
27
28 19.07.060 Geologic hazard areas.

29
30 ...

31
32 C. Geotechnical Review.

33
34 1. The applicant must submit a geotechnical report concluding that the proposal can effectively mitigate risks of the hazard. Consistent with MICC 19.07.050, the report shall suggest appropriate design and development measures to mitigate such hazards.

35
36
37
38 ~~2. The city may require peer review of the geotechnical report by a second qualified professional to verify the adequacy of the information and analysis. The applicant shall bear the cost of the peer review.~~

39
40
41
42 ~~3. The code official may waive the requirement for a geotechnical report when the proposed alteration does not pose a threat to the public health, safety and welfare in the sole opinion of the code official.~~

43
44
45 ...

46
47
48

1 19.07.110 Shoreline master program.

2 ...

3
4
5 F. Shoreline Permits.

6
7 1. Administrative Responsibility. Except as otherwise stated in this section, the code official is
8 responsible for:

9 a. Administering shoreline permits.

10 b. Approving, approving with conditions or denying shoreline exemption permits,
11 substantial development permits, shoreline conditional use permits, shoreline variances
12 and permit revisions in accordance with applicable provisions.

13 c. Determining compliance with the State Environmental Policy Act.

14 d. No development shall be undertaken within the shorelands without first obtaining a
15 shoreline exemption permit, substantial development permit, conditional use permit,
16 and/or a variance permit in accordance with all applicable procedures unless it qualifies
17 under a categorical exemption. In addition, such permit shall be in compliance with
18 permit requirements of all other agencies having jurisdiction within the shorelands.
19 Compliance with all applicable federal and state regulations is also required.

20
21 2. Shoreline Categorical Exemption. Any development that qualifies as being a shoreline
22 categorical exemption, as specified in MICC 19.07.110, shall not require a shoreline permit, but
23 must still meet all requirements of the Mercer Island Unified Land Development Code.

24
25 3. Shoreline Exemption.

26 a. Shoreline Exemption Criteria. A shoreline exemption shall be granted to the following
27 development as long as such development proposal is in compliance with all applicable
28 requirements of Title 19 of the Mercer Island City Code and any of the following:

29 i. Any development of which the total cost or fair market value, whichever is
30 higher, does not exceed \$7,047 or as periodically revised by the Washington
31 State Office of Financial Management, if such development does not materially
32 interfere with the normal public use of the water or shorelines of the state; or

33 ii. Normal maintenance or repair of existing structures or developments,
34 including damage by accident, fire or elements. "Normal maintenance" includes
35 those usual acts established to prevent a decline, lapse, or cessation from a
36 lawfully established condition. "Normal repair" means to restore a development
37 to a state comparable to its original condition within a reasonable period after
38 decay or partial destruction, including complete replacement of legally existing
39 structures. Normal maintenance of single-family dwellings is categorically
40 exempt as stated above; or

41 iii. Construction of the normal protective bulkhead common to single-family
42 dwellings. A "normal protective" bulkhead is constructed at or near the ordinary
43 high water mark to protect a single-family dwelling and is for protecting land
44 from erosion, not for the purpose of creating land. Where an existing bulkhead
45 is being replaced, it shall be constructed no further waterward of the existing
46 bulkhead than is necessary for construction of new footings; or

47 iv. Emergency construction necessary to protect property from damage by the
48 elements. An "emergency" is an unanticipated and imminent threat to public

1 health, safety, or the environment which requires immediate action within a
2 time too short to allow full compliance with this section; or
3 v. Construction or modification of navigational aids such as channel markers and
4 anchor buoys; or
5 vi. Construction of a dock, designed for pleasure craft only, for the private
6 noncommercial use of the owners, lessee, or contract purchaser of a single-
7 family dwelling, for which the cost or fair market value, whichever is higher,
8 does not exceed \$10,000; or
9 vii. Any project with a certification from the governor pursuant to Chapter 80.50
10 RCW; or
11 viii. Projects for the restoration of ecological functions; or
12 ix. Any development proposal that meets the shoreline substantial development
13 exemptions identified in WAC 173-27-040 or RCW 90.58, as amended.
14 b. Shoreline Exemption Process. The city shall send the shoreline letter of exemption
15 decisions to the applicant and all applicable local, state, or federal agencies as required
16 by state or federal law.

17
18 4. Substantial Development Permit Application Decision Criteria. A substantial development
19 permit (SDP) is required for any development within shorelands that does not qualify as
20 shoreline exempt. All requirements of the Mercer Island Unified Land Development Code shall
21 apply to the approval of a shoreline substantial development permit.

22
23 5. Shoreline Conditional Use Permit. The purpose of a shoreline conditional use permit is to
24 provide a system which allows flexibility in the application of use regulations in a manner
25 consistent with the policies of RCW 90.58.020. In authorizing a shoreline conditional use, special
26 conditions may be attached to the permit by the city of Mercer Island or the Department of
27 Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the
28 project with the Shoreline Management Act and the applicable city regulations.

29 a. Shoreline Conditional Use Permit Application Decision Criteria. All requirements of
30 the Mercer Island Unified Land Development Code shall apply to the approval of a
31 shoreline conditional use permit. Uses that require a shoreline conditional use permit
32 may be authorized; provided, that the applicant demonstrates all of the following:

33 i. That the proposed use is consistent with the policies of RCW 90.58.020 and
34 the Mercer Island Uniform Land Development Code;

35 ii. That the proposed use will not detrimentally interfere with the normal public
36 use of shorelands within the “urban park environment” shoreline environment
37 designation;

38 iii. That the proposed use of the site and design of the project is compatible with
39 other authorized uses within the area and with uses allowed for the area by the
40 Mercer Island Uniform Land Development Code;

41 iv. That the proposed use will cause no significant adverse effects to the
42 shoreline environment in which it is to be located; and

43 v. That the public interest suffers no substantial detrimental effect.

44 vi. In applying the above criteria when reviewing shoreline conditional use
45 applications, consideration shall be given to the cumulative impact of additional
46 requests for like actions in the area. For example, if shoreline conditional use
47 permits were granted for other developments in the area where similar
48 circumstances exist, the total of the shoreline conditional uses shall also remain

1 consistent with the policies of RCW 90.58.020 and shall not produce substantial
2 adverse effects to the shoreline environment.

3
4 6. Shoreline Variance Criteria. Shoreline variances are strictly limited to granting relief from
5 specific bulk, dimensional or performance standards set forth in the applicable regulations
6 where there are extraordinary circumstances relating to the physical character or configuration
7 of property such that the strict implementation of the regulations will impose unnecessary
8 hardships on the applicant or thwarting of the policy enumerated in RCW 90.58.020. Shoreline
9 variances for use regulations are prohibited. In addition, in all instances the applicant for a
10 shoreline variance shall demonstrate strict compliance with all variance criteria set out in
11 subsection (G)(4) of this section and the following additional criteria:

12 a. In the granting of all shoreline variance permits, consideration shall be given to the
13 cumulative impact of additional requests for like actions in the area. For example, if
14 shoreline variances were granted to other developments in the area where similar
15 circumstances exist, the total of the shoreline variances shall also remain consistent
16 with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to
17 the shoreline environment.

18 b. Shoreline variance permits for development that will be located landward of the
19 ordinary high water mark, and/or landward of any associated wetland, may be
20 authorized; provided, the applicant can demonstrate all of the following:

21 i. That the strict application of the bulk, dimensional or performance standards
22 set forth in the applicable regulations precludes or significantly interferes with
23 reasonable use of the property not otherwise prohibited;

24 ii. That the hardship in this subsection (G)(6)(f)(i) is specifically related to the
25 property, and is the result of unique conditions such as irregular lot shape, size,
26 or natural features and the application of the applicable regulations, and not,
27 for example, from deed restrictions or the applicant's own actions;

28 iii. That the design of the project is compatible with other authorized uses in the
29 area and will not cause adverse effects to adjacent properties or the shoreline
30 environment;

31 iv. That the requested shoreline variance does not constitute a grant of special
32 privilege not enjoyed by the other properties in the area, and is the minimum
33 necessary to afford relief; and

34 v. That the public interest will suffer no substantial detrimental effect.

35 c. Shoreline variance permits for development that will be located waterward of the
36 ordinary high water mark or within any associated wetland may be authorized;
37 provided, the applicant can demonstrate all of the following:

38 i. That the strict application of the bulk, dimensional or performance standards
39 set forth in the applicable regulations precludes reasonable use of the property;

40 ii. That the proposal is consistent with the criteria established under subsections
41 (G)(6)(f)(i)(B)(1) through (5) of this section; and

42 iii. That the public rights of navigation and use of the shorelines will not be
43 adversely affected.

44
45 7. Revisions. When an applicant seeks to revise a substantial development permit, shoreline
46 conditional use permit and/or shoreline variance permit, the requirements of WAC 173-27-100,
47 as amended, shall be met.
48

1 **SUBDIVISIONS**

2 19.08.010 General provisions for long and short subdivisions.

3 A. No person shall subdivide land, either through a long subdivision or a short subdivision, ~~or make a lot~~
4 ~~line revision~~, without first obtaining official approval as herein provided.

5
6 B. All applications for long subdivisions, ~~or short subdivisions, or lot line revisions~~ are governed by the
7 permit review procedures set out in MICC 19.15.020 except where superseded by language contained in
8 this chapter.

9
10 ...

11
12 E. Preliminary long subdivision, and short subdivision, ~~and lot line revision~~ applications shall be
13 processed simultaneously with all applications for rezones, variances, planned unit developments, and
14 site plan approvals to the extent the procedural requirements of those actions allow simultaneous
15 action.

16
17 ...

18
19
20 19.08.020 Application procedures and requirements for long and short subdivisions.

21 A. Applications for short subdivisions or alterations or vacation thereof ~~and lot line revisions~~ shall be
22 reviewed by the code official. Applications for long subdivisions or alteration or vacation thereof shall be
23 reviewed by the hearing examiner, who shall make recommendations to the city council.

24
25 B. ~~The code official may grant a variance, with restrictions if deemed necessary, from the four-acre~~
26 ~~limitation for purpose of permitting short subdivision of property containing more than four acres into~~
27 ~~four or less lots when all of the following circumstances shall be found to apply:~~

- 28
29 1. ~~That there are special circumstances applicable to the particular lot, such as type of~~
30 ~~ownership, restrictive covenants, physiographic conditions, location or surroundings, or other~~
31 ~~factors;~~
- 32
33 2. ~~That the granting of the variance will not result in future uncoordinated development nor~~
34 ~~alter the character of the neighborhood; and~~
- 35
36 3. ~~That granting the variance will not conflict with the general purposes and objectives of the~~
37 ~~comprehensive plan or the development code.~~

38
39 ~~B~~. Applicants shall prepare a concept sketch of the proposal for the preapplication meeting required
40 under MICC 19.09.010(A).

41
42 ~~D~~. Preliminary Application Contents. In addition to any documents, information, or studies required
43 under Chapter 19.07 MICC, Environment, Chapter 19.10 MICC, Trees, or any other chapter of this title,
44 an application for a long subdivision, or short subdivision, ~~or a lot line revision~~ shall include the
45 documents set forth below and any other document or information deemed necessary by the code
46 official upon notice to the applicant. All documents shall be in the form specified by the code official and
47 shall contain such information as deemed necessary by the code official. The applicant shall submit the
48 number of copies of each document specified by the code official.

1
2 1. Development Application Cover Form. The development application cover form shall be
3 signed by all current property owners listed on the plat certificate, and shall list the legal parcel
4 numbers of all property involved in the project.
5

6 2. Long Subdivision, ~~or Short Subdivision, or Lot Line Revision~~ Plans. The applicant shall provide
7 copies of fully dimensioned plans of the project prepared by a Washington registered civil
8 engineer or land surveyor, meeting the requirements of Chapter 19.07 MICC, Environment, and
9 containing any other information deemed necessary by the code official. The city engineer may
10 waive the requirement that an engineer or surveyor prepare the plans for a short subdivision ~~or~~
11 ~~lot line revision~~. The submitted plans shall identify the proposed building pad location for each
12 proposed lot pursuant to MICC 19.09.090.
13

14 3. Plat Certificate. Applicant shall provide a plat certificate issued by a qualified title insurance
15 company not more than 30 days before filing of the application showing the ownership and title
16 of all parties interested in the plat. If the plat certificate references any recorded documents
17 (i.e., easements, dedications, covenants, etc.) copies of those documents shall also be provided.
18

19 ...

20
21 E. Preliminary Application Procedure.
22

23 1. Findings of Fact. All preliminary approvals or denials of long subdivisions or short subdivisions
24 shall be accompanied by written findings of fact demonstrating that:

- 25 a. The project does or does not make appropriate provisions for the public health,
26 safety, and general welfare and for such open spaces, drainage ways, streets or roads,
27 alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks
28 and recreation, playgrounds, schools and schoolgrounds and all other relevant facts,
29 including sidewalks and other planning features that assure safe walking conditions for
30 students who only walk to and from school;
31 b. The public use and interest will or will not be served by approval of the project; and
32 c. The project does or does not conform to applicable zoning and land use regulations.
33

34 2. Short Subdivisions ~~and Lot Line Revisions~~. The code official shall grant preliminary approval
35 for a short subdivision ~~or lot line revision~~ if the application is in proper form and the project
36 complies with the design standards set out in MICC 19.08.030, the comprehensive plan, and
37 other applicable development standards.
38

39 3. Long Subdivisions.

- 40 a. At an open record hearing the hearing examiner shall review the proposed long
41 subdivision for its conformance with the requirements of MICC 19.08.030, the
42 comprehensive plan, and other applicable development standards.
43 b. The hearing examiner shall make a written ~~recommendation on the long subdivision,~~
44 ~~containing findings of fact and conclusions, to the city council not later than 14 days~~
45 ~~following action by the hearing examiner.~~
46 c. ~~Upon receipt of the hearing examiner's recommendation, the city council shall at its~~
47 ~~next public meeting set the date for the public hearing where it may adopt or reject the~~
48 ~~hearing examiner's recommendations.~~

1 ~~d. Preliminary approval of long subdivision applications shall be governed by the time~~
2 ~~limits and conditions set out in MICC 19.15.020(E); except the deadline for preliminary~~
3 ~~plat approval is 90 days, unless the applicant consents to an extension of the time~~
4 ~~period.~~
5

6 4. Conditions for Preliminary Approval. As a condition of preliminary approval of a project, the
7 ~~city council~~hearing examiner in the case of a long subdivision, or the code official in the case of a
8 short subdivision, may require the installation of plat improvements as provided in MICC
9 19.08.040 which shall be conditions precedent to final approval of the subdivision.
10

11 5. ~~No Construction before Application Approval~~Construction Limitations.

12 a. No construction, tree removal, grading, installation of utilities on land within a
13 proposed long or short subdivision shall be allowed prior to preliminary approval of the
14 long or short subdivision and until the applicant has secured the permits required under
15 the Mercer Island City Code. Following preliminary approval, tree removal, grading, and
16 installation of utilities shall be the minimum necessary to allow for final plat approval of
17 the long or short subdivision. ~~No construction of structures, utilities, storm drainage,~~
18 grading, excavation, filling, or land clearing on any land within the proposed long
19 subdivision, short subdivision, or lot line revision shall be allowed prior to preliminary
20 approval of the application and until the applicant has secured the permits required
21 under the Mercer Island City Code.

22 b. An existing lot, created through the final plat approval of a long or short subdivision,
23 shall be a condition precedent for determination of complete application for a building
24 permit to construct a new single-family dwelling.
25

26 ...

27
28
29 19.08.050 Final plats.

30 A. Required Signatures.

31
32 1. Before the original or extended deadline for recording the final plat as set forth in MICC
33 19.15.020(K), the applicant may file with the city the final plat of the proposed long subdivision,
34 or short subdivision, or lot line revision in the form prescribed by subsection C of this section.
35

36 ...

37
38 B. Recording of the Final Plat.

39
40 1. The applicant shall deliver the ~~mylars~~signed plat to King County for recording.
41

42 ...

43
44 C. Contents of the Final Plat. All final plats submitted to the city shall meet the requirements set out in
45 Chapter 58.09 RCW, Chapter 332-130 WAC, and those requirements set out below.
46

47 Final plat documents submitted to the city shall contain the information set out below. The final
48 plat documents shall be drawn on an 18-inch by 24-inch sheet size, allowing one-half inch for

1 borders. The index sheet must show the entire subdivision, with street and highway names and
2 block numbers.

3
4 1. Identification and Description.

- 5 a. Name of the long subdivision, ~~or short subdivision or lot line revision.~~
6 b. A statement that the long subdivision or short subdivision has been made with the
7 free consent and in accordance with the desires of the owner or owners.
8

9 ...
10
11 3. Other Marginal Data on Final Plat.

- 12 a. If the plat is subject to dedications to the city or any other party, the dedications shall
13 be shown and shall be duly acknowledged. The plat shall also contain a waiver of all
14 claims for damages against the city which may be occasioned to the adjacent land by
15 the established construction, drainage and maintenance of any streets dedicated to the
16 city.
17 b. A copy of the protective covenants, if any.
18 c. Certification by a Washington-registered civil engineer or land surveyor to the effect
19 that the plat represents a survey made by that person and that the monuments shown
20 thereon exist as located and that all dimensional and geodetic details are correct.
21 d. Proper forms for the approvals of the city engineer and the mayor, on behalf of the
22 city council, in the case of a long subdivision; or the city engineer and the code official in
23 the case of short subdivisions ~~or lot line revisions~~, with space for signatures.
24 e. Certificates by the county assessor showing that the taxes and assessments on the
25 land to be submitted have been paid in accordance with law, including a deposit for the
26 taxes for the following year.
27 f. Approval by the county department of records.
28 g. Conditions of approval created at preliminary subdivision approval that affect
29 individual lots or tracts.
30 ...

31
32 19.08.070 Lot line revisions.

33 A. Purpose. The purpose of this section is to provide procedures and criteria for the review and approval
34 of revisions to lot lines of legal lots or tracts.

35
36 B. Requirements for a complete application.

- 37 1. A map at a scale of not less than one inch equal to 100 feet which depicts the existing and
38 proposed property configuration, including all lot line dimensions.
39 2. Legal descriptions of the existing and proposed property configurations, prepared by a
40 licensed professional land surveyor.
41 3. A completed application form.
42 4. Project Narrative. Applicants shall provide a clear and concise written description and
43 summary of the proposed project.
44 5. Any other information required pursuant to Chapter 19.15 MICC.
45

46 C. Approval criteria. The code official shall approve an application for a lot line revision if it is determined
47 that:

- 48 1. No additional lot, tract, parcel, site or division will be created by the proposed revision;

- 1 2. No lot is created or modified which contains insufficient area and dimensions to meet the
2 minimum requirements of the zone in which the affected lots are situated;
- 3 3. No lot is created or modified which does not have adequate drainage, water supply and
4 sanitary sewage disposal, and access for vehicles, utilities and fire protection, and no existing
5 easement in favor of the public is rendered impractical to serve its purpose;
- 6 4. No lot line revision shall reduce the overall area in a plat or short plat devoted to open space;
- 7 5. No lot line shall result in the creation of a lot or structure that is non-conforming with the
8 provisions of Title 19 MICC;
- 9 6. The lot line revision shall be consistent with any restrictions or conditions of approval for a
10 recorded plat or short plat; and
- 11 7. The lot line revision and the lots resulting from the lot line revision isare consistent with the
12 applicable provisions of Title 19 MICC.

13
14 D. Requirements for Recording Documents.

- 15 1. A title insurance certificate updated not more than 30 days prior to recording of the revision,
16 which includes all parcels within the revision, must be submitted to the Code Official with the
17 final recording documents.
- 18 2. All persons having an ownership interest within the lot line revision shall sign the lot line
19 revision documents that will be recorded in the presence of a notary public.
- 20 3. Lot line revision documents that will be recorded shall be in a form prescribed by the code
21 official and be reviewed and approved by the code official prior to recording with the King
22 County Recorder's office. Lot line revision approvals shall expire if the lot line revision
23 documents and real estate conveyance documents transferring ownership of the adjusted land
24 area are not recorded and a copy submitted to the City within one year from the date of
25 approval.
- 26 4. Lot line revision documents, including a record-of-survey document, must be prepared by a
27 land surveyor in accordance with Chapter 332-130 WAC and Chapter 58.09 RCW. The document
28 must contain a land surveyor's certificate and a recording certificate.
- 29 5. The lot line revision documents shall contain the following approval blocks:
 - 30 a. The King County department of assessments;
 - 31 b. The City of Mercer Island City Engineer; and
 - 32 c. The City of Mercer Island Code Official.

1 **DEVELOPMENT**

2 19.09.010 Preapplication and intake screening meetings.

3 ~~A. Preapplication meetings between the applicant, members of the applicant's project team, and city~~
4 ~~staff are required for all subdivisions or lot line revisions, shoreline substantial development permits,~~
5 ~~shoreline deviations, variances, temporary encampments, and for any alteration of a critical area or~~
6 ~~buffer, except those alterations that are identified as allowed uses under MICC 19.07.030(A)(1) through~~
7 ~~(5), (8) and (12). Preapplication meetings may be held for any other development proposal at the~~
8 ~~request of the applicant.~~

9
10 ~~B. The preapplication meeting will include a preliminary examination of the proposed project and a~~
11 ~~review of codes as described in MICC 19.15.020(A). The purpose of a preapplication meeting is to~~
12 ~~provide the applicant with information that will assist in preparing a formal development application~~
13 ~~meeting city development standards and permit processing requirements.~~

14
15 ~~C. City staff are not authorized to approve any plan or design offered by the applicant at a preapplication~~
16 ~~or intake meeting.~~

17
18 ~~D. Intake screenings between the applicant and city staff are required for all building permits involving~~
19 ~~the following: expansion of a building footprint by 500 square feet or more; an increase in impervious~~
20 ~~surface of 500 square feet or more; or any alteration of a critical area or buffer, except those alterations~~
21 ~~that are identified as allowed uses under MICC 19.07.030(A)(1) through (5), (8) and (12). Applicants are~~
22 ~~encouraged to bring their project team. The purpose of an intake screening is to resolve issues that may~~
23 ~~cause delay in processing a permit prior to formal acceptance of a permit application. The intake~~
24 ~~screening will include a preliminary examination of the proposed project and a review of any applicable~~
25 ~~codes. City staff are not authorized to approve any plan or design offered by the applicant at an intake~~
26 ~~screening.~~

1 **TOWN CENTER DEVELOPMENT AND DESIGN STANDARDS**

2 19.11.150 Administration

3 A. Design Review.

4 1. Authority. Design review shall be conducted by the city’s design commission or code official
5 consistent with the procedure set forth in MICC 19.15.040(F). The design commission or the
6 code official shall review the applicability of the development and design standards and
7 determine the project’s conformance with this chapter. The degree of conformance with all of
8 the development and design standards will vary on a project by project basis. The design
9 commission shall review each project on the project’s degree of overall conformity with the
10 objectives, standards and the comprehensive plan. The design commission or the code official
11 has the authority to approve, approve with conditions, or deny projects based on the criteria set
12 forth in MICC 19.15.040(F).

13
14 2. Applicant’s Responsibility. It is the responsibility of the applicant to design a project in
15 compliance with the objectives and development and design standards of this chapter.

16
17 3. Shall/Should. When a standard uses the word “shall,” the standard is mandatory. When a
18 standard uses the word “should,” the standard is mandatory unless the applicant can
19 demonstrate, to the satisfaction of the design commission, an equal or better means of
20 satisfying the standard and objective.

21
22 4. Development Agreements. An applicant may request modifications to any development and
23 design standards set forth in this chapter by requesting a development agreement consistent
24 with RCW 36.70B.170 through 36.70B.210. All development agreements shall be in form and
25 content acceptable to the city attorney and shall be reviewed and either approved or rejected
26 by the city council after a public hearing pursuant to RCW 36.70B.200.

27
28 5. Changes of Use and Tenant Improvements. It is the property owners’ and tenants’
29 responsibility to ensure compliance with applicable development regulations when a change of
30 use and/or a tenant improvement occurs.

31
32 **B. Conditional Use Permit Review.**

33
34 ~~1. General.~~

35 ~~a. Intent. The intent of the conditional use permit review process is to evaluate the~~
36 ~~particular characteristics and location of certain uses relative to the development and~~
37 ~~design standards established in this chapter. The review shall determine if the proposal~~
38 ~~should be permitted after weighing the public benefit and the need for the use with the~~
39 ~~potential impacts that the use may cause.~~

40 ~~b. Scope. The conditional use permit review process shall apply to all uses identified as~~
41 ~~requiring a conditional use permit in the chart of permitted uses set forth in MICC~~
42 ~~19.11.020(A). No building permit, business license or other permits related to the use of~~
43 ~~the land shall be issued until final approval of the conditional use permit.~~

44 ~~c. Review Authority. The hearing examiner shall conduct the conditional use permit~~
45 ~~review process and determine whether the proposed conditional use shall be allowed.~~

46 ~~d. Process.~~

1 i. Time Frame and Procedure. Conditional use permit review shall be conducted in
2 accordance with the timelines and procedures set forth in MICC 19.15.020, Permit
3 review procedures, except as the notice provisions are modified below.

4 ii. Notice.

5 (a) Public notice of any proposal in the Town Center which involves a conditional
6 use shall be posted on the project site and mailed to all property owners within
7 500 feet of the proposed project site.

8 (b) Legal notice shall be published in the official city newspaper (Chapter 2.10
9 MICC).

10 (c) The notice shall identify the general project proposal and the date, time and
11 location of the hearing examiner open record hearing, and shall be provided a
12 minimum of 30 days prior to the hearing.

13 iii. Written Decisions. All decisions of the hearing examiner shall be reduced to writing
14 and shall include findings of fact and conclusions that support the decisions.

15 iv. Expiration of Approval. If the activity approved by the conditional use permit has not
16 been exercised within two years from the date of the notice of decision setting forth the
17 conditional use decision, or if a complete application for a building permit has not been
18 submitted within two years from the date of the notice of the conditional use decision,
19 or within two years from the decision on appeal from the conditional use decision,
20 conditional use approval shall expire. The design commission or code official may grant
21 an extension for no longer than 12 months, for good cause shown, if a written request is
22 submitted at least 30 days prior to the expiration date. The applicant is responsible for
23 knowledge of the expiration date.

24
25 **2. Review Process.**

26 a. Application Submittal. A complete conditional use permit application, on forms provided by
27 the city development services group (DSG), shall be submitted at the same time as the
28 application and materials for design review. The applicant shall provide a written narrative of
29 the proposed conditional use and explain how the proposed use complies with the criteria for
30 conditional use permit approval in subsection (B)(2)(e) of this section. Depending on the type of
31 conditional use proposed, the code official may require additional information.

32 b. SEPA Determination. If the project is not categorically exempt pursuant to WAC 197-11-800,
33 the city environmental official will review the SEPA environmental checklist, the proposal and
34 other information required for a complete application to assess the project's probable
35 environmental impacts and issue a determination pursuant to MICC 19.07.120.

36 c. Acceptance. DSG staff shall determine if the required materials have been provided for review
37 of the conditional use permit, in conjunction with the applicable design review process. If so, the
38 application will be accepted and the process for determination of completeness and review set
39 forth in MICC 19.15.020 shall commence.

40 d. Review. The hearing examiner shall conduct an open record hearing to consider a conditional
41 use permit application. The hearing examiner may approve the application, or approve it with
42 conditions, only if all of the applicable criteria set forth below are met. The hearing examiner
43 shall deny the application if it finds that the applicable criteria set forth below have not been
44 met. Conditions may be attached to assure that the use is compatible with other existing and
45 potential uses within the same general area and that the use shall not constitute a nuisance.

46 Conditional use permit application review shall be coordinated with design review as follows:

47 i. Major New Construction. If the conditional use permit application is part of a major new
48 construction project, design review shall commence in accordance with the time frames and

1 procedures set forth in MICC 19.15.040(F), except as follows: The hearing examiner shall review
2 the conditional use permit application at an open record hearing after the design commission's
3 preliminary design review at a public meeting. If the hearing examiner approves the conditional
4 use permit (without or with conditions), then the hearing examiner will forward the project to
5 the design commission for the final design review.

6 ii. Change in Use and Minor Exterior Modifications. If the conditional use permit application
7 proposes a change in use but is not part of a major new construction project, or is part of a
8 minor exterior modification, then design review shall proceed administratively in accordance
9 with the provisions in MICC 19.15.040(F), and the hearing examiner shall review the conditional
10 use permit application at an open record hearing. If the staff determines that the minor exterior
11 modification should be reviewed by the design commission as provided for in MICC
12 19.15.040(F), then the design commission's review and decision shall be conducted at an open
13 record hearing separate from the hearing examiner's open record hearing on the conditional
14 use permit application.

15 e. Criteria for Approval of a Conditional Use Permit. Consistent with the applicable review
16 process above, the hearing examiner shall approve, approve with conditions or deny a
17 conditional use permit application based on finding that all of the following criteria have been
18 met:

19 i. General Criteria.

20 (a) The proposed use complies with all the applicable development and design
21 provisions of this chapter.

22 (b) The proposed use is consistent with the comprehensive plan.

23 (c) The proposed use is harmonious and appropriate in design, character, and
24 appearance with the existing or intended uses within the surrounding area.

25 (d) The proposed use will not generate excessive fumes, odor, dust, light,
26 radiation, or refuse that would be injurious to surrounding uses.

27 (e) The proposed use will not generate levels of noise that adversely impact the
28 health, safety, or general welfare of surrounding uses.

29 (f) The proposed use will be served by adequate public services, including
30 streets, fire and public safety protection, water, sewer, and storm water control,
31 and will not adversely impact the level of service standards for such facilities.

32 (g) The proposed location, size, design, and operating characteristics of the
33 proposed use will not be detrimental to the public interest, health, safety,
34 convenience, or welfare of the city.

35 ii. Additional Criteria for Approval of a Conditional Use for Adult Entertainment.

36 (a) The point of entry into the structure housing the adult entertainment use
37 shall be located at least 100 feet, measured in a straight line, from the property
38 line of: (1) any R-zoned property; (2) any public institution-zoned property; (3)
39 any property containing one or more of the following uses: residential uses
40 including single- or multiple-family dwellings, or residential care facilities;
41 schools including public, private, primary or secondary, preschool, nursery
42 school, day care; recreational uses including publicly owned park or open space,
43 commercial or noncommercial or private recreation facility; religious
44 institutions; public institutions; or uses which cater primarily to minors.

45 (b) No adult entertainment use shall be located closer than 400 feet to another
46 adult entertainment use. Such distance shall be measured by following a
47 straight line from the nearest point of entry into the proposed adult

1 entertainment to the nearest point of entry into another adult entertainment
2 use.

3 (c) The point of entry into adult entertainment use shall not be located along
4 78th Avenue SE.

5 (d) Signing shall be limited to words and letters only. Window or exterior
6 displays of goods or services that depict, simulate, or are intended for use in
7 connection with specified sexual activities as defined by Chapter 5.30 MICC are
8 prohibited.

9
10 f. Appeal. The hearing examiner's decision is final unless appealed pursuant to MICC
11 19.15.020(J).

12 g. Change After Conditional Use Permit Granted.

13 i. Change of Ownership. Conditional use permits granted shall continue to be valid upon
14 change of ownership of the site.

15 ii. Change of Use. Modifications to the use shall require an amendment to the
16 conditional use permit and shall be subject to the above review process.
17

1 **DESIGN STANDARDS FOR ZONES OUTSIDE TOWN CENTER**

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

19.12.010 General.

...

F. Development Agreements. An applicant may request modifications to any design and development standards set forth in this chapter by requesting a development agreement consistent with RCW 36.70B.170 through 36.70B.210. All development agreements shall be in form and content acceptable to the city attorney and will be reviewed and either approved or rejected by the city council after a public hearing pursuant to RCW 36.70B.200.

G. Changes of Use and Tenant Improvements. It is the property owners and tenants' responsibility to ensure compliance with applicable development regulations when a change of use and/or a tenant improvement occurs.

...

1 **ADMINISTRATION**

2
3 ~~19.15.010 General procedures~~ Purpose, intent and roles.

4 A. Purpose. Administration of the development code is intended to be expedient and effective. The
5 purpose of this chapter is to identify the processes, authorities and timing for administration of
6 development permits. Public noticing and hearing procedures, decision criteria, appeal procedures,
7 dispute resolution and code interpretation issues are also described.

8
9 B. Objectives. Guide customers confidently through the permit process; process permits equitably and
10 expediently; balance the needs of permit applicants with neighbors; allow for an appropriate level of
11 public notice and involvement; make decisions quickly and at the earliest possible time; allow for
12 administrative decision-making, except for those decisions requiring the exercise of discretion which are
13 reserved for appointed decision makers; ensure that decisions are made consistently and predictably;
14 and resolve conflicts at the earliest possible time.

15
16 C. Roles and Responsibilities. The roles and responsibilities for carrying out the provisions of the
17 development code are shared by appointed boards and commissions, elected officials and city staff. The
18 authorities of each of these bodies are set forth below.

19
20 1. City Council. The city council is responsible for establishing policy and legislation affecting land
21 use within the city. The city council acts on recommendations of the planning commission and
22 hearing examiner ~~in legislative and quasi-judicial matters.~~

23 2. Planning Commission. The role of the planning commission in administering the development
24 code is governed by Chapter 3.46 MICC. In general, the planning commission is the designated
25 planning agency for the city (see Chapter 35A.63 RCW). The planning commission makes
26 recommendations to the city council on land use legislation, comprehensive plan amendments
27 and quasi-judicial matters.

28 3. Design Commission. The role of the design commission in administering the development
29 code is governed by Chapter 3.34 MICC and MICC 19.15.040. In general, the design commission
30 is responsible for maintaining the city's design standards and action on sign, commercial and
31 multiple-family design applications.

32 4. Development Services Group. The responsible officials in the development services group act
33 upon ministerial and administrative permits.

34 a. The code official is responsible for administration, interpretation and enforcement of
35 the development code.

36 b. The building official is responsible for administration and interpretation of the
37 building code, except for the International Fire Code.

38 c. The city engineer is responsible for the administration and interpretation of
39 engineering standards.

40 d. The environmental official is responsible for the administration of the State
41 Environmental Policy Act and shoreline master program.

42 e. The fire code official is responsible for administration and interpretation of the
43 International Fire Code.

44 5. Hearing Examiner. The role of the hearing examiner in administering the development code is
45 governed by Chapter 3.40 MICC.

46
47 ~~D. Actions. There are four categories of actions or permits that are reviewed under the provisions of the~~
48 ~~development code.~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

1. Ministerial Actions. Ministerial actions are based on clear, objective and nondiscretionary standards or standards that require the application of professional expertise on technical issues.
2. Administrative Actions. Administrative actions are based on objective and subjective standards that require the exercise of discretion about nontechnical issues.
3. Discretionary Actions. Discretionary actions are based on standards that require substantial discretion and may be actions of broad public interest. Discretionary actions are only taken after an open record hearing.
4. Legislative Actions. Legislative actions involve the creation, amendment or implementation of policy or law by ordinance. In contrast to the other types of actions, legislative actions apply to large geographic areas and are of interest to many property owners and citizens. Legislative actions are only taken after an open record hearing.

E. Summary of Actions and Authorities. The following is a nonexclusive list of the actions that the city may take under the development code, the criteria upon which those decisions are to be based, and which boards, commissions, elected officials, or city staff have authority to make the decisions and to hear appeals of those decisions.

ACTION	DECISION AUTHORITY	CRITERIA	APPEAL AUTHORITY
Ministerial Actions			
Tree Removal Permit	Code official	Chapter 19.10 MICC	Hearing examiner ¹
Right-of-Way Permit	City engineer	Chapter 19.09 MICC	Hearing examiner
Home Business Permit	Code official	MICC 19.02.010	Hearing examiner
Special Needs Group Housing Safety Determination	Police chief	MICC 19.06.080(A)	Hearing examiner
Lot Line Revision	Code official	Chapter 19.08 MICC	Hearing examiner
Design Review – Minor Exterior Modification Outside Town Center	Code official	MICC 19.15.040, Chapters 19.11 and 19.12 MICC	Design commission
Design Review – Minor Exterior Modification in Town Center with a Construction Valuation (as defined	Code official	Chapters 19.11 and 19.12 MICC, MICC 19.15.040	Design commission

ACTION	DECISION AUTHORITY	CRITERIA	APPEAL AUTHORITY
by MICC 17.14.010) Less Than \$100,000			
Design Review – Minor Exterior Modification in Town Center with a Construction Valuation (as defined by MICC 17.14.010) \$100,000 or Greater	Design commission	Chapters 19.11 and 19.12 MICC, MICC 19.15.040	Hearing examiner
Final Short Plat Approval	Code official	Chapter 19.08 MICC	Superior court
Seasonal Development Limitation Waiver	Building official or city arborist	MICC 19.10.110, 19.07.060(D)(4)	Hearing examiner
Shoreline Exemption	Code official	MICC 19.07.110 and 19.15.020(G)(6)(c)(i)	Hearing examiner ²
Major Single Family Dwelling Building Permit	Code official	Chapter 19.02 MICC but not MICC Title 15 or 17	Hearing examiner
Administrative Actions			
Accessory Dwelling Unit Permit	Code official	MICC 19.02.030	Hearing examiner
Preliminary Short Plat	Code official	Chapter 19.08 MICC	Hearing examiner
Deviation	Code official	MICC 19.15.020(G)	Hearing examiner
Critical Areas Determination	Code official	Chapter 19.07 MICC	Hearing examiner

ACTION	DECISION AUTHORITY	CRITERIA	APPEAL AUTHORITY
Shoreline— Substantial Development Permit	Code official	MICC 19.07.110 and 19.15.020(G)(6)	Shoreline hearings board
SEPA Threshold Determination	Code official	MICC 19.07.120	Hearing examiner
Short Plat Alteration and Vacations	Code official	MICC 19.08.010(G)	Hearing examiner
Long Plat Alteration and Vacations	City council via hearing examiner	MICC 19.08.010(F)	Superior court
Temporary Encampment	Code official	MICC 19.06.090	Superior court
Wireless Communications Facility	Code official	MICC 19.06.040	Hearing examiner
Wireless Communications Facility Height Variance	Code official	MICC 19.06.040(H) and 19.15.020(G)	Hearing examiner
Minimum Parking Requirement Variances for MF, PBZ, C-O, B and P Zones	Code official via design commission and city engineer	MICC 19.03.020(B)(4), 19.04.040(B)(9), 19.05.020(B)(9) and 19.15.020(G)	Hearing examiner
Development Code Interpretations	Code official	MICC 19.15.020(L)	Hearing examiner ⁵
Discretionary Actions			
Conditional Use Permit	Hearing examiner	MICC 19.11.150(B), 19.15.020(G)	Superior court
Reclassification (Rezone)	City council via planning commission ³	MICC 19.15.020(G)	Superior court

ACTION	DECISION AUTHORITY	CRITERIA	APPEAL AUTHORITY
Formal Design Review – Major New Construction	Design commission	MICC 19.15.040, Chapters 19.11 and 19.12 MICC	Hearing examiner
Preliminary Long Plat Approval	City council via hearing examiner ³	Chapter 19.08 MICC	Superior court
Final Long Plat Approval	City council via code official	Chapter 19.08 MICC	Superior court
Variance	Hearing examiner	MICC 19.15.020(G)	Superior court
Variance from Short Plat Acreage Limitation	Code official	MICC 19.08.020	Hearing examiner
Critical Areas Reasonable Use Exception	Hearing examiner	MICC 19.07.030(B)	Superior court
Street Vacation	City council via planning commission ³	MICC 19.09.070	Superior court
Shoreline Conditional Use Permit	Code official and Department of Ecology ⁴	MICC 19.15.020(G)(6)	State Shorelines Hearings Board
Shoreline Variance	Code official and Department of Ecology ³	MICC 19.15.020(G)(6)	State Shorelines Hearings Board
Impervious Surface Variance	Hearing examiner	MICC 19.02.050	Superior court
Legislative Actions			
Code Amendment	City council via planning commission ³	MICC 19.15.020(G)	Growth management hearings board

ACTION	DECISION AUTHORITY	CRITERIA	APPEAL AUTHORITY
Comprehensive Plan Amendment	City council via planning commission ²	MICC 19.15.020(G)	Growth management hearings board
¹ Tree removal associated with a development proposal and authorized through the issuance of a tree removal permit shall not commence until the later of the end of the appeal period associated with the tree removal permit, or a decision is issued on an administrative appeal of the tree removal permit.			
² Final rulings granting or denying an exemption under MICC 19.15.020(G)(6) are not appealable to the shoreline hearings board (SHB No. 98-60).			
³ The original action is by the planning commission or hearing examiner which holds a public hearing and makes recommendations to the city council which holds a public meeting and makes the final decision.			
⁴ Must be approved by the city of Mercer Island prior to review by DOE per WAC 173-27-200 and RCW 90.58.140(10).			
⁵ The development code interpretation may be appealed as applied to a project review as part of an appeal of the land use action.			

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

19.15.030 Legislative Actions.

Legislative actions involve the creation, amendment or implementation of policy or law by ordinance. In contrast to the other types of actions, legislative actions apply to geographic areas and implement adopted City policy, promote the community interest, and are normally of interest to many property owners and citizens. Legislative actions are only adopted after an open record public hearing. Review procedures for legislative actions are located in subsection 19.15.270 of this chapter. Legislative actions include street vacations, comprehensive plan amendments, reclassification of property (rezones), and code amendments.

19.15.040 Land Use Review Types.

There are four categories of land use review that occur under the provisions of the development code.

A. Type I. Type I reviews are based on clear, objective and nondiscretionary standards or standards that require the application of professional expertise on technical issues.

B. Type II. Type II reviews are based on clear, objective and nondiscretionary standards or standards that require the application of professional expertise on technical issues. The difference between Type I and Type II review is that Public Notification shall be issued for Type II decisions

C. Type III. Type III reviews require the exercise of discretion about nontechnical issues.

D. Type IV. Type IV reviews require discretion and may be actions of broad public interest. Decisions on Type IV reviews are only taken after an open record hearing.

E. The types of land use approvals are listed in Table A of this section. The required public process for each type of land use approval are listed in Table B of this section.

1 F. Consolidated Permit Processing. An application for a development proposal that involves the
2 approval of two or more Type II, III and IV reviews, may be processed and decided together, including
3 any administrative appeals, using the highest numbered land use decision type applicable to the project
4 application. The following permits and land use reviews are excluded from consolidated review and
5 approval:

6 1. Building permits associated with the construction of one or more new single family dwellings
7 on lots resulting from the final plat approval of a short subdivision or long subdivision.

8 2. Building permits associated with shoreline conditional use permits and shoreline variance.

9 3. Project SEPA reviews shall be processed as a Type III land use review.

10 4. When a review is heard by multiple decision bodies, the higher decision body will make the
11 final decision, and the lower decision body will review the project at a public meeting and issue
12 a recommendation that will be reviewed by the higher decision body. The higher decision body
13 will either adopt the recommendation as part of the permit conditions, will remand the
14 recommendation back to the lower body for further consideration, will amend the
15 recommendation, or will deny adoption of the recommendation and will adopt their own permit
16 conditions. The hierarchy of decision bodies is as follows, from highest to lowest:

17 (a) City council

18 (b) Hearing examiner

19 (c) Design commission

20
21

1
2

3
4

TABLE A
LAND USE REVIEW TYPE

<u>Type I</u>	<u>Type II</u>	<u>Type III</u>	<u>Type IV</u>
<u>Home business, seasonal development limitation waiver, non-major single-family dwelling building permits, tree removal permit, right of way permit, special needs group housing safety determination, tenant improvement/change of use, shoreline exemption¹, critical areas determination (steep slope alteration), final short plat, temporary commerce on public property, site development permits.</u>	<u>Modified wireless communication facilities (6409 per 47 CFR 1.40001), lot line revision, setback deviations, final plat^{2, 3}, code official design review, accessory dwelling unit, parking variances (reviewed by City Engineer).</u>	<u>New and modified wireless (non-6409) communication facility, SEPA threshold determination, critical areas determination (wetland/watercourse buffer averaging/reduction, temporary encampment⁴, short plat alteration and vacations, preliminary short plat, development code interpretations, major single-family dwelling building permit, shoreline substantial development permit¹, shoreline revision (substantial development)¹.</u>	<u>Preliminary long plat approval, conditional use permit, variance, critical areas reasonable use exception, long plat alteration and vacations, parking variance (reviewed by Design Commission), variance from short plat acreage limitation, wireless communication facility height variance, planned unit development, Design Commission design review, permanent commerce on public property, shoreline conditional use permit (SCUP)⁵, shoreline variance⁵, shoreline revision (variance and SCUP).</u>

¹ Appeal will be heard by the Shoreline Hearings Board

² Decision is made by City Council after discussion at a public meeting

³ A Notice of Decision will be issued for a final long plat

⁴ A public meeting is required

⁵ Hearing Examiner will forward a recommendation to the Washington State Department of Ecology for Ecology's decision

1
2

TABLE B
REVIEW PROCESSING PROCEDURES

	<u>Type I</u>	<u>Type II</u>	<u>Type III</u>	<u>Type IV</u>
	<u>No Notice of Application</u> <u>No Notice of Decision</u> <u>Code Official</u>	<u>Public Notification</u> <u>No Notice of Application</u> <u>No Notice of Decision</u> <u>Code Official</u>	<u>Notice of Application</u> <u>Notice of Decision</u> <u>Code Official</u>	<u>Notice of Application</u> <u>Public Hearing</u> <u>Notice of Decision</u> <u>Hearing Examiner / Design Commission</u>
<u>Pre-application meeting required</u>	<u>No</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>
<u>Letter of completion (within 28 days)</u>	<u>No</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>
<u>Public Notification</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
<u>Notice of Application (mailing & posting)</u>	<u>No</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>
<u>Public Comment Period</u>	<u>None</u>	<u>None</u>	<u>30 days</u>	<u>30 days</u>
<u>Public Hearing (Open Record pre-decision)</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Yes</u>
<u>Notice of Decision</u>	<u>Code Official</u>	<u>Code Official</u>	<u>Code Official</u>	<u>Hearing Examiner² or Design Commission</u>
<u>Notice of decision</u>	<u>No</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>
<u>Appeal Authority</u>	<u>Hearing Examiner¹</u>	<u>Hearing Examiner or Design Commission (Code Official Design Review)</u>	<u>Hearing Examiner</u>	<u>Superior Court or Shoreline Hearings Board (Shoreline permits)</u>

3
4
5
6

¹ Appeals of Final Short Plat Approvals shall be to Superior Court. Appeals of shoreline exemptions shall be to the Shoreline Hearings Board.

² The Hearing Examiner will provide a recommendation to Ecology for decisions on Shoreline Conditional Use Permits and Shoreline Variances.

1
2
3 19.15.0250 Permit Review procedures.

4 The following are general requirements for processing a permit application under the development
5 code. Additional or alternative requirements may exist for actions under specific code sections (see
6 MICC 19.07.080, 19.07.110, ~~and~~ 19.08.020, and 19.08.070).

7
8 19.15.060. Preapplication.

9 A. Purpose. Meetings with the staff provide an opportunity to discuss the proposal in concept terms,
10 identify the applicable city requirements and the project review process. Meetings or correspondence
11 with the neighborhood to inform the neighborhood of the project proposal are encouraged prior to the
12 formal notice provided by the city.

13 B. Optional Pre-application meetings. Applicants for development proposals are encouraged to
14 participate in informal meetings with city staff. Pre-application meetings may be held for any other
15 development proposal at the request of the applicant.

16 C. Required Pre-application meetings. Pre-application meetings are required for Type III and Type IV
17 land use reviews. Pre-application meetings may be held for any other development proposal at the
18 request of the applicant. This requirement may be waived by the code official.

19 D. Application. Applicants shall prepare a concept sketch of the development proposal for the pre-
20 application meeting along with any other information specified by the code official in the pre-application
21 meeting form.

22 E. Validity. Successful completion of a pre-application meeting does not constitute approval of any plan
23 or design. Pre-application meetings shall occur within one year of application submittal, or after a code
24 change affecting the application has occurred.

25
26 ~~Application. All applications for permits or actions by the city shall be submitted on forms provided by~~
27 ~~the development services group. An application shall contain all information deemed necessary by the~~
28 ~~code official to determine if the proposed permit or action will comply with the requirements of the~~
29 ~~applicable development regulations. The applicant for a development proposal shall have the burden of~~
30 ~~demonstrating that the proposed development complies with the applicable regulations and decision~~
31 ~~criteria. All land use applications shall include the following:~~
32 ~~All applications for permits or actions by~~
33 ~~the city shall be accompanied by a filing fee in an amount established by city ordinance.~~

34 19.15.070. Application.

35 A. The department shall not commence review of any application until the applicant has submitted the
36 materials and fees specified for complete applications. An application shall contain all information
37 deemed necessary by the code official to determine if the proposed permit or action will comply with
38 the requirements of the applicable development regulations. The applicant for a development proposal
39 shall have the burden of demonstrating that the proposed development complies with the applicable
40 regulations and decision criteria. All land use applications shall include at a minimum, the following:

- 41 1. All applications for permits or land use reviews by the city shall be submitted on forms
- 42 provided by the City;
- 43 2. A site plan, prepared in a form prescribed by the code official;
- 44 3. A completed SEPA environmental checklist, if required;
- 45 4. Any studies or reports required for the processing of the application;
- 46 5. A list of any permits or land use review types necessary for approval of the development
- 47 proposal that have been obtained prior to filing the application or that are pending before the
- 48 City or any other governmental entity;

1 6. Drainage plans and documentation required by the Stormwater Management Manual for
2 Western Washington as adopted by MICC Chapter 15.09, if applicable;

3 7. Legal description of the site;

4 8. Verification that the property affected by the application is in the exclusive ownership of the
5 applicant, or that the applicant has a right to develop the site and that the application has been
6 submitted with the consent of all owners of the affected property; provided, that compliance
7 with subsection (1)(l) of this section shall satisfy the requirements of this subsection (1)(j); and

8 9. For Type II, III, and IV reviews, a title report from a reputable title company indicating that the
9 applicant has either sole marketable title to the development site or has a publicly recorded
10 right to develop the site (such as an easement). If the title report does not clearly indicate that
11 the applicant has such rights, then the applicant shall include the written consent of the record
12 holder(s) of the development site. The code official may waive this requirement if the title
13 report will not substantively inform the review of the development proposal.

14 10. All applications for preliminary design review shall contain all information and materials
15 deemed necessary by the code official to determine if the proposal complies with this chapter.
16 Such materials may include a site survey; site plans; elevations; sections; architectural plans;
17 roof plans; renderings and/or models; landscaping plan; parking plan; color and materials board;
18 vicinity maps; site photographs; SEPA checklist; traffic study; pedestrian and vehicle circulation
19 plans; and written narrative describing the project proposal and detailing how the project is
20 meeting the applicable design objectives and standards established in Chapters 19.11 or 19.12
21 MICC. For new construction, submittal of lighting and sign master plans may be deferred to the
22 public hearing if applicable.

23
24 B. A determination of completeness shall not preclude the code official from requesting additional
25 information or studies either at the time of determination of completeness or subsequently if new or
26 additional information is required or substantial changes in the proposed action occur, as determined by
27 the code official.

28
29 C. All applications for permits or land use review by the city shall be accompanied by a filing fee in an
30 amount established by city ordinance.

31
32 19.15.080. Determination of Completeness and Letter of Completion.

33 A. Complete Application Required. The city will not accept an incomplete application for processing and
34 review. An application is complete only when all information required on the application form and all
35 submittal items required by the development code have been provided to the satisfaction of the code
36 official.

37
38 B. Determination of Completeness. Within 28 days after receiving an application for a Type III and Type
39 IV land use review, the city shall mail, email, or provide in person a written Letter of Completion or
40 Letter of In-Completion to the applicant, stating either that the application is complete or that the
41 application is incomplete. If an application is incomplete, the Letter of In-Completion shall identify what
42 additional documentation is necessary to result in a complete application. An application shall be
43 deemed complete if the city does not provide a written determination to the applicant stating that the
44 application is incomplete within 28 days after receiving an application.

45
46 C. Response to Letter of In-Completion. Within 14 days after an applicant has submitted all additional
47 information identified as being necessary for a complete application, the city shall notify the applicant

1 that the application is complete, or indicate that the application is incomplete and specify additional
2 documentation as specified in section B. above that is necessary to result in a complete application.

3
4 D. Completion Date. The date an application is determined complete is the date of receipt by the
5 department of all of the information necessary to make the application complete as provided in this
6 chapter. The department's issuance of a Letter of Complete application, or the failure of the department
7 to provide such a letter as directed by this section, shall cause an application to be conclusively deemed
8 to be complete as provided in this section.

9
10 E. If the applicant fails to provide the required information within 90 days of the Letter of In-Completion,
11 the application shall lapse.

12
13 19.15.090. Public Notification.

14 A. Public notification is distinct from a notice of application, a notice of decision, and a notice of public
15 hearing. The purpose is to inform and notify the community of projects. No comment period is
16 required for a Public Notification, although public comment is allowed.

17
18 B. Timing. A Public Notification will be issued for Type II permits listed in MICC 19.15.010(E) prior to
19 issuance of a decision, and as soon as reasonably feasible after submittal of a complete application.

20
21 C. Distribution. A Public Notification shall be posted in the weekly DSG Bulletin.

22
23 D. Content. A Public Notification shall include the following information:

- 24 1. Permit number;
- 25 2. The name of the applicant;
- 26 3. The location and description of the project;
- 27 4. A link to a website where additional information about the project can be found; and
- 28 5. Any other information that the city determines appropriate.

29
30 19.15.100. Notice of Application.

31 A. Timing. Within 14 days of the determination of completeness, the city shall issue a notice of
32 application for all Type III and Type IV permits listed in MICC 19.15.010(E).

33
34 B. Distribution. Notice shall be provided in the weekly DSG bulletin, mailed to all property
35 owners within 300 feet of the property, posted on the site in a location that is visible to the
36 public right-of-way, and made available to the general public upon request.

37 If the owner of a proposed long subdivision owns land contiguous to the proposed long
38 subdivision, that contiguous land shall be treated as part of the long subdivision for notice
39 purposes, and notice of the application shall be given to all owners of lots located within 300
40 feet of the proposed long subdivision and the applicant's contiguous land. The city shall provide
41 written notice to the Department of Transportation of an application for a long subdivision or
42 short subdivision that is abutting the right-of-way of a state highway.

43
44 C. Content. The notice of application shall include the following information:

- 45 a. The dates of the application, the determination of completeness, and the notice of
46 application;
- 47 b. The name of the applicant;
- 48 c. The location and description of the project;

- d. The requested actions and/or required studies;
- e. The date, time, and place of the open record hearing, if one has been scheduled;
- f. Identification of environmental documents, if any;
- g. A statement of the public comment period, which shall be not less than 30 days following the date of notice of application; and a statement of the rights of individuals to comment on the application, receive notice and participate in any hearings, request a copy of the decision once made and any appeal rights.
- h. The city staff contact and contact information;
- i. The identification of other permits not included in the application to the extent known by the city;
- j. A description of those development regulations used in determining consistency of the project with the city's comprehensive plan;
- k. A link to a website where additional information about the project can be found; and
- l. Any other information that the city determines appropriate.

D. Open Record Hearing. If an open record hearing is required on the land use approval, the city shall provide the notice of application at least 30 days prior to the hearing.

E. Public Comment. The city shall accept public comments at any time prior to the closing of the record of an open record pre-decision hearing, if any, or if no open record pre-decision hearing is provided, prior to the decision on the project land use review.

F. Except for a determination of significance, the city shall not issue a threshold determination under MICC 19.07.120 or issue a decision on an application until the expiration of the public comment period on the notice of application.

19.15.110. Public Hearing Notice.

A. A public hearing notice is required for land use reviews requiring a public hearing. A Public Hearing Notice may be combined with a Notice of Application.

B. Public hearing notice shall be provided at least 30 days prior to any required open record hearing

C. The public hearing notice shall include the following:

- 1. A general description of the proposed project and the action to be taken by the city;
- 2. A address or parcel number of the property and a vicinity map or sketch;
- 3. The time, date and location of the open record public hearing;
- 4. A contact name and number where additional information may be obtained;
- 5. A statement that only those persons who submit written comments or testify at the open record hearing will be parties of record; and only parties of record will receive a notice of the decision and have the right to appeal;
- 6. A link to a website where additional information about the project can be found.

D. Public hearing notices shall be provided in the following manner:

1. Notice shall be mailed to parties of record, all property owners within 300 feet of the property, published in the weekly DSG bulletin, and posted on the site in a location that is visible to the public right-of-way.

a. Long Subdivisions. Additional notice for the public hearing for a preliminary long subdivision approval shall be provided as follows:

1 (1) Notice of public hearing shall also be published in a newspaper of general
2 circulation within the city.

3 (2) If the owner of a proposed long subdivision owns land contiguous to the
4 proposed long subdivision, that contiguous land shall be treated as part of the
5 long subdivision for notice purposes, and the Public Hearing Notice shall be
6 given to all owners of lots located within 300 feet of the proposed long
7 subdivision and the applicant's contiguous land.

8
9 E. Every complete application for which notice is to be provided under subsection (D)(1) of this section
10 together with all information provided by the applicant for consideration by the decision authority shall
11 be posted by the city to a website accessible without charge to the public. Information shall be posted at
12 the time the city issues the notice of application under subsection (D)(1) of this section and shall be
13 updated within seven days after additional information is received from the applicant.

14
15
16 19.15.120. Response to Comments and Extensions.

17 A. Request authorized. The official or entity reviewing a development proposal may request additional
18 information or studies if:

- 19 1. New or additional information is required to complete a land use review and issue a decision;
20 2. Substantial changes in the development proposal are proposed by the applicant; or
21 3. The official or entity reviewing the development proposal determines additional information
22 is required prior to issuance of a decision.

23
24 B. Deadline for response. The official or entity requesting information shall establish a time limit for the
25 applicant to respond. The time limit for an applicant to respond to a request for information shall not
26 be less than 30 days, provided an extension to applicant's time limit to respond may be authorized
27 pursuant to section C., below. If responses are not received within the established time limit and no
28 extension has been authorized, the code official may cancel the land use review for inactivity.

29
30 C. Deadline extension. Applicants may request an extension to provide requested materials. Extension
31 requests shall be in writing, shall include a basis for the extension and shall be submitted in writing prior
32 to expiration of the time limit. The code official is authorized to extend the time limit in writing. There
33 is no limit to the number of extensions an applicant may be granted, however the total time limit for a
34 response shall not exceed 180 days unless there is an extenuating circumstance. An extenuating
35 circumstance must be unexpected and beyond the control of the applicant.

36
37 19.15.130. Notice of Decision.

38 The city will make an effort to process permits and land use reviews in a reasonable time subject to
39 constraints related to staff workload and resources. The city shall provide notice in a timely manner of
40 its final decision or recommendation on development proposals requiring Type II, III and IV land use
41 decisions, including the SEPA threshold determination, if any, the dates for any public hearings, and the
42 procedures for administrative appeals, if any. Notice shall be provided to the applicant, parties of
43 record, agencies with jurisdiction. Notice of decision shall also be provided to the public as provided in
44 MICC 19.15.100. The notice of decision may be provided by email or a hard copy may be mailed.

45
46 19.15.140. Appeals.

47 A. Appeals to Shoreline Hearings Board. Appeals to any shoreline substantial development permit,
48 shoreline conditional use permit, or shoreline variance decision, shall be in accordance with RCW

1 90.58.180. Appeals to shoreline exemptions permits shall be filed in accordance with subsection B. of
2 this section.

3
4 B. Administrative Appeals. Any decision may be administratively appealed by filing a written appeal on
5 the decision. Administrative appeals shall be filed with the city clerk within 14 days after the notice of
6 decision is made available to the public and applicant pursuant to MICC 19.15.130 , if a notice of
7 decision is required, or after the effective date of the decision subject to appeal if no notice of decision
8 is required.

9
10 C. The burden of proof is on the appellant to demonstrate that there has been substantial error, or the
11 proceedings were materially affected by irregularities in procedure, or the decision was unsupported by
12 evidence in the record, or that the decision is in conflict with the standards for review of the particular
13 action;

14
15 D. Written appeals shall include the following information:

- 16 1. The decision(s) being appealed;
- 17 2. The development code interpretation, if any, associated with the proposed appeal;
- 18 3. The name and address of the appellant and his/her interest in the matter;
- 19 4. The specific reasons why the appellant believes the decision to be wrong. The burden of proof
20 is on the appellant to demonstrate that there has been substantial error, or the proceedings
21 were materially affected by irregularities in procedure, or the decision was unsupported by
22 evidence in the record, or that the decision is in conflict with the standards for review of the
23 particular action;
- 24 5. The desired outcome or changes to the decision; and
- 25 6. Payment of the appeals fee, if any.

26
27 E. Authority for appeals is specified in MICC 19.15.040(E).

28
29 F. Notice of an open record public hearing for an appeal shall be provided consistent with the notice of
30 public hearing provisions of MICC 19.15.110.

31
32 G. The hearing body may adopt rules of procedure in addition to the following required provisions. At a
33 minimum, rules of procedure for appeal hearings shall ~~be as follows~~ provide that:

- 34 1. If the hearing body finds that there has been substantial error, or the proceedings were
35 materially affected by irregularities in procedure, or the decision was unsupported by material
36 and substantial evidence in view of the entire record, or the decision is in conflict with the city's
37 applicable decision criteria, it may:
 - 38 a. Reverse the decision.
 - 39 b. Modify the decision and approve it as modified.
 - 40 c. Remand the decision back to the decision maker for further consideration.
- 41 2. If the hearing body finds that none of the procedural or factual bases listed above exist and
42 that there has been no substantial error, the hearing body may adopt the findings and/or
43 conclusions of the decision body, concur with the decision of the decision body and approve the
44 development proposal as originally approved, with or without modifications.
- 45 3. Final decision on the appeal shall be made within 30 days from the last day of the appeal
46 hearing.
- 47 4. The city's final decision on a development proposal may be appealed to King County Superior
48 Court within 21 days of the issuance of the decision.

1
2 H. When an applicant has opted for consolidated permit processing pursuant to subsection I of this
3 section, administrative appeals of Type I, II, or III approvals listed in MICC 19.15.010(E) for a single
4 project shall be consolidated and heard together in a single appeal by the highest level hearing body.
5 For example, an appeal of a consolidated decision for a Type I and III decision, shall be heard by the
6 Hearing Examiner.

7
8 19.15.150. Open Record Public Hearing.

9 A. Only one open record public hearing shall be required prior to action on all Type IV actions or to hear
10 an appeal of a Type I, II, or III decision.

11
12 B. Open record public hearings shall be conducted in accordance with the hearing body's rules of
13 procedures. In conducting an open record public hearing, the hearing body's chair shall, in general,
14 observe the following sequence:

15 1. Staff presentation, including the submittal of any additional information or correspondence.
16 Members of the hearing body may ask questions of staff.

17 2. Applicant and/or applicant representative's presentation. Members of the hearing body may
18 ask questions of the applicant.

19 3. Testimony by the public. Questions directed to the staff, the applicant or members of the
20 hearing body shall be posed by the chairperson at his/her discretion.

21 4. Rebuttal, response or clarifying statements by the applicant and/or the staff and/or the
22 public.

23 5. The public comment portion of the hearing is closed and the hearing body shall deliberate on
24 the action before it.

25
26 C. Following the hearing procedure described above, the hearing body shall:

27 1. Approve;

28 2. Conditionally approve;

29 3. Continue the hearing;

30 4. Remand the application to staff; or

31 5. Deny the application.

32
33 19.15.160. Expiration of Approvals.

34 A. General. Except as stated below, or as otherwise conditioned in the approval process, land use
35 review approvals shall expire three years from the date of notice of decision if the development
36 proposal authorized by the land use review is not commenced. For the purposes of this section, the
37 development proposal shall be considered established if construction or substantial progress toward
38 construction of a development proposal for which a land use review approval has been granted must be
39 undertaken within two years of the date of notice of decision of the land use review. Where no
40 construction activities are involved, the use or activity shall be commenced within three years of the
41 date of notice of decision of the land use review.

42
43 B. Renewal. Renewal of expired land use approvals shall require a new application.

44
45 C. Long and Short Subdivisions. A final plat application meeting all requirements of this chapter shall be
46 submitted to the code official and recorded within five years of the date of preliminary plat approval.

1 D. Shoreline Land Use Reviews. The following time limits shall apply to all substantial development
2 permits, shoreline conditional use permits and shoreline variance permits:

- 3 1. Construction or substantial progress toward construction of a development for which a
4 permit has been granted must be undertaken within two years of the effective date of a
5 shoreline permit. Where no construction activities are involved, the use or activity shall be
6 commenced within two years of the effective date of a substantial development permit. The
7 effective date of a shoreline permit shall be the date of the last action required on the shoreline
8 permit and all other government permits and approvals that authorize the development to
9 proceed, including all administrative and legal actions on any such permit or approval.
10 2. A single extension before the end of the time limit, with prior notice to parties of record, for
11 up to one year, based on reasonable factors may be granted, if a request for extension has been
12 filed before the expiration date and notice of the proposed extension is given to parties of
13 record and to the Department of Ecology.

14
15 E. Design Review. If the applicant has not submitted a complete application for a building permit within
16 three years from the date of the notice of the final design review decision, or within three years from
17 the decision on appeal from the final design review decision, design review approval shall expire.

18
19 F. Responsibility for knowledge of the expiration date shall be with the applicant.

20
21 19.15.170. Code Interpretations.

22 A. Upon formal application or as determined necessary, the code official may issue a written
23 interpretation of the meaning or application of provisions of the development code. In issuing the
24 interpretation, the code official shall consider the following:

- 25 1. The plain language of the code section in question;
26 2. Purpose and intent statement of the chapters in question;
27 3. Legislative intent of the city council provided with the adoption of the code sections in
28 question;
29 4. Policy direction provided by the Mercer Island comprehensive plan;
30 5. Relevant judicial decisions;
31 6. Consistency with other regulatory requirements governing the same or similar situation;
32 7. The expected result or effect of the interpretation; and
33 8. Previous implementation of the regulatory requirements governing the situation.

34
35 B. The code official may also bring any issue of interpretation before the planning commission for
36 determination. Anyone in disagreement with an interpretation by the code official may also appeal the
37 code official's interpretation to the hearing examiner.

38
39 19.15.180. Vesting

40 A. Purpose. The purpose of this section is to identify certain points in the land use approval process at
41 which an applicant's rights become "vested." Vested rights is defined as the guarantee that an
42 application will be reviewed and a development proposal can be developed (if a permit is issued) under
43 regulations and procedures existing at one moment in time and regardless of changes that may have
44 been made later and prior to final completion of a project or use.

45
46 B. Vesting for Land Use Reviews. Complete applications for land use review of Type I land use reviews,
47 building permits, conditional use permits, design review, short subdivisions and long subdivisions, shall
48 vest on the date a complete application is filed. The department's issuance of a Letter of Completion for

1 Type III and IV land use decisions, as provided in this chapter, or the failure of the department to provide
2 such a letter as provided in this chapter, shall cause an application to be conclusively deemed to be
3 vested as provided herein.

4
5 C. Scope of Vested Rights.

6 1. Land use reviews that are subject to the provisions of this section shall be considered under
7 the zoning and land use control ordinances (Titles 15 and 19 MICC) in effect on the date of
8 complete application. Supplemental information and revisions to a development proposal
9 design required by the City after vesting of a complete application shall not affect the validity of
10 the vesting for such application.

11 2. An applicant must specifically identify a proposed land use or uses in the land use review
12 application as the intended use of the development proposal site in order to vest the right to
13 engage in a specific land use against an ordinance implementing a change in permitted land
14 uses.

15 3. An application for a land use review may be denied or approved with conditions under the
16 authority of the City to protect and enhance the public safety, health and welfare, and under the
17 State Environmental Policy Act (SEPA) and the City of Mercer Island's SEPA regulations and
18 policies as of the date of vesting, notwithstanding the fact that the applicant has attained a
19 vested right against enforcement of an ordinance implementing changes in regulations, codes or
20 procedures affecting that land use review application.

21
22 D. Termination of Vested Rights.

23 1. Termination of vested rights associated with a land use review for a development proposal
24 shall occur at the time of expiration of land use review approval, as established in MICC
25 19.15.160 or when an applicant withdraws the land use application.

26 2. Applicant-generated modifications or requests for revision(s) to building permits, short
27 subdivision, or long subdivisions which are not made in response to staff review, public process,
28 appeal, or conditions of approval, and which result in substantial changes to a development
29 proposal design, which includes but is not limited to include the creation of additional lots,
30 substantial change in access, substantial changes in project design, or additional impacts to
31 critical areas shall be treated as new applications for purposes of vesting.

32 3. Applicant-generated proposals to create additional lots, substantially change access, increase
33 critical area impacts, or change conditions of approval on an approved preliminary short
34 subdivision or long subdivision shall also be treated as a new application for purposes of vesting.

35
36 19.15.190. Additional Procedures for Shoreline Review.

37 A. Open record public hearing. An open record public hearing before the code official shall be
38 conducted on the shoreline substantial development permits, shoreline conditional use permits, and
39 shoreline variances when within the 30-day comment period, 10 or more interested citizens file a
40 written request for a public hearing.

41
42 B. Ecology filing. The applicant shall not begin construction until after 21 days from the date of receipt
43 by the Department of Ecology and Attorney General and/or any appeals are concluded. The applicant
44 shall also comply with all applicable federal, state and city standards for construction.

45
46 C. Shoreline Substantial Development Permit Decisions. The city's action in approving, approving with
47 conditions, or denying any substantial development permit or shoreline exemption is final unless an
48 appeal is filed in accordance with applicable laws. The city shall send the shoreline permit decisions to

1 the applicant, the Department of Ecology, the Washington State Attorney General and to all other
2 applicable local, state, or federal agencies. The decision shall be sent to the Department of Ecology by
3 return receipt requested mail or as regulated by WAC 173-27-130.
4

5 D. Shoreline Conditional Use Permits and Shoreline Variances. The final decision in approving,
6 approving with conditions, or denying a shoreline conditional use permit or shoreline variance is
7 rendered by the Department of Ecology in accordance with WAC 173-27-200, and all other applicable
8 local, state, or federal laws. The city shall send the shoreline permit decision to the applicant, the
9 Department of Ecology, the Washington State Attorney General and to all other applicable local, state,
10 or federal agencies. The decision shall be sent to the Department of Ecology by return receipt requested
11 mail or as regulated by WAC 173-27-130.
12

13 ~~1. All applications for permits or actions by the city shall be submitted on forms provided by the~~
14 ~~development services group. An application shall contain all information deemed necessary by the code~~
15 ~~official to determine if the proposed permit or action will comply with the requirements of the~~
16 ~~applicable development regulations. The applicant for a development proposal shall have the burden of~~
17 ~~demonstrating that the proposed development complies with the applicable regulations and decision~~
18 ~~criteria.~~
19

20 ~~2. All applications for permits or actions by the city shall be accompanied by a filing fee in an amount~~
21 ~~established by city ordinance.~~
22

23 ~~C. Determination of Completeness.~~
24

25 ~~1. The city will not accept an incomplete application. An application is complete only when all~~
26 ~~information required on the application form and all submittal items required by code have been~~
27 ~~provided to the satisfaction of the code official.~~
28

29 ~~2. Within 28 days after receiving a development permit application, the city shall mail or provide in~~
30 ~~person a written determination to the applicant, stating either that the application is complete or that~~
31 ~~the application is incomplete and what is necessary to make the application complete. An application~~
32 ~~shall be deemed complete if the city does not provide a written determination to the applicant stating~~
33 ~~that the application is incomplete.~~
34

35 ~~3. Within 14 days after an applicant has submitted all additional information identified as being~~
36 ~~necessary for a complete application, the city shall notify the applicant whether the application is~~
37 ~~complete or what additional information is necessary.~~
38

39 ~~4. If the applicant fails to provide the required information within 90 days of the determination of~~
40 ~~incompleteness, the application shall lapse. The applicant may request a refund of the application fee~~
41 ~~minus the city's cost of determining the completeness of the application.~~
42

43 ~~D. Notice of Application.~~
44

45 ~~1. Within 14 days of the determination of completeness, the city shall issue a notice of application for all~~
46 ~~administrative, discretionary, and legislative actions listed in MICC 19.15.010(E) and major single-family~~
47 ~~dwelling building permits.~~
48

1 2. The notice of application shall include the following information:

2
3 a. The dates of the application, the determination of completeness, and the notice of application;

4
5 b. The name of the applicant;

6
7 c. The location and description of the project;

8
9 d. The requested actions and/or required studies;

10
11 e. The date, time, and place of the open record hearing, if one has been scheduled;

12
13 f. Identification of environmental documents, if any;

14
15 g. A statement of the public comment period, which shall be not less than 30 days following the date of
16 notice of application; and a statement of the rights of individuals to comment on the application, receive
17 notice and participate in any hearings, request a copy of the decision once made and any appeal rights.
18 The city shall accept public comments at any time prior to the closing of the record of an open record
19 predecision hearing, if any, or if no open record predecision hearing is provided, prior to the decision on
20 the project permit;

21
22 h. The city staff contact and contact information;

23
24 i. The identification of other permits not included in the application to the extent known by the city;

25
26 j. A description of those development regulations used in determining consistency of the project with
27 the city's comprehensive plan;

28
29 k. A link to a website where additional information about the project can be found; and

30
31 l. Any other information that the city determines appropriate.

32
33 3. Open Record Hearing. If an open record hearing is required on the permit, the city shall:

34
35 a. Provide the notice of application at least 30 days prior to the hearing; and

36
37 b. Issue any threshold determination required under MICC 19.07.110 at least 30 days prior to the
38 hearing.

39
40 4. Notice shall be provided in the bi-weekly DSG bulletin, posted at City Hall and made available to the
41 general public upon request.

42
43 5. All comments received on the notice of application must be received by the development services
44 group by 5 pm on the last day of the comment period.

45
46 6. Except for a determination of significance, the city shall not issue a threshold determination under
47 MICC 19.07.110 or issue a decision on an application until the expiration of the public comment period
48 on the notice of application.

1
2 7. A notice of application is not required for the following actions; provided, the action is either
3 categorically exempt from SEPA or an environmental review of the action in accordance with SEPA has
4 been completed:

5
6 a. Building permit other than a major single-family dwelling building permit;

7
8 b. Lot line revision;

9
10 c. Right-of-way permit;

11
12 d. Storm drainage permit;

13
14 e. Home occupation permit;

15
16 f. Design review—minor new construction;

17
18 g. Final plat approval;

19
20 h. Shoreline exemption permit;

21
22 i. Seasonal development limitation waiver; and

23
24 k. Tree removal permit.

25
26 E. Public Notice and Information Availability.

27
28 1. In addition to the notice of application, a public notice is required for all administrative, discretionary,
29 and legislative actions listed in MICC 19.15.010(E) and major single-family dwelling building permits.

30
31 2. Public notice shall be provided at least 30 days prior to any required open record hearing. If no such
32 hearing is required, public notice shall be provided 14 days prior to the decision on the application.

33
34 3. The public notice shall include the following:

35
36 a. A general description of the proposed project and the action to be taken by the city;

37
38 b. A nonlegal description of the property, vicinity map or sketch;

39
40 c. The time, date and location of any required open record hearing;

41
42 d. A contact name and number where additional information may be obtained;

43
44 e. A statement that only those persons who submit written comments or testify at the open record
45 hearing will be parties of record; and only parties of record will receive a notice of the decision and have
46 the right to appeal;

47
48 f. A description of the deadline for submitting public comments;

1
2 ~~g. A link to a website where additional information about the project can be found.~~

3
4 ~~4. Public notice shall be provided in the following manner:~~

5
6 ~~a. Administrative and Discretionary Actions and Major Single Family Dwelling Building Permits. Notice~~
7 ~~shall be mailed to parties of record, all property owners within 300 feet of the property and posted on~~
8 ~~the site in a location that is visible to the public right-of-way.~~

9
10 ~~i. Long Subdivisions. Additional notice for long subdivisions shall be provided as follows:~~

11
12 ~~(a) Public notice of an application for a long subdivision shall also be published at least 30 days prior to~~
13 ~~the open record hearing on the application in a newspaper of general circulation within the city.~~

14
15 ~~(b) If the owner of a proposed long subdivision owns land contiguous to the proposed long subdivision,~~
16 ~~that contiguous land shall be treated as part of the long subdivision for notice purposes, and notice of~~
17 ~~the application shall be given to all owners of lots located within 300 feet of the proposed long~~
18 ~~subdivision and the applicant's contiguous land.~~

19
20 ~~(c) The city shall provide written notice to the Department of Transportation of an application for a long~~
21 ~~subdivision or short subdivision that is located adjacent to the right-of-way of a state highway. The~~
22 ~~notice shall include a legal description of the long subdivision or short subdivision and a location map.~~

23
24 ~~b. Legislative Action. Notice shall be published in a newspaper of general circulation within the city.~~

25
26 ~~5. Every complete development permit application for which notice is to be provided under subsection~~
27 ~~(D)(1) of this section together with all information provided by the applicant for consideration by the~~
28 ~~decision authority shall be posted by the city to a website accessible without charge to the public.~~
29 ~~Information shall be posted at the time the city issues the notice of application under subsection (D)(1)~~
30 ~~of this section and shall be updated as needed and in any event within seven days after additional~~
31 ~~information is received from the applicant. The provisions of this subsection (E)(5) shall only apply to~~
32 ~~development permit applications filed on or after May 29, 2017.~~

33
34 ~~F. Open Record Hearing.~~

35
36 ~~1. Only one open record hearing shall be required prior to action on all discretionary and legislative~~
37 ~~actions except design review and street vacations.~~

38
39 ~~2. Open record hearings shall be conducted in accordance with the hearing body's rules of procedures.~~
40 ~~In conducting an open record hearing, the hearing body's chair shall, in general, observe the following~~
41 ~~sequence:~~

42
43 ~~a. Staff presentation, including the submittal of any additional information or correspondence. Members~~
44 ~~of the hearing body may ask questions of staff.~~

45
46 ~~b. Applicant and/or applicant representative's presentation. Members of the hearing body may ask~~
47 ~~questions of the applicant.~~

1 e. Testimony by the public. Questions directed to the staff, the applicant or members of the hearing
2 body shall be posed by the chairperson at his/her discretion.

3
4 d. Rebuttal, response or clarifying statements by the applicant and/or the staff.

5
6 e. The public comment portion of the hearing is closed and the hearing body shall deliberate on the
7 action before it.

8
9 3. Following the hearing procedure described above, the hearing body shall:

10
11 a. Approve;

12
13 b. Conditionally approve;

14
15 c. Continue the hearing; or

16
17 d. Deny the application.

18
19 G. Decision Criteria. Decisions shall be based on the criteria specified in the Mercer Island City Code for
20 the specific action. An applicant for a development proposal shall have the burden of demonstrating
21 that the proposed development complies with the applicable regulations and decision criteria. A
22 reference to the code sections that set out the criteria and standards for decisions appears in MICC
23 19.15.010(E). For those actions that do not otherwise have criteria specified in other sections of the
24 code, the following are the required criteria for decision:

25
26 1. Comprehensive Plan Amendment.

27
28 a. The amendment is consistent with the Growth Management Act, the county wide planning policies,
29 and the other provisions of the comprehensive plan and city policies; and:

30
31 i. There exists obvious technical error in the information contained in the comprehensive plan; or

32
33 ii. The amendment addresses changing circumstances of the city as a whole.

34
35 b. If the amendment is directed at a specific property, the following additional findings shall be
36 determined:

37
38 i. The amendment is compatible with the adjacent land use and development pattern;

39
40 ii. The property is suitable for development in conformance with the standards under the potential
41 zoning; and

42
43 iii. The amendment will benefit the community as a whole and will not adversely affect community
44 facilities or the public health, safety, and general welfare.

45
46 2. Reclassification of Property (Rezoning).

- 1 a. The proposed reclassification is consistent with the policies and provisions of the Mercer Island
2 comprehensive plan;
3
4 b. The proposed reclassification is consistent with the purpose of the Mercer Island development code
5 as set forth in MICC 19.01.010;
6
7 c. The proposed reclassification is an extension of an existing zone, or a logical transition between zones;
8
9 d. The proposed reclassification does not constitute a “spot” zone;
10
11 e. The proposed reclassification is compatible with surrounding zones and land uses; and
12
13 f. The proposed reclassification does not adversely affect public health, safety and welfare.
14

15 **3. Conditional Use Permit.**

- 16
17 a. The permit is consistent with the regulations applicable to the zone in which the lot is located;
18
19 b. The proposed use is determined to be acceptable in terms of size and location of site, nature of the
20 proposed uses, character of surrounding development, traffic capacities of adjacent streets,
21 environmental factors, size of proposed buildings, and density;
22
23 c. The use is consistent with policies and provisions of the comprehensive plan; and
24
25 d. Conditions shall be attached to the permit assuring that the use is compatible with other existing and
26 potential uses within the same general area and that the use shall not constitute a nuisance.
27

28 **4. Variances.** An applicant or property owner may request a variance from any numeric standard, except
29 for the standards contained within Chapter 19.07 MICC. A variance shall be granted by the city only if
30 the applicant can meet all criteria in subsections (G)(4)(a) through (h) of this section. A variance for
31 increased lot coverage for a regulated improvement pursuant to subsection (G)(4)(i) of this section shall
32 be granted by the city only if the applicant can meet criteria in subsections (G)(4)(a) through (i) of this
33 section:
34

- 35 a. The strict enforcement of the provisions of this title will create an unnecessary hardship to the
36 property owner. For the purposes of this criterion, in the R-8.4, R-9.6, R-12, and R-15 zoning
37 designations, an “unnecessary hardship” is limited to those circumstances where the adopted standards
38 of this title prevent the construction of a single family dwelling on a legally created, residentially zoned
39 lot;
40
41 b. The variance is the minimum necessary to grant relief to the property owner;
42
43 c. No use variance shall be allowed;
44
45 d. There are special circumstances applicable to the particular lot such as the size, shape, topography, or
46 location of the lot; or factors necessary for the successful installation of a solar energy system such as a
47 particular orientation of a building for the purposes of providing solar access;
48

1 e. The granting of the variance will not be materially detrimental to the public welfare or injurious to the
2 property or improvements in the vicinity and zone in which the property is situated;

3
4 f. The granting of the variance will not alter the character of the neighborhood, nor impair the
5 appropriate use or development of adjacent property;

6
7 g. The variance is consistent with the policies and provisions of the comprehensive plan and the
8 development code;

9
10 h. The basis for requesting the variance is not the direct result of a past action by the current or prior
11 property owner; and

12
13 i. Public and private schools, religious institutions, private clubs and public facilities in single family
14 zones with slopes of less than 15 percent may request a variance to increase the impervious surface to a
15 maximum 60 percent impervious surface and such variance application will be granted if the hearing
16 examiner determines that the applicant has demonstrated that the following criteria are satisfied:

17
18 i. There will be no net loss of permeable surface from the existing permeable surface. No net loss will be
19 determined by the code official and may be achieved by off-site mitigation and/or by reconstructing
20 existing parking areas to allow stormwater penetration. This replacement will be an exception to
21 subsection (D)(2)(b) of this section prohibiting parking areas from being considered as permeable
22 surfaces;

23
24 ii. All storm water discharged shall be mitigated consistent with the most recent Washington State
25 Department of Ecology Stormwater Management Manual for Western Washington, including
26 attenuation of flow and duration. Mitigation will be required for any and all new and replaced
27 impervious surfaces. In designing such mitigation, the use of a continuous simulation hydrologic model
28 such as KCRS or WWHM shall be required; event based models will not be allowed. In addition,
29 mitigation designs shall utilize flow control best management practices (BMPs) and low impact
30 development (LID) techniques to infiltrate, disperse and retain stormwater on site to mitigate the
31 increased volume, flow and pollutant loading to the maximum extent feasible;

32
33 iii. The director must approve a storm drainage report submitted by the applicant and prepared by a
34 licensed civil engineer assuring the city that city infrastructure, in concert with the project design, is
35 adequate to accommodate storm drainage from the project site, or identifying appropriate
36 improvements to public and/or private infrastructure to assure this condition is met, at the applicant's
37 expense; and

38
39 iv. The variance may not be used with other provisions to exceed this maximum 60 percent impervious
40 surface coverage.

41
42 5. Setback Deviation. A setback deviation shall be granted by the city only if the applicant demonstrates
43 all of the following:

44
45 a. Setback Deviation Criteria. Setback deviations shall be subject to the following criteria:

46
47 i. No use deviation shall be allowed;

1 ~~ii. The granting of the deviation will not be materially detrimental to the public welfare or injurious to~~
2 ~~the property or improvements in the vicinity and zone in which the property is situated;~~

3
4 ~~iii. The granting of the deviation will not alter the character of the neighborhood, nor impair the~~
5 ~~appropriate use or development of adjacent property;~~

6
7 ~~iv. The deviation is consistent with the policies and provisions of the comprehensive plan and the~~
8 ~~development code;~~

9
10 ~~v. The basis for requesting the deviation is not the direct result of a past action by the current or prior~~
11 ~~property owner;~~

12
13 ~~vi. The setback deviation is associated with the approval of development of a single lot or subdivision~~
14 ~~that is constrained by critical areas or critical area buffers;~~

15
16 ~~vii. The building pad resulting from the proposed deviation will result in less impact to critical areas or~~
17 ~~critical area buffers; and~~

18
19 ~~viii. Yard setbacks shall not be reduced below the following minimums:~~

20
21 ~~(a) Front and rear setbacks may not be reduced to less than 10 feet each;~~

22
23 ~~(b) Side setbacks may not be reduced to less than five feet.~~

24
25 ~~6. Shoreline Permits Administration and Procedures.~~

26
27 ~~a. Administrative Responsibility. Except as otherwise stated in this section, the code official is~~
28 ~~responsible for:~~

29
30 ~~i. Administering shoreline permits.~~

31
32 ~~ii. Approving, approving with conditions or denying shoreline exemption permits, substantial~~
33 ~~development permits, shoreline conditional use permits, shoreline variances and permit revisions in~~
34 ~~accordance with applicable provisions.~~

35
36 ~~iii. Determining compliance with the State Environmental Policy Act.~~

37
38 ~~iv. No development shall be undertaken within the shorelands without first obtaining a shoreline~~
39 ~~exemption permit, substantial development permit, conditional use permit, and/or a variance permit in~~
40 ~~accordance with all applicable procedures unless it qualifies under a categorical exemption. In addition,~~
41 ~~such permit shall be in compliance with permit requirements of all other agencies having jurisdiction~~
42 ~~within the shorelands. Compliance with all applicable federal and state regulations is also required.~~

43
44 ~~b. Shoreline Categorical Exemption Decision Criteria and Process. Any development that qualifies as~~
45 ~~being a shoreline categorical exemption, as specified in MICC 19.07.110, shall not require a shoreline~~
46 ~~permit, but must still meet all requirements of the Mercer Island Unified Land Development Code.~~

47
48 ~~c. Shoreline Exemption Permit Decision Criteria and Process.~~

1
2 i. Shoreline Exemption Permit Application Criteria. A shoreline exemption permit may be granted to the
3 following development as long as such development is in compliance with all applicable requirements of
4 the Mercer Island Unified Land Development Code and any of the following:

5
6 (A) Any development of which the total cost or fair market value, whichever is higher, does not exceed
7 \$6,416 or as periodically revised by the Washington State Office of Financial Management, if such
8 development does not materially interfere with the normal public use of the water or shorelines of the
9 state; or

10
11 (B) Normal maintenance or repair of existing structures or developments, including damage by accident,
12 fire or elements. "Normal maintenance" includes those usual acts established to prevent a decline,
13 lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a
14 development to a state comparable to its original condition within a reasonable period after decay or
15 partial destruction, including complete replacement of legally existing structures. Normal maintenance
16 of single-family dwellings is categorically exempt as stated above; or

17
18 (C) Construction of the normal protective bulkhead common to single-family dwellings. A "normal
19 protective" bulkhead is constructed at or near the ordinary high water mark to protect a single-family
20 dwelling and is for protecting land from erosion, not for the purpose of creating land. Where an existing
21 bulkhead is being replaced, it shall be constructed no further waterward of the existing bulkhead than is
22 necessary for construction of new footings; or

23
24 (D) Emergency construction necessary to protect property from damage by the elements. An
25 "emergency" is an unanticipated and imminent threat to public health, safety, or the environment
26 which requires immediate action within a time too short to allow full compliance with this section; or

27
28 (E) Construction or modification of navigational aids such as channel markers and anchor buoys; or

29
30 (F) Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the
31 owners, lessee, or contract purchaser of a single-family dwelling, for which the cost or fair market value,
32 whichever is higher, does not exceed \$10,000; or

33
34 (G) Any project with a certification from the governor pursuant to Chapter 80.50 RCW; or

35
36 (H) Projects for the restoration of ecological functions.

37
38 ii. Shoreline Exemption Permit Application Process. The city shall issue or deny the shoreline exemption
39 permit within 10 calendar days of receiving a complete application, or 10 days after issuance of a DNS,
40 MDNS or EIS if SEPA review is required. The city shall send the shoreline permit decisions to the
41 applicant and all applicable local, state, or federal agencies as required by state or federal law.

42
43 d. Substantial Development Permit Application Decision Criteria and Process. A substantial development
44 permit (SDP) is required for any development within shorelands not qualifying as being subject to a
45 categorical exemption or shoreline exemption permit. Requirements and procedures for securing a
46 substantial development permit are established below.

1 ~~i. SDP Application Decision Criteria. All requirements of the Mercer Island Unified Land Development~~
2 ~~Code shall apply to the approval of a shoreline development permit.~~

3
4 ~~ii. SDP Application Process. The applicant shall attend a preapplication meeting prior to submittal of a~~
5 ~~substantial development permit. Upon completion of the preapplication meeting, a complete~~
6 ~~application, filing fees and SEPA checklist, if applicable, shall be filed with the city on approved forms to~~
7 ~~ensure compliance with development codes and standards.~~

8
9 ~~(A) Once a complete application has been submitted, public notice of an application for a substantial~~
10 ~~development permit shall be made in accordance with the procedures set forth in the Mercer Island~~
11 ~~Uniform Land Development Code for administrative actions; provided, such notice shall be given at least~~
12 ~~30 days before the date of final action by the city. The notices shall include a statement that any person~~
13 ~~desiring to submit written comments concerning an application, or desiring to receive notification of the~~
14 ~~final decision concerning an application as expeditiously as possible after the issuance of the decision,~~
15 ~~may submit the comments or request a copy of the decision(s) to the city within 30 days from the last~~
16 ~~date the notice is published. If a hearing is to be held on an application, notices of such hearing shall~~
17 ~~include a statement that any person may submit oral or written comments on an application at the~~
18 ~~hearing.~~

19
20 ~~(B) Within 30 days of the final publication, posting or mailing of the notice, whichever comes last, any~~
21 ~~interested person may submit written comments on the proposed application. The city will not make a~~
22 ~~decision on the permit until after the end of the comment period. An open record hearing before the~~
23 ~~code official, as set out in subsection F of this section, shall be conducted on the shoreline substantial~~
24 ~~development permits when the following factors exist:~~

25
26 ~~(1) The proposed development has broad public significance; or~~

27
28 ~~(2) Within the 30-day comment period, 10 or more interested citizens file a written request for a public~~
29 ~~hearing; or~~

30
31 ~~(3) At the discretion of the code official.~~

32
33 ~~(C) The technical review of shoreline substantial development permits must ensure that the proposal~~
34 ~~complies with the criteria of the Shoreline Management Act policies and all requirements of the city of~~
35 ~~Mercer Island Unified Land Development Code.~~

36
37 ~~(D) The city's action in approving, approving with conditions, or denying any substantial development~~
38 ~~permit or shoreline exemption is final unless an appeal is filed in accordance with applicable laws. The~~
39 ~~city shall send the shoreline permit decisions to the applicant, the Department of Ecology, the~~
40 ~~Washington State Attorney General and to all other applicable local, state, or federal agencies.~~

41
42 ~~(E) The applicant shall not begin construction until after 21 days from the date of receipt by the~~
43 ~~Department of Ecology and Attorney General and/or any appeals are concluded. The applicant shall also~~
44 ~~comply with all applicable federal, state and city standards for construction.~~

45
46 ~~e. Shoreline Conditional Use Permit Application Decision Criteria and Process. The purpose of a shoreline~~
47 ~~conditional use permit is to provide a system which allows flexibility in the application of use regulations~~
48 ~~in a manner consistent with the policies of RCW 90.58.020. In authorizing a shoreline conditional use,~~

1 special conditions may be attached to the permit by the city of Mercer Island or the Department of
2 Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project
3 with the Shoreline Management Act and the applicable city regulations.
4

5 i. ~~Shoreline Conditional Use Permit Application Decision Criteria.~~ All requirements of the Mercer Island
6 Uniform Land Development Code shall apply to the approval of a shoreline conditional use permit. Uses
7 that require a shoreline conditional use permit may be authorized; provided, that the applicant
8 demonstrates all of the following:
9

10 (A) That the proposed use is consistent with the policies of RCW 90.58.020 and the Mercer Island
11 Uniform Land Development Code;

12
13 (B) That the proposed use will not detrimentally interfere with the normal public use of shorelands
14 within the "urban park environment" shoreline environment designation;

15
16 (C) That the proposed use of the site and design of the project is compatible with other authorized uses
17 within the area and with uses allowed for the area by the Mercer Island Uniform Land Development
18 Code;

19
20 (D) That the proposed use will cause no significant adverse effects to the shoreline environment in
21 which it is to be located; and

22
23 (E) That the public interest suffers no substantial detrimental effect.

24
25 (F) In applying the above criteria when reviewing shoreline conditional use applications, consideration
26 shall be given to the cumulative impact of additional requests for like actions in the area. For example, if
27 shoreline conditional use permits were granted for other developments in the area where similar
28 circumstances exist, the total of the shoreline conditional uses shall also remain consistent with the
29 policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline
30 environment.
31

32 ii. ~~Shoreline Conditional Use Permit Application Process.~~ The applicant shall attend a preapplication
33 meeting prior to submittal of a shoreline conditional use permit. Upon completion of the preapplication
34 meeting, a complete application, filing fees and SEPA checklist, if applicable, shall be filed with the city
35 on approved forms to ensure compliance with development codes and standards.
36

37 (A) Once a complete application has been submitted, public notice of an application for a shoreline
38 conditional use permit shall be made in accordance with the procedures set forth in the Mercer Island
39 Uniform Land Development Code for discretionary actions; provided, such notice shall be given at least
40 30 days before the date of decision by the city.
41

42 The notices shall include a statement that any person desiring to submit written comments concerning
43 the application, receive notice of and participate in any hearings, or desiring to receive notification of
44 the final decision concerning the application as expeditiously as possible after the issuance of the
45 decision may submit the comments or request a copy of the decision(s) to the city within 30 days of the
46 last date the notice is published, and any appeal rights.
47

1 If a hearing is to be held on an application, notices of such a hearing shall include a statement that any
2 person may submit oral or written comments on an application at the hearing.

3
4 ~~(B) Within 30 days of the final publication, posting or mailing of the notice, whichever comes last, any
5 interested person may submit written comments on the proposed application. The city will not make a
6 decision on the permit until after the end of the comment period.~~

7
8 ~~(C) The technical review of shoreline conditional use permit must ensure that the proposal complies
9 with the criteria of the Shoreline Management Act policies and all requirements of the city of Mercer
10 Island Unified Land Development Code. An open record hearing before the code official, as set out in
11 subsection F of this section, shall be conducted on the shoreline conditional use permits when the
12 following factors exist:~~

13
14 ~~(1) The proposed development has broad public significance; or~~

15
16 ~~(2) Within the 30-day comment period, 10 or more interested citizens file a written request for a public
17 hearing; or~~

18
19 ~~(3) At the discretion of the code official.~~

20
21 ~~(D) The final decision in approving, approving with conditions, or denying a shoreline conditional use
22 permit is rendered by the Department of Ecology in accordance with WAC 173-27-200, and all other
23 applicable local, state, or federal laws. The city shall send the shoreline permit decision to the applicant,
24 the Department of Ecology, the Washington State Attorney General and to all other applicable local,
25 state, or federal agencies.~~

26
27 ~~(E) The applicant shall not begin construction until after 21 days from the date of receipt by the
28 Department of Ecology and Attorney General and/or any appeals are concluded. The applicant shall also
29 comply with all applicable federal, state and city standards for construction.~~

30
31 ~~f. Shoreline Variance Permit Decision Criteria and Process.~~

32
33 ~~i. Shoreline Variance Criteria. Shoreline variances are strictly limited to granting relief from specific bulk,
34 dimensional or performance standards set forth in the applicable regulations where there are
35 extraordinary circumstances relating to the physical character or configuration of property such that the
36 strict implementation of the regulations will impose unnecessary hardships on the applicant or
37 thwarting of the policy enumerated in RCW 90.58.020. Shoreline variances for use regulations are
38 prohibited. In addition, in all instances the applicant for a shoreline variance shall demonstrate strict
39 compliance with all variance criteria set out in subsection (G)(4) of this section and the following
40 additional criteria:~~

41
42 ~~(A) In the granting of all shoreline variance permits, consideration shall be given to the cumulative
43 impact of additional requests for like actions in the area. For example, if shoreline variances were
44 granted to other developments in the area where similar circumstances exist, the total of the shoreline
45 variances shall also remain consistent with the policies of RCW 90.58.020 and shall not produce
46 substantial adverse effects to the shoreline environment.~~

1 ~~(B) Shoreline variance permits for development that will be located landward of the ordinary high water~~
2 ~~mark, and/or landward of any associated wetland, may be authorized; provided, the applicant can~~
3 ~~demonstrate all of the following:~~

4
5 ~~(1) That the strict application of the bulk, dimensional or performance standards set forth in the~~
6 ~~applicable regulations precludes or significantly interferes with reasonable use of the property not~~
7 ~~otherwise prohibited;~~

8
9 ~~(2) That the hardship in this subsection (G)(6)(f)(i) is specifically related to the property, and is the result~~
10 ~~of unique conditions such as irregular lot shape, size, or natural features and the application of the~~
11 ~~applicable regulations, and not, for example, from deed restrictions or the applicant's own actions;~~

12
13 ~~(3) That the design of the project is compatible with other authorized uses in the area and will not cause~~
14 ~~adverse effects to adjacent properties or the shoreline environment;~~

15
16 ~~(4) That the requested shoreline variance does not constitute a grant of special privilege not enjoyed by~~
17 ~~the other properties in the area, and is the minimum necessary to afford relief; and~~

18
19 ~~(5) That the public interest will suffer no substantial detrimental effect.~~

20
21 ~~(C) Shoreline variance permits for development that will be located waterward of the ordinary high~~
22 ~~water mark or within any associated wetland may be authorized; provided, the applicant can~~
23 ~~demonstrate all of the following:~~

24
25 ~~(1) That the strict application of the bulk, dimensional or performance standards set forth in the~~
26 ~~applicable regulations precludes reasonable use of the property;~~

27
28 ~~(2) That the proposal is consistent with the criteria established under subsections (G)(6)(f)(i)(B)(1)~~
29 ~~through (5) of this section; and~~

30
31 ~~(3) That the public rights of navigation and use of the shorelines will not be adversely affected.~~

32
33 ~~ii. Shoreline Variance Permit Application Process. The applicant shall attend a preapplication meeting~~
34 ~~prior to submittal of a shoreline variance. Upon completion of the preapplication meeting, a complete~~
35 ~~application, filing fees and SEPA checklist, if applicable, shall be filed with the city on approved forms to~~
36 ~~ensure compliance with development codes and standards.~~

37
38 ~~(A) Once a complete application has been submitted, public notice of an application for a shoreline~~
39 ~~variance shall be made in accordance with the procedures set forth in the Mercer Island Uniform Land~~
40 ~~Development Code for discretionary actions; provided, such notice shall be given at least 30 days before~~
41 ~~the date of decision by the city.~~

42
43 ~~The notices shall include a statement that any person desiring to submit written comments concerning~~
44 ~~the application, receive notice of and participate in any hearings, or desiring to receive notification of~~
45 ~~the final decision concerning the application as expeditiously as possible after the issuance of the~~
46 ~~decision may submit the comments or request a copy of the decision(s) to the city within 30 days of the~~
47 ~~last date the notice is published, and any appeal rights.~~

1 If a hearing is to be held on an application, notices of such a hearing shall include a statement that any
2 person may submit oral or written comments on an application at the hearing.

3
4 (B) Within 30 days of the final publication, posting or mailing of the notice, whichever comes last, any
5 interested person may submit written comments on the proposed application. The city will not make a
6 decision on the permit until after the end of the comment period.

7
8 (C) The technical review of shoreline variance permit must ensure that the proposal complies with the
9 criteria of the Shoreline Management Act policies and all requirements of the city of Mercer Island
10 Unified Land Development Code. An open record hearing before the code official, as set out in
11 subsection F of this section, shall be conducted on the shoreline variance permits when the following
12 factors exist:

13
14 (1) The proposed development has broad public significance; or

15
16 (2) Within the 30-day comment period, 10 or more interested citizens file a written request for a public
17 hearing; or

18
19 (3) At the discretion of the code official.

20
21 (D) The final decision in approving, approving with conditions, or denying a shoreline conditional use
22 permit is rendered by the Department of Ecology in accordance with WAC 173-27-200, and all other
23 applicable local, state, or federal agencies. The city shall send the shoreline permit decision to the
24 applicant, the Department of Ecology, the Washington State Attorney General and to all other
25 applicable local, state, or federal agencies.

26
27 (E) The applicant shall not begin construction until after 21 days from the date of receipt by the
28 Department of Ecology and Attorney General and/or any appeals are concluded. The applicant shall also
29 comply with all applicable federal, state and city standards for construction.

30
31 iii. The reasonable use exemption provided in MICC 19.07.030(B) does not apply in the shorelands. The
32 provision of reasonable use in the shorelands shall be accomplished through a shoreline variance.

33
34 g. Time Limits of Permits. The following time limits shall apply to all shoreline exemption, substantial
35 development, shoreline conditional use permits and shoreline variance permits:

36
37 i. Construction or substantial progress toward construction of a development for which a permit has
38 been granted must be undertaken within two years of the effective date of a shoreline permit. Where
39 no construction activities are involved, the use or activity shall be commenced within two years of the
40 effective date of a substantial development permit. The effective date of a shoreline permit shall be the
41 date of the last action required on the shoreline permit and all other government permits and approvals
42 that authorize the development to proceed, including all administrative and legal actions on any such
43 permit or approval.

44
45 ii. A single extension before the end of the time limit, with prior notice to parties of record, for up to one
46 year, based on reasonable factors may be granted, if a request for extension has been filed before the
47 expiration date and notice of the proposed extension is given to parties of record and to the
48 Department of Ecology.

1
2 h. Appeals. Appeals to any shoreline permit decision, except shoreline exemption permits, shall be in
3 accordance with RCW 90.58.180. Appeals to shoreline exemptions permits shall be filed in accordance
4 with subsection J of this section.
5

6 i. Suspension of Permits. The city may suspend any shoreline exemption permit, substantial
7 development permit, shoreline conditional use permit, or shoreline variance permit when the permittee
8 has not complied with the conditions of the permit. Such noncompliance may be considered a public
9 nuisance. The enforcement shall be in conformance with the procedures set forth in MICC 19.15.030,
10 Enforcement.
11

12 j. Revisions. When an applicant seeks to revise a substantial development permit, shoreline conditional
13 use permit and/or shoreline variance permit, the requirement of WAC 173-27-100, as amended, shall be
14 met.
15

16 H. Notice of Decision. 17

18 1. Unless the city and applicant have mutually agreed in writing to an extension of time, project review
19 shall be completed within 120 days from the date the application is determined to be complete. Time
20 required for the submittal of additional information, preparation of environmental impact statement,
21 and hearing of appeals shall be excluded from this 120-day period.
22

23 2. Written notice of the decision shall be provided to the applicant and all parties of record. Notice of
24 decision shall also be provided in the biweekly DSG bulletin.
25

26 I. Optional Consolidated Permit Processing. 27

28 1. An application that involves two or more permits may be processed concurrently and the decision
29 consolidated at the request of the project applicant. If an applicant elects the consolidated permit
30 processing, the code official shall determine the appropriate application and review procedures for the
31 project.
32

33 2. If a project requires action from more than one hearing body, the decision authority in the
34 consolidated permit review shall be by the decision body with the broadest discretionary powers.
35

36 J. Administrative Appeals. 37

38 1. Any party of record on a decision that may be administratively appealed may file a letter of appeal on
39 the decision. Administrative appeals shall be filed with the city clerk within 14 days after the notice of
40 decision, if a notice of decision is required, or after the effective date of the decision subject to appeal if
41 no notice of decision is required. The term "party of record," for the purposes of this chapter, shall
42 mean any of the following:
43

44 a. The applicant and/or property owner;
45

46 b. Any person who testified at the open record public hearing on the application;
47

1 ~~e. Any person who individually submits written comments concerning the application for the open~~
2 ~~record public hearing, or to the code official prior to a decision on the project permit if there is no open~~
3 ~~record public hearing. Persons who have only signed petitions are not parties of record;~~
4

5 ~~d. The city of Mercer Island.~~
6

7 ~~2. Appeals shall include the following information:~~
8

9 ~~a. The decision being appealed;~~
10

11 ~~b. The development code interpretation, if any, associated with the proposed appeal;~~
12

13 ~~c. The name and address of the appellant and his/her interest in the matter;~~
14

15 ~~d. The specific reasons why the appellant believes the decision to be wrong. The burden of proof is on~~
16 ~~the appellant to demonstrate that there has been substantial error, or the proceedings were materially~~
17 ~~affected by irregularities in procedure, or the decision was unsupported by evidence in the record, or~~
18 ~~that the decision is in conflict with the standards for review of the particular action;~~
19

20 ~~e. The desired outcome or changes to the decision; and~~
21

22 ~~f. The appeals fee, if required.~~
23

24 ~~3. Authority for appeals is specified in MICC 19.15.010(E).~~
25

26 ~~4. Public notice of an appeal shall be provided in the manner specified in subsection E of this section.~~
27

28 ~~5. The rules of procedure for appeal hearings shall be as follows:~~
29

30 ~~a. For development proposals that have been subject to an open record hearing, the appeal hearing~~
31 ~~shall be a closed record appeal, based on the record before the decision body, and no new evidence~~
32 ~~may be presented.~~
33

34 ~~b. For development proposals that have not been subject to an open record hearing, the appeal hearing~~
35 ~~shall be an open record appeal and new information may be presented.~~
36

37 ~~c. If the hearing body finds that there has been substantial error, or the proceedings were materially~~
38 ~~affected by irregularities in procedure, or the decision was unsupported by material and substantial~~
39 ~~evidence in view of the entire record, or the decision is in conflict with the city's applicable decision~~
40 ~~criteria, it may:~~
41

42 ~~i. Reverse the decision.~~
43

44 ~~ii. Modify the decision and approve it as modified.~~
45

46 ~~iii. Remand the decision back to the decision maker for further consideration.~~
47

1 ~~d. If the hearing body finds that none of the procedural or factual bases listed above exist and that there~~
2 ~~has been no substantial error, the hearing body may adopt the findings and/or conclusions of the~~
3 ~~decision body, concur with the decision of the decision body and approve the development proposal as~~
4 ~~originally approved, with or without modifications.~~

5
6 ~~e. Final decision on the appeal shall be made within 30 days from the last day of the appeal hearing.~~

7
8 ~~f. The city's final decision on a development proposal may be appealed by a party of record with~~
9 ~~standing to file a land use petition in King County superior court. Such petition must be filed within 21~~
10 ~~days of the issuance of the decision.~~

11
12 ~~6. When an applicant has opted for consolidated permit processing pursuant to subsection I of this~~
13 ~~section, administrative appeals of ministerial, administrative or discretionary actions listed in MICC~~
14 ~~19.15.010(E) for a single project shall be consolidated and heard together in a single appeal by the~~
15 ~~hearing examiner.~~

16
17 ~~K. Expiration of Approvals.~~

18
19 ~~1. General. Except for long and short subdivisions, building permits or as otherwise conditioned in the~~
20 ~~approval process, permits shall expire one year from the date of notice of decision if the activity~~
21 ~~approved by the permit is not exercised.~~

22
23 ~~2. Long and Short Subdivision.~~

24
25 ~~a. Once the preliminary plat for a long subdivision has been approved by the city, the applicant has five~~
26 ~~years to submit a final plat meeting all requirements of this chapter to the city council for approval.~~

27
28 ~~b. Once the preliminary plat for a short subdivision has been approved by the city, the applicant has one~~
29 ~~year to submit a final plat meeting all requirements of this chapter. A plat that has not been recorded~~
30 ~~within one year after its preliminary approval shall expire, becoming null and void. The city may grant a~~
31 ~~single one-year extension, if the applicant submits the request in writing before the expiration of the~~
32 ~~preliminary approval.~~

33
34 ~~c. In order to renew an expired preliminary plat, a new application must be submitted.~~

35
36 ~~3. Responsibility for knowledge of the expiration date shall be with the applicant.~~

37
38 ~~L. Code Interpretations.~~

39
40 ~~1. Upon formal application or as determined necessary, the code official may issue a written~~
41 ~~interpretation of the meaning or application of provisions of the development code. In issuing the~~
42 ~~interpretation, the code official shall consider the following:~~

43
44 ~~a. The plain language of the code section in question;~~

45
46 ~~b. Purpose and intent statement of the chapters in question;~~

47
48 ~~c. Legislative intent of the city council provided with the adoption of the code sections in question;~~

- d. ~~Policy direction provided by the Mercer Island comprehensive plan;~~
- e. ~~Relevant judicial decisions;~~
- f. ~~Consistency with other regulatory requirements governing the same or similar situation;~~
- g. ~~The expected result or effect of the interpretation; and~~
- h. ~~Previous implementation of the regulatory requirements governing the situation.~~

2. The code official may also bring any issue of interpretation before the planning commission for determination. Anyone in disagreement with an interpretation by the code official may also appeal the code official's interpretation to the hearing examiner.

19.15.200 Permit review for 6409 eligible wireless communications facilities

A. Timeframe for review. Within 60 days of the date on which an applicant submits a request seeking approval under this section, the city shall approve the application unless it determines that the application is not covered by 47 CFR 1.40001.

B. Tolling of the timeframe for review. The 60-day period begins to run when the application is filed, and may be tolled only by mutual agreement or in cases where the city determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.

1. To toll the timeframe for incompleteness, the city must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information meeting the standard under paragraph (l)(1) of this section.

2. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the city's notice of incompleteness.

3. Following a supplemental submission, the city will have 10 days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this paragraph (l)(3). Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

C. Failure to act. In the event the city fails to approve or deny a request seeking approval under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the city in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

19.15.210 Revisions.

Revisions of approved permits are as follows. A complete application, filing fees and SEPA checklist, if applicable, shall be filed with the city on approved forms to ensure compliance with development codes and standards except for building permits which shall be reviewed in accordance with Title 17. All revisions shall be subject to the vesting provisions in MICC 19.15.170.

1 A. Revisions for approved Type I, II, and III land use permits, except shoreline permits, are as follows:
2 1. Revisions that result in substantial changes, as determined by the code official, shall be treated
3 as a new application for purposes of vesting. For the purposes of this section, substantial change
4 includes changes to conditions of approval.
5 2. Approval of typographical errors, minor omissions, or minor corrections, by the code official shall
6 not be considered revisions.

7
8 B. Revisions for approved Type IV land use permits, except shoreline permits, are as follows:
9 1. Revisions that result in substantial changes, as determined by the code official, shall be treated
10 as a new application for purposes of vesting. For the purposes of this section, substantial change
11 includes the creation of additional lots, the elimination of open space, substantial changes in
12 access, or changes to conditions of approval. Additionally, the need for the modification was not
13 known and could not have been reasonably known before the approval was granted.
14 2. Approval of the following modifications by the code official shall not be considered revisions:
15 a. Engineering design, unless the proposed design alters or eliminates features required as a
16 condition of preliminary approval.
17 b. Changes in lot or tract dimensions that are consistent with MICC 19.02.
18 c. A decrease in the number of lots to be created.
19 d. Typographical errors and minor omissions.
20 3. The code official shall have the authority to administratively review and approved modifications
21 described in subsection (2) of this section through review procedures established by the
22 department.

23
24 C. Revisions for shoreline permits are as follows. When an applicant seeks to revise an approved
25 shoreline substantial development permit, shoreline conditional use permit and/or shoreline variance
26 permit, the requirement of WAC 173-27-100, as amended, shall be met. If these requirements are met,
27 the decision will be processed per the following.

- 28 1. Revision of substantial development permit:
29 a. A decision will be provided to the applicant and parties of record and posted in DSG's
30 weekly permit bulletin.
31 b. The city shall send the revised permit to all applicable local, state or federal agencies
32 including the Attorney General, as required by state or federal law within eight days of
33 issuing he decision.
34 c. Appeals shall be in accordance with RCW 90.58.180.
35 2. Revision of a shoreline CUP or shoreline variance:
36 a. The application for a revision shall be submitted to the Washington State Department
37 of Ecology. Within 15 days of receipt, Ecology will issue a decision of approval, approval
38 with conditions, or denial of the revision.

39
40 19.15.220 Compliance required.

- 41 A. It is the intent of this section to require that non-conforming sites, structures, lots, and uses,
42 which were created without prior City approval, comply with the applicable provisions of Title 19 MICC.
43
44 B. If development inconsistent with the purposes and requirements of this Title 19 has occurred on
45 a development proposal site without prior City approval, the City shall not issue any land use review
46 approvals for the development proposal site unless the land use review approval requires the
47 restoration of the site to a state that complies with the purposes and requirements of Title 19 MICC are
48 addressed.

1
2 C. Suspension of Land Use Approvals. When the conditions of a permit have been violated, the city may
3 suspend any land use review approval, including shoreline permits. Such noncompliance may be
4 considered a code violation. The enforcement shall be in conformance with the procedures set forth in
5 MICC 19.15.280, Enforcement.
6

7 19.15.040230 Design Review and the Design commission.

8 A. Intent and Purpose. These regulations are intended to implement and further the comprehensive
9 plan of the city and are adopted for the following purposes:

10 1. To promote the public health, safety and general welfare of the citizens of the city.

11
12 2. To recognize that land use regulations aimed at the orderliness of community growth, the protection
13 and enhancement of property values, the minimization of discordant and unsightly surroundings, the
14 avoidance of inappropriateness and poor quality of design and other environmental and aesthetic
15 objectives provide not only for the health, safety and general welfare of the citizens, but also for their
16 comfort and prosperity and the beauty and balance of the community, and as such, are the proper and
17 necessary concerns of local government.
18

19
20 3. To protect, preserve and enhance the social, cultural, economic, environmental, aesthetic, and
21 natural values that have established the desirable quality and unique character of Mercer Island.
22

23 4. To promote and enhance construction and maintenance practices that will tend to promote visual
24 quality throughout Mercer Island.
25

26 5. To recognize environmental and aesthetic design as an integral part of the planning process.
27

28 B. Creation of Design Commission. A design commission is established as provided for in Chapter 3.34
29 MICC.
30

31 CA. Rules and Records.

32 1. The design commission shall adopt rules and regulations for the conduct of its business,
33 subject to the approval of the city council.

34 2. A majority of the membership shall constitute a quorum for the purpose of transacting
35 business. Action by the design commission shall be by majority vote of the members
36 constituting the quorum. A tie vote on a motion to approve shall constitute a failure of the
37 motion and a denial of the application.

38 3. The code official shall serve as executive secretary of the design commission and shall be
39 responsible for all records. All meetings of the design commission shall be open to the public.
40 The design commission shall keep minutes of its proceedings and such minutes and a copy of its
41 rules shall be kept on file in the office of the city clerk and open to inspection by the public.
42

43 BD. Powers of the Design Commission and Additional Functions.

44 1. No building permit or other required permit shall be issued by the city for any major new
45 construction or minor exterior modification of any regulated improvement without prior
46 approval of the design commission or code official as authorized pursuant to MICC 19.15.010(E).
47 Certain development and activities that do not require a permit are subject to design review as
48 provided in MICC 19.15.230(C)(1)(c).

1 2. The design commission or code official may require a bond or assignment of funds as set out
2 in MICC 19.01.060(C) to secure the installation and maintenance of landscaping, screens, and
3 other similar site improvements.

4 3. When the city council deems it necessary to retain consultants for a proposed capital
5 improvement, the council shall seek recommendations from the design commission as to the
6 selection of consultants to provide design services.

7 4. Consultants or city officials charged with the design responsibility for a major capital
8 improvement shall hold preliminary discussions on the proposed project with the design
9 commission to obtain its preliminary recommendations as to aesthetic, environmental and
10 design principles and objectives. In addition, the design commission shall review major capital
11 improvements at the completion of the design development phase. A capital improvement
12 approved by the city council after review and recommendations by the design commission may
13 be implemented on a phasing basis without further review so long as the improvement is
14 developed in substantial conformity with the reviewed plan. Significant deviations from an
15 approved plan shall be submitted to the design commission for its further review and
16 recommendations.

17 5. The design commission or code official shall complete its review and make its decision and/or
18 recommendations pursuant to the process set forth in subsection F of this section, and the
19 review an decision and/or recommendations shall be based upon the design objectives and
20 standards set forth in subsection G of this section, with such amendments as may be made from
21 time to time.

22 6E. Additional Functions. The Design Commission may undertake the following additional
23 functions as needed:

24 1a. The design commission may assist any person, group, or agency who requests design
25 advice on matters not requiring formal commission action.

26 b2. The design commission shall consult and cooperate with the planning commission
27 and other governmental bodies on matters affecting the appearance of the Island. The
28 design commission may offer recommendations to the appropriate city agencies and
29 officials on legislation to promote aesthetic and environmental values.

30 c3. The design commission shall act as the appeal authority for design review decisions
31 made by the code official for minor exterior modifications.

32
33 FC. Design Review Procedure.

34 1. General.

35 a. Intent. The intent of the design review process is to ensure that regulated
36 development in all land use zones complies with design objectives and standards
37 established in Chapters 19.11 and 19.12 MICC.

38 b. Scope. No building permit or other required permit shall be issued by the city for ~~any~~
39 ~~major new construction or minor exterior modification of development of~~ any regulated
40 improvement without prior approval of the design commission or code official as
41 authorized pursuant to MICC 19.15.010(E). Deviations from a plan approved by the
42 design commission or code official shall be permitted only upon the filing and approval
43 of an amended plan. In no instance shall the design commission's or code official's
44 action conflict with the city's development code or other applicable city ordinances or
45 with state or federal requirements. Certain development and activities that do not
46 require a permit are subject to design review as provided in MICC 19.15.240(C)(1)(c).

47 c. Review Authority.

48 i. The following development proposals shall require Design Commission review:

- (A). New buildings;
- (B). Any additions of gross floor area to an existing building(s)
- (C). Any alterations to an existing building that will result in a change of 50%, or more, of the exterior surface area;
- (D). Any alterations to a site, where the alteration will result in a change to the site design that affects more than 50% of the development proposal site; and,
- (E). Any alterations to existing facades, where the building is identified by the City as an historic structure.

ii. All other development proposals requiring design review and not requiring Design Commission review under subsection (A) of this section shall be reviewed by the Code Official. The Code Official shall have the authority to determine that an application normally reviewed by Code Official shall require Design Commission review and approval, based on factors such as the scope, location, context, and visibility of the proposed change or modification; and
iii. Exemptions from Design Review – The following activities shall be exempt from either Design Commission or Code Official Design Review:

- (A) Any activity which does not require a building permit; or
- (B) Interior work that does not alter the exterior of the structure; or
- (C) Normal building and site maintenance including repair and replacement that involves no material expansion or material change in design. For example, replacement in kind of roof mounted heating and cooling equipment or ventilation equipment does not require design review.

d. Process.

- i. Time Frame and Procedure. Design review shall be conducted in accordance with the timelines and procedures set forth in MICC 19.15.020, Permit review procedures. Design review is not subject to the one open record hearing requirement or consolidated permit review processing.
- ii. Written Recommendations. All decisions of the design commission shall be reduced to writing and shall include findings of fact and conclusions that support the decisions.

2. Review Process.

- a. Study Session. In addition to the preapplication meeting, an applicant for a project that will require design review and approval by the design commission shall meet with the design commission in a study session to discuss project concepts before the plans are fully developed. At this session, which will be open to the public, the applicant should provide information regarding its site, the intended mix of uses, and how it will fit into the focus area objectives. The design commission may provide feedback to be considered in the design of the project.
- b. Plan Submittal. All materials shall be submitted a minimum of 30 days prior to any meeting dates including study sessions, public meetings, and public hearings. The final plans shall be in substantial conformity with approved preliminary plans.

~~i. Major New Construction. The design commission shall conduct the design review and make compliance determinations regarding major new construction.~~

1 ii. Minor Exterior Modifications. The design commission or the code official shall conduct the design
2 review and make compliance determinations regarding minor exterior modifications to existing
3 structures and sites.

4 d. Process.

5 i. Time Frame and Procedure. Design review shall be conducted in accordance
6 with the timelines and procedures set forth in MICC 19.15.020, Permit review
7 procedures. Design review is not subject to the one open record hearing
8 requirement or consolidated permit review processing.

9 ii. Written Recommendations. All decisions of the design commission and code
10 official shall be reduced to writing and shall include findings of fact and
11 conclusions that support the decisions.

12 iii. Expiration of Approvals. If the applicant has not submitted a complete application for a building
13 permit within two years from the date of the notice of the final design review decision, or within two
14 years from the decision on appeal from the final design review decision, design review approval shall
15 expire. The design commission or code official may grant an extension for no longer than 12 months, for
16 good cause shown, if a written request is submitted at least 30 days prior to the expiration date. The
17 applicant is responsible for knowledge of the expiration date.

18 2. Review Process for Major New Construction.

19 a. Scope of Review. Design review of major new construction shall include new structures, new
20 additions, remodeled structures, and site plan layout, and other improvements such as paving and
21 landscaping when they are made in conjunction with changes to a structure.

22 b. Presubmittal Concept Review.

23 i. Required: Predesign Meeting. A predesign meeting must be scheduled with staff from the
24 development services group (DSG) prior to formal project development and application. The applicant
25 may present schematic sketches and a general outline of the proposed project. This meeting will allow
26 city staff to acquaint the applicant with the design standards, submittal requirements, and the
27 application procedures and provide early input on the proposed project.

28 ii. Optional: Study Session. In addition to the predesign meeting, an applicant may meet with the design
29 commission or code official in a study session to discuss project concepts before the plans are fully
30 developed. At this session, which will be open to the public, the applicant should provide information
31 regarding its site, the intended mix of uses, and how it will fit into the focus area objectives. The
32 commission may provide feedback to be considered in the design of the project.

33 c. Preliminary Design Review Submittal.

34 i. Preapplication Meeting. A complete application on forms provided by the development services group
35 (DSG) and all materials pertaining to the project shall be submitted at a formal preapplication meeting
36 with DSG staff. A preapplication meeting shall not be required if the applicant is only seeking an
37 exemption from formal design review pursuant to MICC 19.15.040(F)(3)(a).

38 ii. Materials. All applications for preliminary design review shall contain all information and materials
39 deemed necessary by DSG staff to determine if the proposal complies with this chapter. Such materials
40 may include a site survey; site plans; elevations; sections; architectural plans; roof plans; renderings
41 and/or models; landscaping plan; parking plan; color and materials board; vicinity maps; site
42 photographs; SEPA checklist; traffic study; pedestrian and vehicle circulation plans; and written narrative
43 describing the project proposal and detailing how the project is meeting the applicable design objectives
44 and standards established in Chapters 19.11 or 19.12 MICC. Submittal of lighting and sign master plans
45 may be deferred to final design review.
46
47
48

1 ~~iii. Acceptance. DSG staff shall determine if the required materials have been provided for preliminary~~
2 ~~design review. If so, the application will be accepted and the process for determination of completeness~~
3 ~~and review set forth in MICC 19.15.020 shall commence.~~

4 ~~d. SEPA Determination. The city environmental official will review the SEPA environmental checklist (if~~
5 ~~one is required), the project proposal and other information required for a complete application to~~
6 ~~assess the project's probable environmental impacts and issue a determination pursuant to MICC~~
7 ~~19.07.120. Any SEPA appeal shall be pursuant to MICC 19.07.120. The design commission's decision on~~
8 ~~the preliminary plans shall represent an action on the proposal for SEPA appeal purposes.~~

9
10 ~~e. Preliminary Design Commission Review.~~

11
12 ~~i. Public Meeting. The design commission shall hold a public meeting to consider the completed~~
13 ~~preliminary design review application. The design commission may approve, approve with conditions or~~
14 ~~deny an application or continue the meeting. The commission may identify additional submittal items~~
15 ~~required for the final design review.~~

16
17 ~~ii. Additional Requirements. If additional submittal items are required, or the preliminary design~~
18 ~~application is approved with conditions, the conditions must be addressed and any additional items~~
19 ~~must be submitted at least 21 days prior to the final design commission review.~~

20
21 ~~f. Final Design Commission Review.~~

22
23 ~~i. Submittal of Final Plan. All materials pertaining to the final plan shall be submitted a minimum of 37~~
24 ~~days prior to the design commission final review hearing date. The final plans shall be in substantial~~
25 ~~conformity with approved preliminary plans.~~

26
27 ~~ii. Open Record Hearing. The design commission shall hold an open record hearing to consider the final~~
28 ~~proposal, at the conclusion of which it may approve, approve with conditions, deny the proposed final~~
29 ~~plans, or continue the hearing.~~

30
31 ~~g. Appeal. Only the final design commission review decision may be appealed, in a closed record appeal~~
32 ~~to the hearing examiner, pursuant to MICC 19.15.020(J).~~

33
34 ~~3. Review Process for Minor Exterior Modification.~~

35
36 ~~a. Scope of Review. Design review of minor exterior modifications shall include review of exterior~~
37 ~~modifications to any existing structures including paint, material, minor roof or facade changes, new~~
38 ~~additions, landscaping changes, and site plan modifications that do not qualify as major new~~
39 ~~construction or are undertaken independently from modification of an existing structure, and new or~~
40 ~~modified signs.~~

41
42 ~~The code official shall have the authority to determine if a minor exterior modification is not significant,~~
43 ~~and therefore does not require formal design review, based on factors such as the scope, location,~~
44 ~~context and visibility of the change or modification. The code official may determine that formal design~~
45 ~~review is not required for minor exterior modifications including, but not limited to: repainting~~
46 ~~structures to similar colors; relocating, modifying or adding mechanical equipment; reorganization of~~
47 ~~portions of parking lots involving less than five spaces; modifications to existing signs pertaining to sign~~
48 ~~locations or minor changes to color or text; modifications to locations of existing lighting; or minor~~

1 changes to existing, approved landscaping. There shall be a rebuttable presumption of nonsignificance,
2 and therefore no requirement of a formal design review, if all of the following conditions are met: (1)
3 the cost of the work does not exceed 15 percent of the structure's current King County assessed value as
4 of the time the initial application for the work is submitted, (2) there is no additional structure or
5 parking lot, or any enlargement of or addition to an existing structure or parking lot, (3) the work does
6 not cause the landscape area to fall below or further below the minimum landscape area requirements
7 in MICC 19.12.040(B)(4), (4) the work does not remove or diminish an existing perimeter landscape
8 screen, (5) the work does not include new or additional service or mechanical areas referred to in MICC
9 19.12.060, and (6) the work does not include additional exterior lighting or a new or enlarged exterior
10 sign. If there is no current King County assessed value for a structure, a current appraisal of the
11 structure, which shall be provided by the applicant and acceptable to the code official, shall be used as
12 the value point of reference.

13
14 b. Application Submittal. A development application, accompanied by supporting materials, shall be
15 submitted to the city, on a form provided by the development services group (DSG), for any proposed
16 minor exterior modification. DSG staff shall meet with the applicant prior to submission of the
17 application to determine, depending on the scope of the project, what supporting materials are
18 required. Such materials may include site survey; site plans; elevations; sections; architectural plans;
19 roof plans; renderings and/or models; landscaping plan; lighting plan, sign master plan, parking plan;
20 color and material samples; vicinity maps; site photographs; SEPA checklist; traffic study; pedestrian and
21 vehicle circulation plans; and written narrative describing the project proposal and detailing how the
22 project is meeting the applicable design objectives and standards set forth in subsection G of this
23 section. No applicant shall be required to provide materials unless they are both necessary for design
24 review and reflect a change in, or consequence of a change in, the existing development. For the
25 purpose of making a determination of nonsignificance under MICC 19.15.040(F)(3)(a) under
26 circumstances where the project is presumed to be nonsignificant as therein provided, the code official
27 shall only require the submittal of materials demonstrating the entitlement to the presumption and the
28 absence of other material impacts.

29
30 c. Review. The designated DSG staff shall determine administratively if the proposal is in compliance
31 with the requirements of this chapter and may approve, approve with conditions, or deny the
32 application. Staff has the discretion to send any minor exterior modification proposal to the design
33 commission for review and decision at an open record hearing.

34
35 d. Appeal. The code official's decision on an application for minor exterior modification is final unless
36 appealed to the design commission pursuant to MICC 19.15.020(J). The design commission's decision on
37 an application (not an appeal) for minor exterior modification is final unless appealed to the hearing
38 examiner pursuant to MICC 19.15.020(J).

39
40 4. Criteria for Design Review Decisions. Following the applicable review process above, the design
41 commission or code official shall deny an application if it finds that all the following criteria have not
42 been met, or approve an application, or approve it with conditions, based on finding that all the
43 following criteria have been met:

44
45 a. The proposal conforms with the applicable design objectives and standards of the design
46 requirements for the zone in which the improvement is located, as set forth in subsection G of this
47 section:

1 ~~i. In the Town Center, particular attention shall be given to whether:~~

2
3 ~~(A) The proposal meets the requirements for additional building height, if the proposal is for a building~~
4 ~~greater than two stories; and~~

5
6 ~~(B) The proposal adheres to the required parking standards and a parking plan has been provided that~~
7 ~~demonstrates that the proposal meets the objectives of MICC 19.11.130.~~

8
9 ~~b. The proposal is consistent with the comprehensive plan.~~

10
11 ~~c. The proposal does not increase the project's degree of nonconformity.~~

12
13 ~~G. Design Objectives and Standards.~~

14
15 ~~1. Town Center. Design objectives and standards for regulated improvements within the Town Center~~
16 ~~are set forth in Chapter 19.11 MICC.~~

17
18 ~~2. Zones Outside Town Center. Design objectives and standards for regulated improvements in all zones~~
19 ~~outside the Town Center are set forth in Chapter 19.12 MICC.~~

20
21 ~~H. Appeals. Appeals shall be consistent with the appeal procedures specified in MICC 19.15.020(J).~~

22
23 ~~19.15.050240 Comprehensive plan amendments.~~

24 ~~A. Purpose. The Growth Management Act (GMA), Chapter 36.70A RCW, requires that the city include~~
25 ~~within its development regulations a procedure for any interested person to suggest plan amendments.~~
26 ~~The suggested amendments will be docketed for consideration. The purpose of this section is to~~
27 ~~establish a procedure for amending the city's comprehensive plan text and maps. Amendments to the~~
28 ~~comprehensive plan are the means by which the city may modify its 20-year plan for land use,~~
29 ~~development or growth policies in response to changing city needs or circumstances. All plan~~
30 ~~amendments will be reviewed in accordance with the GMA and other applicable state laws, the~~
31 ~~countywide planning policies, the adopted city of Mercer Island comprehensive plan, and applicable~~
32 ~~capital facilities plans.~~

33
34 ~~B. Application Requirements. Proposed amendment requests may be submitted by the public, city~~
35 ~~manager, city department directors or by majority vote of the city council, planning commission or other~~
36 ~~city board or commission. Proposed amendments submitted by the public shall be accompanied by~~
37 ~~application forms required by this title and by the code official and the filing fees established by~~
38 ~~resolution. All application forms for amendments to the comprehensive plan shall include a detailed~~
39 ~~description of the proposed amendment in nontechnical terms.~~

40
41 ~~C. Frequency of Amendments.~~

42 ~~1. Periodic Review. The comprehensive plan shall be subject to continuing review and evaluation~~
43 ~~by the city ("periodic review"). The city shall take legislative action to review and, if needed,~~
44 ~~revise its comprehensive plan to ensure the plan complies with the requirements of the GMA~~
45 ~~according to the deadlines established in RCW 36.70A.130.~~

46 ~~2. Annual Amendment Cycle. Updates, proposed amendments, or revisions to the~~
47 ~~comprehensive plan may be considered by the city council no more frequently than once every~~
48 ~~calendar year as established in this section (the "annual amendment cycle"). During a year when~~

1 periodic review of the comprehensive plan is required under RCW 36.70A.130, the annual
2 amendment cycle and the periodic review shall be combined.

3 3. More frequent amendments may be allowed under the circumstances set forth within RCW
4 36.70A.130(2). Amendments processed outside of the annual amendment cycle under RCW
5 36.70A.130(2) may be initiated by action of the city council. The city council shall specify the
6 scope of the amendment, identify the projected completion date, and identify and, if necessary,
7 fund resources necessary to accomplish the work. Amendments allowed to be processed
8 outside of the annual amendment cycle are not subject to the docketing process outlined within
9 subsection D of this section.

10
11 D. Docketing of Proposed Amendments. For purpose of this section, docketing refers to compiling and
12 maintaining a list of suggested changes to the comprehensive plan in a manner that will ensure such
13 suggested changes will be considered by the city and will be available for review by the public. The
14 following process will be used to create the docket:

15 1. Preliminary Docket Review. By September 1, the city will issue notice of the annual
16 comprehensive plan amendment cycle for the following calendar year. The amendment request
17 deadline is October 1. Proposed amendment requests received after October 1 will not be
18 considered for the following year's comprehensive plan amendment process but will be held for
19 the next eligible comprehensive plan amendment process.

20 a. The code official shall compile and maintain for public review a list of suggested
21 amendments and identified deficiencies as received throughout the year.

22 b. The code official shall review all complete and timely filed applications proposing
23 amendments to the comprehensive plan and place these applications on the preliminary
24 docket along with other city-initiated amendments to the comprehensive plan.

25 c. The planning commission shall review the preliminary docket at a public meeting and
26 make a recommendation on the preliminary docket to the city council each year.

27 d. The city council shall review the preliminary docket at a public meeting. By December
28 31, the city council shall establish the final docket based on the criteria in subsection E
29 of this section. Once approved, the final docket defines the work plan and resource
30 needs for the following year's comprehensive plan amendments.

31 2. Final Docket Review.

32 a. Placement on the final docket does not mean a proposed amendment will be
33 approved. The purpose of the final docket is to allow for further analysis and
34 consideration by the city.

35 b. All items on the final docket shall be considered concurrently so that the cumulative
36 effect of the various proposals can be ascertained. Proposed amendments may be
37 considered at separate meetings or hearings, so long as the final action taken considers
38 the cumulative effect of all proposed amendments to the comprehensive plan.

39 c. The code official shall review and assess the items placed on the final docket and
40 prepare ~~a staff report~~ including recommendations for each proposed amendment. The
41 code official shall be responsible for developing an environmental review of the
42 combined impacts of all proposed amendments on the final docket, except that
43 applicants seeking a site-specific amendment shall be responsible for submittal of a
44 SEPA environmental checklist and supporting information. The applicant will need to
45 submit SEPA and any other accompanying legislative actions such as a rezone or a code
46 amendment at this time. The code official may require an applicant to pay for peer
47 review and/or additional resources needed to review the proposal. The code official

1 shall set a date for consideration of the final docket by the planning commission and
2 timely transmit the staff ~~report(s)~~ recommendation prior to the scheduled date.

3 d. The planning commission shall review the proposed amendments contained in the
4 final docket based on the criteria set forth in MICC 19.15.022400(GF)(1). The planning
5 commission shall hold at least one public hearing on the proposed amendments. The
6 planning commission shall make a recommendation on the proposed amendments and
7 transmit the recommendation to the city council.

8 e. After issuance of the planning commission's recommendation, the code official shall
9 set a date for consideration of the final docket by the city council. The city council shall
10 review the proposed amendments taking into consideration the recommendations of
11 the planning commission and code official. The city council may deny, approve, or
12 modify the planning commission's recommendations consistent with the criteria set
13 forth in MICC 19.15.020240(GF)(1). The city council's establishment of a final docket of
14 proposed amendments is not appealable.

15 f. The planning commission and the city council may hold additional public hearings,
16 meetings, or workshops as warranted by the proposed amendments.

17 E. Docketing Criteria. The following criteria shall be used to determine whether a proposed amendment
18 is added to the final docket in subsection D of this section:

19 1. The request has been filed in a timely manner, and either:

20 a. State law requires, or a decision of a court or administrative agency has directed, such
21 a change; or

22 b. All of the following criteria are met:

23 i. The proposed amendment presents a matter appropriately addressed through
24 the comprehensive plan;

25 ii. The city can provide the resources, including staff and budget, necessary to
26 review the proposal, or resources can be provided by an applicant for an
27 amendment;

28 iii. The proposal does not raise policy or land use issues that are more
29 appropriately addressed by an ongoing work program item approved by the city
30 council;

31 iv. The proposal will serve the public interest by implementing specifically
32 identified goals of the comprehensive plan or a new approach supporting the
33 city's vision; and

34 v. The essential elements of the proposal and proposed outcome have not been
35 considered by the city council in the last three years. This time limit may be
36 waived by the city council if the proponent establishes that there exists a
37 change in circumstances that justifies the need for the amendment.

38 F. Decision Criteria. Decisions to amend the Comprehensive Plan shall be based on the criteria specified
39 below. An applicant for a comprehensive plan amendment -proposal shall have the burden of
40 demonstrating that the proposed amendment complies with the applicable regulations and decision
41 criteria

42 1. The amendment is consistent with the Growth Management Act, the county-wide planning
43 policies, and the other provisions of the comprehensive plan and city policies; and:

44 a. There exists obvious technical error in the information contained in the
45 comprehensive plan; or

46 bi. The amendment addresses changing circumstances of the city as a whole.

47 2. If the amendment is directed at a specific property, the following additional findings shall be
48 determined:

- a. The amendment is compatible with the adjacent land use and development pattern;
- b. The property is suitable for development in conformance with the standards under the potential zoning; and
- c. The amendment will benefit the community as a whole and will not adversely affect community facilities or the public health, safety, and general welfare.

G. Combined Comprehensive Plan Amendment and Rezone. In cases where both a comprehensive plan amendment and a rezone are required, both shall be considered together, and all public notice must reflect the dual nature of the request.

GH. Expansion of Land Use Map Amendment. The city may propose to expand the geographic scope of an amendment to the comprehensive plan land use map to allow for consideration of adjacent property, similarly situated property, or area-wide impacts. The following criteria shall be used in determining whether to expand the geographic scope of a proposed land use map amendment:

- 1. The effect of the proposed amendment on the surrounding area or city;
- 2. The effect of the proposed amendment on the land use and circulation pattern of the surrounding area or city; and
- 3. The effect of the proposed amendment on the future development of the surrounding area or city.

I. Implementation of Comprehensive Plan Amendments. It is the City's intent to comply with the Growth Management Act (Chapter 36.70A RCW) and the guidelines for implementation of Comprehensive Plan goals and policies contained in Chapter 365-196 WAC. It is also the City's intent to allow sufficient time for review of regulations or programs that are intended to implement new or significantly amended policy direction within the Comprehensive Plan.

- 1. Where amendments to existing Comprehensive Plan goals and policies represent an adjustment to an existing policy direction, the City should generally prepare, review, and adopt implementing development regulations or programs concurrently with the adoption of the amendments to the Comprehensive Plan.
- 2. Where amendments to existing Comprehensive Plan goals and policies represent a new policy direction, or a significant amendment to the current policy direction within the Comprehensive Plan, the City should prepare, review, and adopt implementing development regulations or programs as soon as reasonably practicable following the adoption of the amendments to the Comprehensive Plan.

19.15.250. Reclassification of Property (Rezoning).

A. Purpose. The purpose of this section is to establish the process and criteria for a rezone of property from one zoning designation to another.

B. Process. A rezone shall be considered as provided in MICC 19.15.270.

C. Criteria. The city council may approve a rezone only if all of the following criteria are met:

- 1. The proposed reclassification is consistent with the policies and provisions of the Mercer Island comprehensive plan;
- 2. The proposed reclassification is consistent with the purpose of the Mercer Island development code as set forth in MICC 19.01.010;
- 3. The proposed reclassification is an extension of an existing zone, or a logical transition between zones;

- 1 4. The proposed reclassification does not constitute an illegal site-specific rezone;
- 2 5. The proposed reclassification is compatible with surrounding zones and land uses; and
- 3 6. The proposed reclassification does not adversely affect public health, safety and welfare.
- 4 7. If a Comprehensive Plan amendment is required in order to satisfy MICC 19.15.250(C)(1),
- 5 approval of the Comprehensive Plan amendment is required prior to or concurrent with the
- 6 granting of an approval of the rezone.

7

8 D. Map change. Following approval of a rezone, the City shall amend the zoning map to reflect the

9 change in zoning designation. The City shall also indicate on the zoning map the number of the

10 ordinance adopting the rezone.

11 19.15.260. Code Amendment.

12 A. Purpose. The purpose of this section is to establish the process and criteria for amendment of this

13 Code.

14

15

16 B. Process. Zoning Code amendments shall be considered as provided in MICC 19.15.270.

17

18 C. Initiation of zoning code amendment request. A zoning code amendment request may be initiated by

19 the City Council, Planning Commission, or Code Official.

20

21 D. Criteria. The City may approve or approve with modifications a proposal to amend the text of this

22 Code if:

- 23 1. The amendment is consistent with the Comprehensive Plan; and
- 24 2. The amendment bears a substantial relation to the public health, safety, or welfare; and
- 25 3. The amendment is in the best interest of the community as a whole.

26

27 E. Codification. Following approval of an amendment, the City shall amend this Code to reflect the

28 amendment.

29

30 19.15.270 Review procedures for Comprehensive Plan Amendments, Reclassification of Property, and

31 Code Amendments

32 A. The city shall issue a notice for comprehensive plan amendments, reclassifications of property, and

33 zoning code text amendments as described in MICC 19.15.240, 19.15.250, and 19.15.260. Notice shall be

34 provided in the weekly DSG bulletin, made available to the general public upon request, and, if the

35 proposed amendment will affect a specific property or defined area of the City, mailed to all property

36 owners within 300 feet of the affected property or defined area, and posted on the site in a location

37 that is visible to the public right-of-way.

38 1. The notice shall include the following information:

- 39 i. The name of the party proposing the proposed amendment or change;
- 40 ii. The location and description of the project, if applicable;
- 41 iii. The requested actions and/or required studies;
- 42 iv. The date, time, and place of the open record hearing;
- 43 v. Identification of environmental documents, if any;
- 44 vi. A statement of the public comment period which shall not be less than 30 days. The
- 45 city shall accept public comments at any time prior to the closing of the record of an
- 46 open record pre-decision hearing; and a statement of the rights of individuals to
- 47 comment on the application, receive notice and participate in any hearings, request a
- 48 copy of the decision once made and any appeal rights.;

- vii. The city staff contact and contact information;
- viii. The identification of other reviews or permits that are associated with the review of the proposed Comprehensive Plan, zoning text, or zoning map amendment, to the extent known by the city;
- ix. A description of those development regulations used in determining consistency of the review with the city's comprehensive plan;
- x. A link to a website where additional information about the project can be found; and
- xi. Any other information that the city determines appropriate.

2. Timing of notice. The city shall provide the notice at least 30 days prior to the hearing.

3. The city shall accept public comments at any time prior to the closing of the record of an open record public hearing.

D. Review after Public Hearing

1. Following the completion of the open record public hearing the planning commission shall consider the proposed amendment for conformance with the criteria as listed in the applicable section, the comprehensive plan and other applicable development standards.

2. The planning commission shall make a written recommendation on the review to the city council.

3. The city council shall consider the planning commission's recommendation at a public meeting where it may adopt or reject the planning commission's recommendations or remand the review back to the planning commission.

19.15.030280 Enforcement.

...

1 **DEFINITIONS**

2 19.16.010 Definitions.

3
4 Base station: A structure or equipment at a fixed location that enables Commission-licensed or
5 authorized wireless communications between user equipment and a communications network. The
6 term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

7 1. The term includes, but is not limited to, equipment associated with wireless communications
8 services such as private, broadcast, and public safety services, as well as unlicensed wireless
9 services and fixed wireless services such as microwave backhaul.

10 2. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic
11 cable, regular and backup power supplies, and comparable equipment, regardless of
12 technological configuration (including Distributed Antenna Systems and small-cell networks).

13 3. The term includes any structure other than a tower that, at the time the relevant application
14 is filed with the State or local government under this section, supports or houses equipment
15 described in this section that has been reviewed and approved under the applicable zoning or
16 siting process, or under another State or local regulatory review process, even if the structure
17 was not built for the sole or primary purpose of providing such support.

18 4. The term does not include any structure that, at the time the relevant application is filed with
19 the State or local government under this section, does not support or house equipment
20 described in this section.

21 ...

22 ...
23
24 Change of Use: When a change in the specified land use of a property, building, or portion of a building
25 occurs

26 ...

27 ...
28
29 Eligible facilities request (6409 Wireless Communication Facility): Any request for modification of an
30 existing tower or base station that does not substantially change the physical dimensions of such tower
31 or base station, involving:

32 1. Collocation of new transmission equipment;

33 2. Removal of transmission equipment; or

34 3. Replacement of transmission equipment

35 ...

36 ...
37
38 Existing Wireless Communication Facility: A constructed tower or base station is existing for purposes of
39 this section if it has been reviewed and approved under the applicable zoning or siting process, or under
40 another State or local regulatory review process, provided that a tower that has not been reviewed and
41 approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing
42 for purposes of this definition.

43 ...

44 ...
45
46 Substantial change, Wireless Communication Facility: A modification substantially changes the physical
47 dimensions of an eligible support structure if it meets any of the following criteria:

1 1. For towers other than towers in the public rights-of-way, it increases the height of the tower
2 by more than 10% or by the height of one additional antenna array with separation from the
3 nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible
4 support structures, it increases the height of the structure by more than 10% or more than ten
5 feet, whichever is greater;

6 a. Changes in height should be measured from the original support structure in cases
7 where deployments are or will be separated horizontally, such as on buildings' rooftops;
8 in other circumstances, changes in height should be measured from the dimensions of
9 the tower or base station, inclusive of originally approved appurtenances and any
10 modifications that were approved prior to the passage of the Spectrum Act.

11 2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance
12 to the body of the tower that would protrude from the edge of the tower more than twenty
13 feet, or more than the width of the tower structure at the level of the appurtenance, whichever
14 is greater; for other eligible support structures, it involves adding an appurtenance to the body
15 of the structure that would protrude from the edge of the structure by more than six feet;

16
17 3. For any eligible support structure, it involves installation of more than the standard number
18 of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for
19 towers in the public rights-of-way and base stations, it involves installation of any new
20 equipment cabinets on the ground if there are no pre-existing ground cabinets associated with
21 the structure, or else involves installation of ground cabinets that are more than 10% larger in
22 height or overall volume than any other ground cabinets associated with the structure;

23
24 4. It entails any excavation or deployment outside the current site;

25
26 5. It would defeat the concealment elements of the eligible support structure; or

27
28 6. It does not comply with conditions associated with the siting approval of the construction or
29 modification of the eligible support structure or base station equipment, provided however that
30 this limitation does not apply to any modification that is non-compliant only in a manner that
31 would not exceed the thresholds identified in § 1.40001(b)(7)(i) through (iv).

32
33 ...

34
35 Tenant Improvement: Changes made to the interior of a commercial or industrial property by its owner
36 to accommodate the needs of a tenant such as floor and wall coverings, ceilings, partitions, air
37 conditioning, fire protection, and security. A tenant improvement is not a change of use of the building
38 or tenant space; however, it often occurs when a new tenant occupies a building.

39
40 ...

41
42 Transmission equipment. Equipment that facilitates transmission for any Commission-licensed or
43 authorized wireless communication service, including, but not limited to, radio transceivers, antennas,
44 coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment
45 associated with wireless communications services including, but not limited to, private, broadcast, and
46 public safety services, as well as unlicensed wireless services and fixed wireless services such as
47 microwave backhaul.

1 Wireless Communication Facility Site: For towers other than towers in the public rights-of-way, the
2 current boundaries of the leased or owned property surrounding the tower and any access or utility
3 easements currently related to the site, and, for other eligible support structures, further restricted to
4 that area in proximity to the structure and to other transmission equipment already deployed on the
5 ground.

6
7 ...
8

9 Wireless Communication Facility Tower. Any structure built for the sole or primary purpose of
10 supporting any Commission-licensed or authorized antennas and their associated facilities, including
11 structures that are constructed for wireless communications services including, but not limited to,
12 private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless
13 services such as microwave backhaul, and the associated site.



REVISED
BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA

AB 5474
September 17, 2018
Regular Business

SECOND QUARTER 2018 FINANCIAL STATUS REPORT & 2018 BUDGET ADJUSTMENTS	Action: Receive financial status report and adopt Ordinance No. 18-11, amending the 2017-2018 Biennial Budget.	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
----------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

DEPARTMENT OF	Finance (Chip Corder)
COUNCIL LIAISON	n/a
EXHIBITS	1. Second Quarter 2018 Financial Status Report 2. 2017-2018 CIP Project Management Report 3. Ordinance No. 18-11
2018-2019 CITY COUNCIL GOAL	n/a
APPROVED BY CITY MANAGER	

AMOUNT OF EXPENDITURE	\$ 6,103,770
AMOUNT BUDGETED	\$
APPROPRIATION REQUIRED	\$ 6,103,770

SUMMARY

The Second Quarter 2018 Financial Status Report is attached as Exhibit 1. In addition, a comprehensive update on the status of each CIP project as of June 30, 2018 is included as Exhibit 2. Finally, an ordinance amending the 2017-2018 Budget is attached as Exhibit 3, which constitutes financial “housekeeping.” Accordingly, the City Manager recommends that the procedural requirement for a second reading be suspended and that the ordinance be adopted on September 17, 2018.

As requested by the Council, a financial status update on the Thrift Shop as of July 31, 2018 is provided below following Council approved Thrift Shop staffing increases on April 17, 2018.

Thrift Shop	As of 7/31/17	As of 7/31/18	% Change
Revenues	\$889,803	\$975,772	9.7% increase
Less Expenditures	- 370,270	- 415,795	12.3% increase
Net income	\$519,533	\$559,977	7.8% increase

Adding staff to the Thrift Shop back in April has generated a 9.7 percent increase in Thrift Shop sales and a 7.8 percent increase in net income as of July 31, 2018.

RECOMMENDATION

Assistant City Manager/Finance Director

- MOVE TO:
1. Suspend the City Council Rules of Procedure 6.3, requiring a second reading for an ordinance.
 2. Adopt Ordinance No. 18-11, amending the 2017-2018 Biennial Budget.

City of Mercer Island
FINANCIAL STATUS REPORT
Second Quarter 2018

FOREWORD

The Financial Status Report provides a summary budget to actual comparison of revenues and expenditures for the General Fund (four times a year) and all other funds (twice a year) through the end of the most recently completed fiscal quarter. Revenue and expenditure comparisons are also made to the same period in the prior year. In addition, a comprehensive progress update on the City's Capital Improvement Program (CIP) is included twice a year in the second and fourth quarter reports. A separate fund balance analysis for every fund is included annually in the fourth quarter report as well. Finally, if needed, budget adjustments are identified in a separate section of this report, along with a budget amending ordinance.

This report is comprised of the following five sections:

- General Fund
- Utility Funds
- All Other Funds
- Capital Improvement Program
- Budget Adjustments

It should be noted that, where significant, revenues are recognized when earned, regardless of when cash is received, and expenditures are recognized when a liability has been incurred or when resources have been transferred to another fund. Finally, beginning fund balance represents net excess resources from a prior year that have been appropriated to fund budgeted expenditures in the current year.

GENERAL FUND

Through the second quarter of 2018, total revenues are modestly above (51.5 percent) and total expenditures (excluding the transfer of the prior year's surplus) are modestly below (49.1 percent) the 50 percent budget threshold.

Revenues

Comparing total actual to total budgeted revenues (which excludes Beginning Fund Balance and Transfer from Other Funds) through the second quarter of the year, **the General Fund is 51.5 percent of budget in 2018 compared to 52.0 percent of budget in 2017.** This is primarily due to the net effect of the following, as shown in the table below:

- Property tax (54.9 percent of budget);
- General sales tax (47.4 percent of budget); and
- Licenses, permits, and zoning fees (49.4 percent of budget).

GENERAL FUND: Revenues As of June 30, 2017 and 2018

Revenue Category	Actuals			Budget		% of Budget	
	6/30/17	6/30/18	% Chg	2017	2018	2017	2018
Property Tax	6,498,392	6,672,225	2.7%	11,873,878	12,159,785	54.7%	54.9%
General Sales Tax	2,065,652	2,171,018	5.1%	4,521,000	4,580,000	45.7%	47.4%
Utility Taxes	2,207,758	2,125,029	-3.7%	4,164,200	4,216,700	53.0%	50.4%
Licenses, Permits & Zoning Fees	2,006,249	1,670,795	-16.7%	3,491,500	3,381,500	57.5%	49.4%
Recreation Program Fees	645,234	750,416	16.3%	1,630,318	1,668,815	39.6%	45.0%
EMS Levy & Charges for Service	617,453	666,929	8.0%	1,290,369	1,323,578	47.9%	50.4%
Criminal Justice Sales Tax	315,254	350,268	11.1%	662,000	695,000	47.6%	50.4%
Intergovernmental Revenues	209,718	230,115	9.7%	581,113	615,910	36.1%	37.4%
Utility Overhead Charges	226,086	232,053	2.6%	452,172	464,106	50.0%	50.0%
Court Fines	219,368	169,904	-22.5%	415,000	415,000	52.9%	40.9%
CIP Administration	134,458	139,093	3.4%	268,915	278,185	50.0%	50.0%
Misc General Government	219,148	277,601	26.7%	224,700	224,700	97.5%	123.5%
Investment Interest	8,022	15,321	91.0%	6,000	6,000	133.7%	255.4%
Total Revenues	15,372,792	15,470,767	0.6%	29,581,165	30,029,279	52.0%	51.5%
Beginning Fund Balance	1,121,610	1,832,650	63.4%	1,121,610	1,832,650	100.0%	100.0%
Transfer from Other Funds	1,321,678	-	-100.0%	1,321,677	-	100.0%	N/A
Total Resources	17,816,080	17,303,417	-2.9%	32,024,452	31,861,929	55.6%	54.3%

Comparing 2018 to 2017, total actual revenues are up only \$97,975, or 0.6 percent, through the second quarter of the year primarily due to the net effect of the following:

- \$173,833, or 2.7 percent, increase in property tax;
- \$105,366, or 5.1 percent, increase in general sales tax;
- \$105,182, or 16.3 percent, increase in recreation program fees;
- \$58,453, or 26.7 percent, increase in miscellaneous general government fees; and

- \$335,454, or 16.7 percent, decrease in licenses, permits, and zoning fees.

A more in-depth analysis is provided for the following revenues:

- **Property tax is 54.9 percent of budget in 2018 compared to 54.7 percent of budget in 2017.** This is normal reflecting King County’s practice of distributing property taxes to cities primarily in April/May and October/November, with the distributions in the first half of the year being more than the second half of the year. Relative to 2017, actual revenue is up \$173,833, or 2.7 percent, in 2018 due to the following: 1) the 1.0 percent optional increase in the 2018 levy; and 2) “new construction” additions to the 2018 levy.
- **General sales tax is only 47.4 percent of budget in 2018 compared to 45.7 percent of budget in 2017.** Relative to 2017, actual revenue is up \$105,366, or 5.1 percent, in 2018. The following table compares sales tax revenue, which is broken down by business sector, through the first half of the year for 2016-2018.

2016-2018 Sales Tax Revenue

Business Sector	Revenue (Jan-Jun)			% Change		% of Total		
	2016	2017	2018	2017	2018	2016	2017	2018
Construction	1,193,071	945,838	878,633	-20.7%	-7.1%	53.0%	45.8%	40.5%
Retail & Wholesale Trade	492,231	557,324	593,731	13.2%	6.5%	21.9%	27.0%	27.3%
Admin & Support Services	90,190	97,358	156,366	7.9%	60.6%	4.0%	4.7%	7.2%
Food Services	107,206	108,622	106,883	1.3%	-1.6%	4.8%	5.3%	4.9%
Telecommunications	64,913	75,904	79,685	16.9%	5.0%	2.9%	3.7%	3.7%
Finance/Insurance/Real Estate	67,811	57,729	70,936	-14.9%	22.9%	3.0%	2.8%	3.3%
Prof, Scientific & Tech Services	54,480	58,015	58,067	6.5%	0.1%	2.4%	2.8%	2.7%
All Other Sectors	182,747	164,862	226,717	-9.8%	37.5%	8.1%	8.0%	10.4%
Total	2,252,649	2,065,652	2,171,018	-8.3%	5.1%	100.0%	100.0%	100.0%

The overall increase of 5.1 percent is primarily driven by the net effect of the following:

- \$61,855, or 37.5 percent, increase in “all other sectors;”
- \$59,008, or 60.6 percent, increase in “administrative & support services;”
- \$36,407, or 6.5 percent, increase in “retail & wholesale trade;” and
- \$67,205, or 7.1 percent, decrease in “construction.”

The 7.1 percent decrease in the “construction” sector represents a continuation of the 20.7 percent decrease in the first half of 2017 following the completion of various school district projects in 2016 and the Hadley mixed use project in mid-2017. The “construction” and “retail & wholesale trade” sectors comprise two-thirds of the City’s total general sales tax receipts.

- **Utility taxes are 50.5 percent of budget in 2018 compared to 53.0 percent of budget in 2017.** The table below compares utility tax revenues, which are broken down by type of utility, through the second quarter of the year for 2016-2018.

2016-2018 Utility Tax Revenue

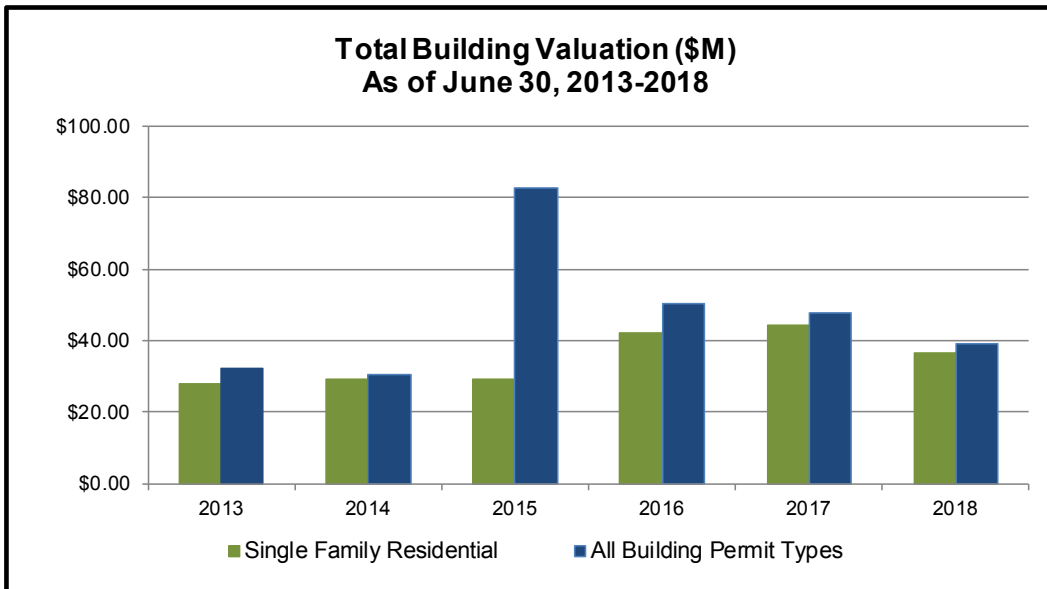
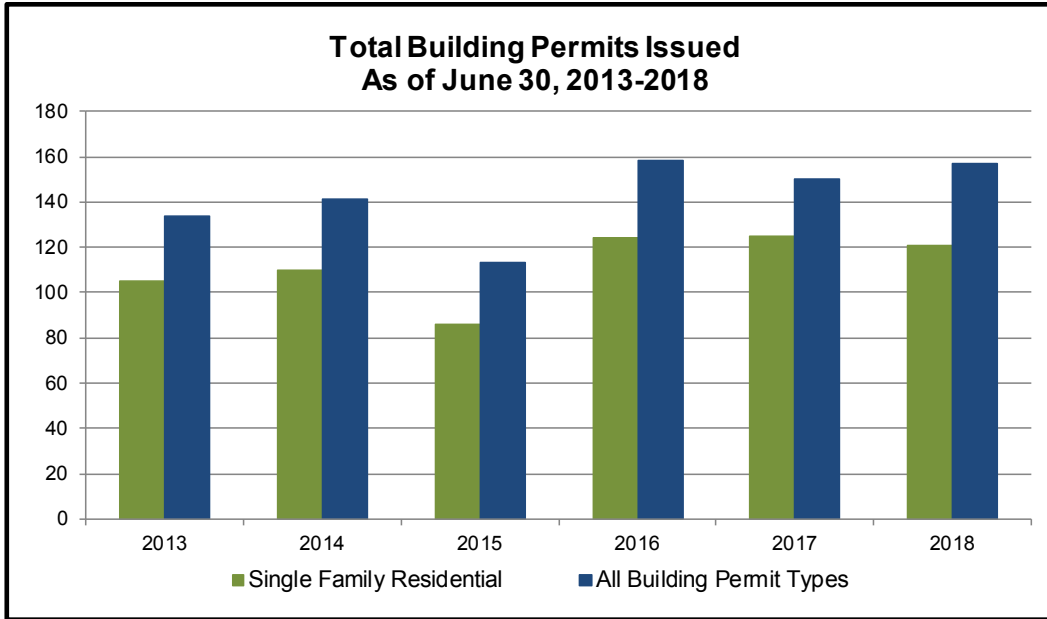
Utility Tax	Revenue (Jan-Jun)			% Change		% of Total	
	2016	2017	2018	2017	2018	2017	2018
Electric/Gas	852,522	978,418	910,566	14.8%	-6.9%	44.3%	42.8%
Water, Sewer & Stormwater	422,151	428,032	470,358	1.4%	9.9%	19.4%	22.1%
Cable TV	347,526	355,127	328,589	2.2%	-7.5%	16.1%	15.5%
Cellular	214,802	200,274	170,858	-6.8%	-14.7%	9.1%	8.0%
Garbage	133,332	143,842	144,736	7.9%	0.6%	6.5%	6.8%
Long Distance	58,315	62,003	63,035	6.3%	1.7%	2.8%	3.0%
Telephone	42,505	40,062	36,886	-5.7%	-7.9%	1.8%	1.7%
Total	2,071,154	2,207,758	2,125,029	6.6%	-3.7%	100.0%	100.0%

Relative to 2017, actual revenues are down \$82,729, or 3.7 percent, in 2018 primarily due to the following:

- 6.9 percent decrease in electric/gas utility tax, reflecting a more normal winter versus 2017, which was the coldest winter in 32 years; and
 - 14.7 percent decrease in cellular utility tax, reflecting the ongoing downward trend that began in 2009 due to a highly competitive business environment, the popularity of texting over talking, and the exclusion of data plans from utility taxes.
- **Licenses, permits, and zoning fees are 49.4 percent of budget in 2018 compared to 57.5 percent of budget in 2017.** This revenue category consists of all fees related to development, business licenses, and a cable franchise. Relative to 2017, actual revenues are down \$335,454, or 16.7 percent, in 2018. As measured by the number of building permits issued and total building valuation, development activity in the first half of 2018 is compared to the first half of 2017 in percentage change terms for single family residential permits and all building permit types in the table below.

Building Permit Type	% Change: First Half 2018 vs. First Half 2017	
	# of Building Permits Issued	Total Building Valuation (\$)
Single family residential	-3.2%	-17.4%
All building permit types	4.7%	-18.3%

The following two graphs show the total number of building permits issued and the total building valuation for single family residential versus all building permit types through the second quarter of the year for 2013-2018.



Finally, cable franchise fees are down 7.5 percent in 2018 compared to the prior year (\$234,707 in 2018 vs. \$253,662 in 2017), reflecting the growth of online streaming services as households opt to “cut the cable.”

- Recreation program fees are 45.0 percent of budget in 2018 compared to 39.6 percent of budget in 2017.** This is higher than normal for this revenue category at this point in the year. Relative to 2017, actual revenue is up \$105,182, or 16.3 percent, in 2018. This is directly related to the implementation of a new recreation system, with registration fees in the first quarter of 2018 being mistakenly booked as revenues before

they were earned. This revenue recognition issue, which has been fixed going forward, will normalize by the end of July.

- **Intergovernmental revenues are only 37.4 percent of budget in 2018 compared to 36.1 percent of budget in 2017.** This is typical for this revenue category at this point in the year. The major revenue sources include the liquor excise tax and liquor profits that are shared by the state, vessel registration fees that are received from the state through King County, and contract revenue for marine patrol services provided to the City of Renton. The vessel registration fees and the marine patrol contract revenue, which comprise about one quarter of what is budgeted in this category, will not be received, or otherwise recognized, until December 31, 2018. Relative to 2017, actual revenue is up \$20,397, or 9.7 percent, in 2018 primarily due to the new marijuana excise tax, which was first distributed to the City in the third quarter of 2017.
- **Court fines are 40.9 percent of budget in 2018 compared to 52.9 percent of budget in 2017.** Relative to 2017, actual revenues are down \$49,464, or 22.5 percent, in 2018 due to a 24.0 percent drop in total court filings through the second quarter of 2018.
- **Miscellaneous general government fees are 123.5 percent of budget in 2018 compared to 97.5 percent of budget in 2017.** Relative to 2017, actual revenue is up \$58,453, or 26.7 percent, in 2018 primarily due to employee disability reimbursement monies received from the Washington State Department of Labor and Industries.

All other revenues are either within expected norms through the second quarter of the year or too insignificant to highlight.

Expenditures

Comparing total actual to total budgeted expenditures (which excludes Transfer of Prior Year's Surplus) through the second quarter of the year, **the General Fund is 49.1 percent of budget in 2018 compared to 52.6 percent of budget in 2017.** The following two tables compare budgeted to actual expenditures, first by category and then by department, as of June 30, 2017 and 2018.

GENERAL FUND: Expenditures by Category As of June 30, 2017 and 2018

Expenditure Category	Actuals			Budget		% of Budget	
	6/30/17	6/30/18	% Chg	2017	2018	2017	2018
Salaries	7,778,773	8,169,269	5.0%	15,542,163	16,197,672	50.0%	50.4%
Benefits	2,866,712	3,170,371	10.6%	5,728,584	6,052,368	50.0%	52.4%
Contractual Services	2,286,366	712,578	-68.8%	3,062,939	2,207,141	74.6%	32.3%
Equipment Rental	702,396	710,070	1.1%	1,429,185	1,446,954	49.1%	49.1%
Intergovernmental Services	532,649	434,374	-18.5%	1,111,598	1,203,380	47.9%	36.1%
Supplies	402,978	342,988	-14.9%	790,405	786,505	51.0%	43.6%
Utilities	226,848	238,156	5.0%	625,404	630,483	36.3%	37.8%
Insurance	593,918	623,968	5.1%	601,150	629,827	98.8%	99.1%
Other Services & Charges	142,148	225,844	58.9%	398,388	427,613	35.7%	52.8%
Phone, Postage & Advertising	43,760	48,071	9.9%	129,900	131,894	33.7%	36.4%
Jail	26,979	33,012	22.4%	90,850	90,850	29.7%	36.3%
Interfund Transfers:							
Transfer to YFS Fund	296,415	200,000	-32.5%	592,831	658,186	50.0%	30.4%
Transfer to Tech/Equip Fund	171,000	171,000	0.0%	342,000	342,000	50.0%	50.0%
Transfer to Capital Improv Fund	-	85,700	N/A	-	85,700	N/A	100.0%
Transfer to Equip Rental Fund	8,131	21,000	158.3%	21,000	21,000	38.7%	100.0%
Transfer to Water Fund	36,977	50,930	37.7%	139,000	147,000	26.6%	34.6%
Transfer to Computer Equip Fund	-	102,526	N/A	-	102,526	N/A	100.0%
Transfer to Non-Voted Bond Fund	8,499	7,820	-8.0%	96,999	94,759	8.8%	8.3%
Transfer to Street Fund	50,000	-	-100.0%	50,000	-	100.0%	N/A
Total Expenditures	16,174,549	15,347,677	-5.1%	30,752,396	31,255,858	52.6%	49.1%
Transfer of Prior Year's Surplus	-	358,268	N/A	-	358,268	N/A	100.0%
Total Expenditures + PY Transfer	16,174,549	15,705,945	-2.9%	30,752,396	31,614,126	52.6%	49.7%

GENERAL FUND: Expenditures by Department
As of June 30, 2017 and 2018

Department	Actuals			Budget		% of Budget	
	6/30/17	6/30/18	% Chg	2017	2018	2017	2018
Police	3,491,101	3,367,608	-3.5%	6,808,565	7,049,541	51.3%	47.8%
Fire	3,179,242	3,266,353	2.7%	6,232,801	6,443,305	51.0%	50.7%
Parks & Recreation	2,190,324	2,337,832	6.7%	5,026,281	5,169,047	43.6%	45.2%
Development Services	1,564,099	1,696,735	8.5%	3,314,799	3,592,751	47.2%	47.2%
Non-Departmental	1,574,649	1,917,986	21.8%	2,892,476	3,360,596	54.4%	57.1%
Public Works	766,229	793,412	3.5%	1,688,120	1,732,547	45.4%	45.8%
City Manager's Office	2,058,584	577,609	-71.9%	2,044,613	1,072,591	100.7%	53.9%
Finance	418,100	453,318	8.4%	896,465	923,544	46.6%	49.1%
City Attorney's Office	365,272	364,307	-0.3%	716,837	743,275	51.0%	49.0%
Human Resources	318,115	326,918	2.8%	592,098	609,219	53.7%	53.7%
Municipal Court	218,744	214,092	-2.1%	479,586	494,611	45.6%	43.3%
City Council	30,090	31,507	4.7%	59,755	64,831	50.4%	48.6%
Total Expenditures	16,174,549	15,347,677	-5.1%	30,752,396	31,255,858	52.6%	49.1%
Transfer of Prior Year's Surplus	-	358,268	N/A	-	358,268	N/A	100.0%
Total Expenditures + PY Transfer	16,174,549	15,705,945	-2.9%	30,752,396	31,614,126	52.6%	49.7%

In reviewing **expenditures by category**, the following are noteworthy:

- **Salaries, which equal 52 percent of total budgeted expenditures in 2018, are 50.4 percent of budget in 2018 compared to 50.0 percent of budget in 2017.** Relative to 2017, actual expenditures are up \$390,496, or 5.0 percent, in 2018 primarily due to the following: 1) cost of living allowances for all employees (3.2 percent for Police and Fire employees and 2.9 percent for all other employees); 2) step increases for represented employees; 3) "pay for performance" for unrepresented employees; and 4) higher than expected overtime in the Police and Fire Departments.
- **Benefits, which equal 19 percent of total budgeted expenditures in 2018, are 52.4 percent of budget in 2018 compared to 50.0 percent of budget in 2017.** The modest overage in 2018 relative to the 50 percent budget threshold is temporary and is due to front-loaded VEBA contributions to Commissioned Police, Police Support, AFSCME, and non-represented employees. These employer contributions were part of a change to lower cost medical plans beginning in 2018. Relative to 2017, actual expenditures are up \$303,659, or 10.6 percent, in 2018 primarily due to medical insurance premium increases and the front-loaded VEBA contributions.
- **Contractual services, which equal 7 percent of total budgeted expenditures in 2018, are 32.3 percent of budget in 2018 compared to 74.6 percent of budget in 2017.** This expenditure category includes outside legal counsel, software support, development and engineering support, recreation instructors, repairs and maintenance, and other professional services. The significant underage in 2018 relative to the 50 percent budget threshold is typical, with contractual services occurring mostly in the second and third quarters of the year. Last year was an anomaly due to \$1.57 million in

I-90/light rail litigation and other related costs, which were incurred in the first half of 2017.

- **Intergovernmental services, which equal 4 percent of total budgeted expenditures in 2018, are 36.1 percent of budget in 2018 compared to 47.9 percent of budget in 2017.** This expenditure category includes contracted police and fire dispatch services (NORCOM), contracted jail services (City of Issaquah, SCORE, and King County), affordable housing services and contributions (ARCH), contracted fire apparatus maintenance (City of Redmond), regional radio system services (EPSCA), and payments to various governmental agencies for other services. The significant underage in 2018 relative to the 50 percent budget threshold is due to a late payment to NORCOM for dispatch services for the second quarter of 2018.
- **Insurance, which equals 2 percent of total budgeted expenditures in 2018, is 99.1 percent of budget in 2018 compared to 98.8 percent of budget in 2017.** The City pays its annual insurance assessment to the Washington Cities Insurance Authority (WCIA) in the first quarter of the year. Relative to 2017, the cost is up \$30,050, or 5.1 percent, in 2018 primarily based on the City's claims experience and the total number of worker hours over the past five years.
- **Other services and charges, which equal 1 percent of total budgeted expenditures in 2018, are 52.8 percent of budget in 2018 compared to 35.7 percent of budget in 2017.** Relative to 2017, actual expenditures are up \$83,696, or 58.9 percent, in 2018 due to King County's late invoice for 2017 voter registration costs (\$85,048), which was not received until the second half of February 2018. Typically, this bill would have been received in January and accrued back to the prior year. As a result, the City will have to pay for 2017 and 2018 voter registration costs in 2018.
- **Transfer of prior year's surplus** represents that portion of the General Fund's revenue surplus and expenditure savings from the prior year that has been approved by the Council to be distributed to other funds for various purposes in the current year. In 2017, the total available General Fund surplus was \$358,268, which was appropriated by the Council on June 5, 2018 to fund: 1) additional soil remediation costs (\$141,468) in the Equipment Rental Fund; and 2) additional Groveland Beach Repair and Shoreline Improvement project costs (\$216,800) in the Capital Improvement Fund.

In reviewing **expenditures by department**, the following deserve explanation:

- **The Fire Department has spent 50.7 percent of its budget through the first half of 2018** primarily due to four firefighters being on extended medical leave (two of which are duty-related injuries), resulting in higher than expected overtime costs.
- **Non-Departmental has spent 57.1 percent of its budget through the first half of 2018**, because the City paid its annual insurance assessment to the Washington Cities Insurance Authority (WCIA) in the first quarter of the year, which was noted above under "insurance."
- **The City Manager's Office has spent 53.9 percent of its budget through the first half of 2018** due to King County's late invoice for 2017 voter registration costs, which was noted above under "other services and charges."

- **Human Resources has spent 53.7 percent of its budget through the first half of 2018** primarily due to contracted payroll processing costs that were higher than expected and to overlap between the incoming and outgoing Payroll Specialist, who was on FMLA leave.

All other expenditures are either within expected norms through the second quarter of the year or too insignificant to highlight.

UTILITY FUNDS

Water Fund

Comparing 2018 to 2017 through the second quarter of the year, total operating revenues are up 10.9 percent, and total operating expenditures are up 9.2 percent. See the summary of revenues and expenditures in the table below.

WATER FUND: Revenues and Expenditures
As of June 30, 2017 and 2018

Category	Actuals			Budget		% of Budget	
	6/30/17	6/30/18	% Chg	2017	2018	2017	2018
Operating Revenues:							
Charges for Services	2,755,593	3,033,857	10.1%	6,686,564	6,981,643	41.2%	43.5%
Water Utility Tax (Gen Fund Xfr)	36,977	50,930	37.7%	114,756	119,857	32.2%	42.5%
Miscellaneous	7,894	22,117	180.2%	27,300	27,300	28.9%	81.0%
Total Operating Revenues	2,800,464	3,106,904	10.9%	6,828,620	7,128,800	41.0%	43.6%
Operating Expenditures:							
Water Purchased for Resale	674,402	754,592	11.9%	1,854,040	2,110,825	36.4%	35.7%
Maintenance & Operations	1,269,742	1,367,925	7.7%	2,679,134	2,643,908	47.4%	51.7%
Total Operating Expenditures	1,944,144	2,122,517	9.2%	4,533,174	4,754,733	42.9%	44.6%
Operating Income (Loss)	856,320	984,387	15.0%	2,295,446	2,374,067	37.3%	41.5%
Non-Operating Items:							
Water Connection Charges	253,080	139,037	-45.1%	145,682	137,548	173.7%	101.1%
Interest	38,032	94,839	149.4%	22,977	32,306	165.5%	293.6%
Debt Service	(18,115)	(17,302)	-4.5%	(108,475)	(111,525)	16.7%	15.5%
Capital Projects	(533,273)	(572,180)	7.3%	(3,378,463)	(3,233,295)	15.8%	17.7%
Total Non-Operating Items	(260,276)	(355,606)	36.6%	(3,318,279)	(3,174,966)	7.8%	11.2%
Net Increase (Decrease)	596,044	628,781	N/A	(1,022,833)	(800,899)	N/A	N/A

Of particular note are the following:

- **Charges for services (i.e. water utility customer charges) are only 43.5 percent of budget in 2018**, because the high water usage months are in the summer. Relative to 2017, charges for services are up \$278,264, or 10.1 percent, in 2018 due to the following:
 - 5.3 percent increase in water rates (primarily driven by planned capital replacement needs in 2017-2022); and
 - 11.0 percent increase in the volume of water purchased from Seattle Public Utilities.

- **Water purchased for resale is up \$80,190, or 11.9 percent, in the first half of 2018 compared to the prior year** primarily due to an 11.0 percent increase in the volume of water purchased from Seattle Public Utilities.
- **Water connection charges are down \$114,043, or 45.1 percent, in the first half of 2018 compared to the prior year** due to a decline in new single family residential building permits and water service permits, which are down 18.4 percent and 33.3 percent respectively.
- **Capital projects are only 17.7 percent of budget in 2018** primarily due to the following:
 - **East Mercer Way 5400-6000 Block Water Main Replacement** (\$1,696,467 budget vs. \$446,164 actual expenditures): Construction started in mid-April and is expected to be completed by September.
 - **Street-Related Water Improvements** (\$291,924 budget vs. \$4,623 actual expenditures): Construction is scheduled to start in July.
 - **Hydrant Replacements** (\$275,410 budget vs. \$203 actual expenditures): Construction is planned for the fall.

At the mid-year point, it is typical to have spent only 10-20 percent of the capital budget, because the construction season for many projects does not begin until June. See the 2017-2018 CIP Project Management Report, which is attached as Exhibit 2, for detailed project information.

Sewer Fund

Comparing 2018 to 2017 through the second quarter of the year, total operating revenues are up 3.4 percent, and total operating expenditures are up 6.9 percent. See the summary of revenues and expenditures in the table below.

SEWER FUND: Revenues and Expenditures As of June 30, 2017 and 2018

Category	Actuals			Budget		% of Budget	
	6/30/17	6/30/18	% Chg	2017	2018	2017	2018
Operating Revenues:							
Charges for Services	4,485,563	4,637,416	3.4%	9,069,634	9,247,936	49.5%	50.1%
Miscellaneous	21,253	22,289	4.9%	-	-	N/A	N/A
Total Operating Revenues	4,506,816	4,659,705	3.4%	9,069,634	9,247,936	49.7%	50.4%
Operating Expenditures:							
King County Sewage Treatment	2,339,857	2,416,402	3.3%	4,727,212	4,722,582	49.5%	51.2%
Maintenance & Operations	931,632	1,081,172	16.1%	2,138,329	2,189,329	43.6%	49.4%
Total Operating Expenditures	3,271,489	3,497,574	6.9%	6,865,541	6,911,911	47.7%	50.6%
Operating Income (Loss)	1,235,327	1,162,131	-5.9%	2,204,093	2,336,025	56.0%	49.7%
Non-Operating Items:							
Sewer Connection Charges	36,834	10,430	-71.7%	20,600	21,218	178.8%	49.2%
Interest	20,157	42,193	109.3%	17,707	16,481	113.8%	256.0%
Debt Service	(518,172)	(494,183)	-4.6%	(1,099,753)	(1,100,979)	47.1%	44.9%
Capital Projects	(131,104)	(151,540)	15.6%	(1,737,887)	(2,027,999)	7.5%	7.5%
Total Non-Operating Items	(592,285)	(593,100)	0.1%	(2,799,333)	(3,091,279)	21.2%	19.2%
Net Increase (Decrease)	643,042	569,031	N/A	(595,240)	(755,254)	N/A	N/A

Of particular note are the following:

- **Charges for services (i.e. sewer utility customer charges) are up \$151,853, or 3.4 percent, in the first half of 2018 compared to the prior year** due to the net effect of the following:
 - 7.8 percent increase in City sewer maintenance services (represents about one-half of the sewer bill); and
 - 0.0 percent increase in King County sewage treatment charges (represents about one-half of the sewer bill).
- **Maintenance and operations are up \$149,540, or 16.1 percent, in the first half of 2018 compared to the prior year** due to the following:
 - The sewer crew had to backfill for the water crew, which was down 3 employees in the first half of 2017 due to injuries; and
 - Most of the contracted maintenance work (i.e. sewer video inspection and wet well cleaning) in 2017 was pushed to the second half of the year because of the backfilling.

- **Capital projects are only 7.5 percent of budget in 2018** primarily due to the following:
 - **Sewer System Generator Replacement** (\$436,686 budget vs. \$8,015 actual expenditures): Design is at 80 percent for pump stations 13, 17, and 24, with the project scheduled to be bid in the third quarter.
 - **General Sewer System Improvements** (\$412,794 budget vs. \$312 actual expenditures): This project entails the re-lining of 4,700 feet of sewer main. Construction is scheduled for the fourth quarter.
 - **Pump Station/Lake Line Access Evaluation** (\$300,000 budget vs. \$3,423 actual expenditures): Contracted with Tetra Tech in June, with field work scheduled to begin in August.
 - **Sewer Special Catch Basins** (\$270,884 budget vs. \$8,019 actual expenditures): Final design is complete, a fabrication shop has been selected to build baffle plates, and the sewer crew will install the plates in the third quarter.

At the mid-year point, it is typical to have spent only 10-20 percent of the capital budget, because the construction season for many projects does not begin until June. However, spending less than 10 percent of the capital budget is not typical and is a direct result of the unplanned, emergency installation of a lake line clean-out near pump station #14 in 2017, which caused delays in other sewer projects in 2017-2018. See the 2017-2018 CIP Project Management Report, which is attached as Exhibit 2, for detailed project information.

Stormwater Fund

Comparing 2018 to 2017 through the second quarter of the year, total operating revenues are up 1.5 percent, and total operating expenditures are up 1.1 percent. See the summary of revenues and expenditures in the table below.

**STORM WATER FUND: Revenues and Expenditures
As of June 30, 2017 and 2018**

Category	Actuals			Budget		% of Budget	
	6/30/17	6/30/18	% Chg	2017	2018	2017	2018
Operating Revenues:							
Charges for Services	939,133	956,768	1.9%	1,864,465	1,935,314	50.4%	49.4%
Grants	25,000	21,721	N/A	25,000	100,000	100.0%	21.7%
Total Operating Revenues	964,133	978,489	1.5%	1,889,465	2,035,314	51.0%	48.1%
Operating Expenditures:							
Maintenance & Operations	637,170	643,946	1.1%	1,367,049	1,470,439	46.6%	43.8%
Total Operating Expenditures	637,170	643,946	1.1%	1,367,049	1,470,439	46.6%	43.8%
Operating Income (Loss)	326,963	334,543	2.3%	522,416	564,875	62.6%	59.2%
Non-Operating Items:							
Fee in Lieu	149,457	58,782	-60.7%	100,000	100,000	149.5%	58.8%
Interest	19,523	36,181	85.3%	16,060	14,256	121.6%	253.8%
Capital Projects	(132,043)	(189,924)	43.8%	(1,608,117)	(1,279,425)	8.2%	14.8%
Total Non-Operating Items	36,937	(94,961)	-357.1%	(1,492,057)	(1,165,169)	-2.5%	8.1%
Net Increase (Decrease)	363,900	239,582	N/A	(969,641)	(600,294)	N/A	N/A

Of particular note are the following:

- **Charges for services (i.e. storm water utility customer charges) are up \$17,635, or 1.9 percent, in the first half of 2018 compared to the prior year** primarily due to a 1.5 percent increase in storm water rates.
- **Maintenance and operations are only 43.8 percent of budget in 2018** due to the need to secure easements before beginning a major repair project.
- **Fees in lieu are down \$90,675, or 60.7 percent, in the first half of 2018 compared to the prior year** due to a \$118,692 payment from Aegis (a new assisted living facility) in 2017.
- **Capital projects are only 14.8 percent of budget in 2018** primarily due to the following:
 - **Sub-Basin 49b Watercourse** (\$275,743 budget vs. \$14,661 actual expenditures): Waiting for permit approval from the Army Corps of Engineers.
 - **Sub-Basin 51a Watercourse** (\$187,264 budget vs. \$12,962 actual expenditures): Waiting for permit approval from the Army Corps of Engineers.

At the mid-year point, it is typical to have spent only 10-20 percent of the capital budget, because the construction season for many projects does not begin until June. See the 2017-2018 CIP Project Management Report, which is attached as Exhibit 2, for detailed project information.

ALL OTHER FUNDS

Highly summarized revenue and expenditure information is displayed for all other funds in the table below.

ALL OTHER FUNDS: Revenues and Expenditures As of June 30, 2017 and 2018

Fund Name	Actuals			Budget		% of Budget	
	6/30/17	6/30/18	% Chg	2017	2018	2017	2018
Self Insurance Claim							
Revenues	-	-	N/A	10,000	10,000	0.0%	0.0%
Expenditures	-	-	N/A	10,000	10,000	0.0%	0.0%
Youth Services Endowment							
Revenues	1,463	2,803	91.6%	500	500	292.6%	560.6%
Expenditures	-	-	N/A	500	500	0.0%	0.0%
Street							
Revenues	1,542,252	1,745,988	13.2%	2,541,500	3,301,165	60.7%	52.9%
Expenditures	565,639	828,464	46.5%	3,506,514	5,199,230	16.1%	15.9%
Transportation Benefit District							
Revenues	183,130	184,274	0.6%	350,000	350,000	52.3%	52.6%
Expenditures	175,000	175,000	0.0%	350,000	350,000	50.0%	50.0%
Criminal Justice*							
Revenues	-	-	N/A	-	-	N/A	N/A
Expenditures	1,100,614	-	-100.0%	1,100,614	-	100.0%	N/A
Beautification							
Revenues	372,723	377,899	1.4%	1,168,982	1,209,660	31.9%	31.2%
Expenditures	357,328	381,069	6.6%	1,196,759	1,249,640	29.9%	30.5%
Contingency							
Revenues	97,404	414,030	325.1%	25,000	25,000	N/A	>999.0%
Expenditures	-	-	N/A	-	-	N/A	N/A
1% for the Arts							
Revenues	-	-	N/A	15,000	20,000	0.0%	0.0%
Expenditures	1,819	29,289	>999.0%	39,914	79,251	4.6%	37.0%
Youth & Family Services							
Revenues	1,352,414	1,419,576	5.0%	2,675,915	2,926,689	50.5%	48.5%
Expenditures	1,305,468	1,378,563	5.6%	2,754,719	2,924,123	47.4%	47.1%
Bond Redemption (Voted)							
Revenues	-	-	N/A	-	-	N/A	N/A
Expenditures	-	-	N/A	-	-	N/A	N/A
Bond Redemption (Non-Voted)							
Revenues	328,049	324,020	-1.2%	1,011,099	847,159	32.4%	38.2%
Expenditures	48,049	39,020	-18.8%	1,011,099	847,159	4.8%	4.6%

* Beginning in 2017, the Criminal Justice Fund was closed and combined with the General Fund.

ALL OTHER FUNDS: Revenues and Expenditures (cont'd)
As of June 30, 2017 and 2018

Fund Name	Actuals			Budget		% of Budget	
	6/30/17	6/30/18	% Chg	2017	2018	2017	2018
Capital Improvement							
Revenues	1,376,038	1,623,884	18.0%	3,283,250	3,059,519	41.9%	53.1%
Expenditures	602,565	1,369,546	127.3%	5,821,415	5,856,594	10.4%	23.4%
Technology & Equipment							
Revenues	517,076	173,500	-66.4%	810,988	537,422	63.8%	32.3%
Expenditures	169,316	272,042	60.7%	860,136	890,261	19.7%	30.6%
Fire Station 92 Construction							
Revenues	330,000	-	-100.0%	330,000	-	100.0%	N/A
Expenditures	366,195	-	-100.0%	366,195	-	100.0%	N/A
Capital Reserve							
Revenues	-	-	N/A	-	-	N/A	N/A
Expenditures	-	-	N/A	-	-	N/A	N/A
Equipment Rental							
Revenues	672,204	843,819	25.5%	1,315,291	2,349,002	51.1%	35.9%
Expenditures	688,670	711,682	3.3%	1,856,768	2,877,239	37.1%	24.7%
Computer Equipment							
Revenues	461,680	574,176	24.4%	921,412	1,045,826	50.1%	54.9%
Expenditures	557,249	516,626	-7.3%	975,926	1,103,193	57.1%	46.8%
Firemen's Pension							
Revenues	49,679	54,098	8.9%	57,910	57,910	85.8%	93.4%
Expenditures	42,808	40,378	-5.7%	97,000	103,000	44.1%	39.2%

In reviewing revenues and expenditures through the second quarter of the year, the following funds are particularly noteworthy:

- **Street Fund:**
 - **Total revenues are up \$203,736, or 13.2 percent, in the first half of 2018 compared to the prior year** primarily due to a \$225,262 state Transportation Improvement Board grant for the SE 40th Street Corridor Improvements project.
 - **Total expenditures are only 15.9 percent of budget in 2018** primarily due to the following capital projects:
 - **SE 40th Street Corridor Improvements** (\$1,935,790 budget vs. \$126,524 actual expenditures): Construction began in mid-June and is scheduled to be completed in October.
 - **Residential Street Improvements** (\$435,244 budget vs. \$31,817 actual expenditures): Construction is scheduled for July-August.
 - **East Mercer Way—SE 70th to West Mercer Way** (\$395,000 budget vs. \$6,898 actual expenditures): Construction is scheduled for July-August.

- **Island Crest Way—SE 27th to 3100 Block** (\$377,084 budget vs. \$15,154 actual expenditures): Construction is scheduled for July-August.

At the mid-year point, it is typical to have spent only 10-20 percent of the capital budget, because the construction season for many projects does not begin until June. See the 2017-2018 CIP Project Management Report, which is attached as Exhibit 2, for detailed project information.

- **Beautification Fund:**

- **Total revenues are only 31.2 percent of budget in 2018 compared to 31.9 percent of budget in 2017.** This underage relative to the 50.0 percent budget threshold is normal, because 98 percent of the City's registered businesses file an annual, rather than a quarterly, B&O tax return that is not due until January 31st of the following year.
- **Total expenditures are only 30.5 percent of budget in 2018 compared to 29.9 percent of budget in 2017.** The underage relative to the 50.0 percent budget threshold is primarily due to the following:
 - Only 37.7 percent of the budget for Aubrey Davis Park maintenance has been spent in the first half of 2018, because most of the work occurs during the summer and fall months;
 - The \$150,000 budgeted for the Aubrey Davis Park multi-use corridor plan has not been transferred to the Capital Improvement Fund yet;
 - The \$50,000 budgeted for light rail station planning has not been spent yet.

- **Contingency Fund:**

- **Total revenues are up \$316,626, or 325.1 percent, in the first half of 2018 compared to the prior year** due to the following:
 - \$102,955, or 105.7 percent, increase in investment interest earnings; and
 - \$213,671 in water, sewer, and storm water utility taxes, reflecting a temporary increase in the tax rate from 5.3 percent to 8.0 percent for 18 months (from July 1, 2017 through December 31, 2018) to reimburse the Contingency Fund for \$700,000 that was used to fund I-90/light rail litigation costs in 2017.

- **Youth & Family Services Fund:**

- **Total revenues are up \$67,162, or 5.0 percent, in the first half of 2018 compared to the prior year** primarily due to the net effect of the following:
 - \$80,243, or 10.7 percent, increase in Thrift Shop sales;
 - \$58,253, or 57.7 percent, increase in MIYFS Foundation donations, reflecting the Foundation's commitment to: 1) increase annual funding to 10 percent of YFS Fund expenditures beginning in 2018; 2) provide one-time funding to restore the Youth Development Coordinator to full-time status in 2018; and 3) provide ongoing funding for an additional 5 hours

per week for the Donor Development Officer and an additional 10 hours per week for the Administrative Assistant;

- \$96,415, or 32.5 percent, decrease in General Fund support, reflecting the elimination of a one-time transfer in 2017, which was needed to balance the YFS Fund budget; and
- \$28,389, or 232.6 percent, increase in emergency assistance donations.

- **Bond Redemption (Non-Voted) Fund:**

- **Total expenditures are only 4.6 percent of budget in 2018 compared to 4.8 percent of budget in 2017.** The underage relative to the 50.0 percent budget threshold is normal and is directly related to the December 1st timing of the principal payments on the limited tax general obligation (LTGO) and refunding bonds issued in February 2013.

- **Capital Improvement Fund:**

- **Total revenues are up \$247,846, or 18.0 percent, in the first half of 2018 compared to the prior year** primarily due to the net effect of the following:
 - \$302,500 transfer from the General Fund for the Groveland Beach Park Repairs project; and
 - \$74,357 reduction in private donations for capital projects.
- **Total expenditures are only 23.4 percent of budget in 2018** primarily due to the following capital projects:
 - **Swim Beach Repairs—Groveland Beach** (\$923,157 budget vs. \$42,387 actual expenditures): Construction is scheduled to begin in August.
 - **South Mercer Playfields** (\$871,635 budget vs. \$154,458 actual expenditures): The playground improvements were completed in June, and the synthetic turf replacement is on hold. Per a new interlocal agreement, the School District will manage the turf replacement project, and the City will transfer its accumulated turf replacement monies for the South Mercer Playfields to the School District.
 - **Aubrey Davis Park Multi-use Corridor Plan** (\$347,522 budget vs. \$4,171 actual expenditures): The MOU agreement with WSDOT has been executed, and the consultant has been selected.

At the mid-year point, it is typical to have spent only 10-20 percent of the capital budget, because the construction season for many projects does not begin until June. See the 2017-2018 CIP Project Management Report, which is attached as Exhibit 2, for detailed project information.

- **Technology & Equipment Fund:**

- **Total revenues are down \$343,576, or 66.4 percent, in the first half of 2018 compared to the prior year** due to the following:
 - \$233,240 gift to the Fire Department in 2017 from the Mary K. Vacchieri estate;

- \$76,042 interfund transfer from the Criminal Justice Fund in 2017 as part of the fund closeout process, moving \$41,345 Eastside Narcotics Task Force (ENTF) reserve and \$34,697 U.S. Treasury reserve to the Technology & Equipment Fund; and
 - \$36,918 final distribution in 2017 from the City of Bellevue related to the ENTF dissolution.
- **Total expenditures are only 30.6 percent of budget in 2018** primarily due to the following capital project:
 - **Self-Contained Breathing Apparatus** (\$266,000 budget vs. \$0 actual expenditures): This firefighter equipment has been ordered, with delivery expected in August.

See the 2017-2018 CIP Project Management Report, which is attached as Exhibit 2, for detailed project information.

- **Equipment Rental Fund:**

- **Total revenues are up \$171,615, or 25.5 percent, in the first half of 2018 compared to the prior year** due to a \$162,468 interfund transfer from the General Fund for soil remediation work at the Maintenance Center and adjacent property.
- **Total expenditures are only 24.7 percent of budget in 2018** primarily due to the following capital projects:
 - **Vehicle Replacements** (\$1,169,789 budget vs. \$350,761 actual expenditures): The scheduled replacements of the vactor truck (\$420,613) and the sewer jet truck (\$292,211) are being pushed to 2019-2020.
 - **Fire Fleet Replacement** (\$745,000 budget vs. \$0 actual expenditures): A Pierce Enforcer pumper fire truck has been ordered, with delivery scheduled for the second quarter of 2019.
 - **Soil Remediation** (\$303,935 budget vs. \$17,979 actual expenditures): Additional monitoring wells have been installed near the Maintenance Center, with three more wells to be installed in August. Site injections will begin in September.

All other variances are either within expected norms through the second quarter of the year or too insignificant to highlight.

CAPITAL IMPROVEMENT PROGRAM

This section of the Financial Status Report includes a comprehensive overview of the City's capital improvement program (CIP), with a more detailed look at real estate excise tax receipts, highlights of particularly notable projects, and a Project Management Report (see Exhibit 2), which provides an update on the status of every CIP project.

Financial Overview

Eighteen months into the 2017-2018 biennium, most of the capital projects planned for 2017 are complete, while other projects planned for 2018 are either in the design phase or early in the construction phase. **In aggregate, CIP-related expenditures are 44.2 percent of the adopted biennial budget**, which breaks down as follows:

- **Capital Reinvestment Plan (CRP): 42.0 percent of biennial budget**
- **Capital Facilities Plan (CFP): 69.7 percent of biennial budget**

About \$28.1 million in projects are planned for the biennium, including \$8.5 million in water, sewer, and stormwater projects; \$6.7 million in general government facilities projects; \$6.2 million in street improvement projects; and \$6.7 million in parks/open space projects.

Real Estate Excise Tax

Real estate excise tax (REET) is the 0.5 percent tax paid by the seller in property transactions, and its use is restricted by state law for specific capital purposes. REET 1 (the 1st quarter of 1.0 percent of the sales price) may be used for streets, parks, facilities, or utilities. REET 2 (the 2nd quarter of 1.0 percent of the sales price) may be used for the same capital purposes as REET 1, except for facilities, which are specifically prohibited. Neither REET 1 nor REET 2 may be used for equipment or technology.

Through the first half of the year, REET is 61.8 percent of budget in 2018 compared to 62.0 percent of budget in 2017, as shown in the table below.

**REET Revenue: Actual vs. Budget
As of June 30, 2017 and 2018**

Actual			Budget		% of Budget	
6/30/17	6/30/18	% Change	2017	2018	2017	2018
1,962,205	2,029,707	3.4%	3,165,000	3,284,000	62.0%	61.8%

Relative to 2017, actual revenue is up \$67,502, or 3.4 percent, in 2018. The primary drivers of this increase are the number of sales, which is down 7.8 percent, and the average sales price, which is up 12.7 percent, as noted in the following table. The average sales price is \$1.58 million through the first half of 2018.

Property Sale Statistics
As of June 30, 2017 and 2018

Number of Sales			Average Sales Price		
6/30/17	6/30/18	% Change	6/30/17	6/30/18	% Change
257	237	-7.8%	\$1,401,250	\$1,579,150	12.7%

Please note that the average sales price encompasses all property sales—namely, land, single family residential homes, condominiums, and businesses.

In the table below, REET is broken down according to property sales (i.e. ≤\$5.0 million and >\$5.0 million) for the period 2008-2017. In addition, the average property sales price and the number of sales are identified for those properties that sold for \$5.0 million or less.

2008-2017 REET Revenue (Dollars in Thousands)
Property Sales ≤\$5.0M and >\$5.0M

Property Sale Breakdown	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Avg
Property Sales ≤\$5.0M:											
Average Sales Price	\$1,237	\$854	\$994	\$916	\$899	\$1,046	\$1,119	\$1,182	\$1,318	\$1,483	\$1,105
% Change in Avg Sales Price	15.4%	-30.9%	16.3%	-7.8%	-1.9%	16.4%	7.0%	5.6%	11.5%	12.5%	4.4%
Number of Property Sales	260	267	318	367	418	492	493	499	454	490	406
REET Revenue	1,592	1,129	1,565	1,665	1,860	2,548	2,742	2,919	2,955	3,597	2,257
Property Sales >\$5.0M:											
Number of Property Sales	5	3	3	5	6	2	9	10	7	14	6
REET Revenue	755	129	642	162	300	57	527	350	746	2,093	576
Total REET Revenue	\$2,347	\$1,258	\$2,207	\$1,827	\$2,160	\$2,605	\$3,269	\$3,269	\$3,701	\$5,690	\$2,833

Based on actual receipts through July 2018, REET is forecasted to end the year \$583,000 above budget (see table below). This additional REET revenue has been programmed into the 2019-2024 Capital Improvement Program, which will be presented to the Council on November 5, 2018.

2018 REET Revenue Forecast

Property Sale Breakdown	2018	
	Budget	Forecast
Property Sales ≤\$5.0M:		
Average Sales Price	\$1,384,000	\$1,601,000
Number of Property Sales	450	450
REET Revenue	\$3,084,000	\$3,567,000
Property Sales >\$5.0M:	\$200,000	\$300,000
Total REET Revenue	\$3,284,000	\$3,867,000

Project Highlights

A brief update is provided for the following projects: West Mercer Way Mural, Freeman Avenue Roadway Improvements, Glenhome Drive Water System Improvements, and Supervisory Control and Data Acquisition (SCADA) System for water and sewer operations.

West Mercer Way Mural



In late 2015, the Mercer Island Arts Council began laying the groundwork for a new mural on the cement retaining wall at exit 6 from I-90 to West Mercer Way to create a warm welcome for those returning home or visiting the Island. The project budget is \$30,000 which is funded from the 1% for the Arts funds.

Local artist Rachel Holloway's submittal was selected from 28 proposals. Holloway is a fine artist by training and is an Island resident. Her mural design is based on her original painting titled Darwin's Dream. To produce the final work, Holloway created larger-than-life stencils of her painting to adhere to the wall and spray paint the design. Work on the mural began in early August and is expected to be complete by early September.

Staff worked closely with Washington State Department of Transportation (WSDOT) to get approval for the project within WSDOT jurisdiction. The Parks Maintenance and Right-of-Way Teams have provided traffic safety measures to protect the working artists.

Freeman Avenue Roadway Reconstruction

Freeman Avenue is a steep dead-end roadway near the intersection of SE 40th Street and West Mercer Way. Its old concrete pavement, dating to the early 1960's, was only 12 to 13 feet wide, was extensively cracked, and had settled in several areas. Emergency vehicles and the local residents had difficulty getting up and down the road. Its 2016 Pavement Condition Rating was 42, putting it in the "Poor" bracket.

After vacating some of the Freeman Avenue public right-of-way near the lakefront earlier in 2017, the City began design work in summer of 2017 to replace the failed concrete pavement on the City-owned portion of Freeman Avenue.

The scope of the roadway's reconstruction effort involved installing curtain drains under the roadbed, removal of all the old concrete, regrading and widening of the roadbed, installation of new 16-foot wide concrete pavement, widening of the roadway's approach at West Mercer Way to 25 feet, installing new trench drains in the pavement, repaving of driveway approaches, and landscape restoration.



The City's contractor, NPM Construction, began road work in November 2017. The combination of the steep dead-end road, limited work area, and wet winter weather made progress on the project slow. Concrete pours were scheduled during dry periods, and the project was completed February 2018. Project costs totaled \$307,573.

Glenhome Drive Water System Improvements

Construction started in mid-April 2018. The scope of work consists of the replacement of 2,455 lineal feet of water main, 6 fire hydrants, 39 water services, 4 air vacuum release valve assemblies, and other water system components. The project budget is \$1.8 million. By end of June, approximately 70 percent of the water main was installed. The remaining work is expected to be completed in early September.



The roadway in this neighborhood is a single-lane with limited access which presents significant challenges to construction. However, with close coordination with residents and all stakeholders, the project has progressed without major issues.

Supervisory Control and Data Acquisition (SCADA) System

The City's Supervisory Control and Data Acquisition (SCADA) system is used to control and monitor the water and wastewater utilities. The SCADA system is in need of replacement as controllers are obsolete, components have failed, software and cybersecurity are outdated. In 2017, staff contracted with Browne & Caldwell to begin a planning effort to identify short and long-term goals, identifying areas of risk, make recommendations to improve functionality, create redundancies to minimize risk, and implement a SCADA system that protects customer health and provides reliable service. The budget for the planning effort is \$150,000.



As part of the planning process, the City completed a Request for Proposal (RFP) process to identify the technology and software platform which will be utilized for implementation of the new SCADA system. The new system will include integration with other platforms (Enterprise Asset Management System, Geographic Information Systems (GIS), Utility Billing System, and Automated Meter Infrastructure (AMI)), where information can be pulled from various City applications into one location for efficient and effective information exchange to improve operations and support data driven decisions, creating a "smart utility." Design of the new SCADA system is proposed to begin in 2019, with implementation starting in 2020.

BUDGET ADJUSTMENTS

In the interest of administrative ease, a budget amending ordinance is prepared and submitted to the Council quarterly, if needed, along with the Financial Status Report. Budget adjustments are divided into three groups: 1) those previously approved by the Council but not formally adopted via a budget amending ordinance; 2) new requests; and 3) carryover requests. New requests typically encompass financial housekeeping items, minor requests, and unanticipated expenditures that the City had to incur and was unable to absorb within the authorized budget. Carryover requests of unspent budget from the prior year to the current year are typically included only in the fourth quarter financial status report for the second year of the biennium. Council approval is required when unspent budget is being moved from the prior biennium to the current biennium, not when unspent budget is being moved within the biennium and within the same fund.

Budget adjustments previously approved but not formally adopted via a budget amending ordinance by the Council are summarized in the table below.

Fund	Department	Description	Agenda Bill	Budget Year	Amount	Funding Source(s)
General	DSG	Temporary Records Clerk (500 hours)	AB 5453, 7/17/18	2018	\$12,000	Unappropriated fund balance (DSG technology fee reserve)
Street	Non-Dept'l	Transfer 2017 REET 2 surplus to Fund 343, thereby freeing up an equivalent amount of REET 1 to be transferred from Fund 343 to Fund 342 (Town Center Parking Facility)	AB 5434, 6/5/18	2018	\$1,122,910	Unappropriated fund balance
Youth & Family Services	YFS	Community Needs Assessment (\$25,000) focusing on social and human services needs, high school youth survey (\$12,000), Mercer Island parent survey (\$10,200), and other community prevention activities (\$3,300)	AB 5460, 9/4/18	2018	\$50,500	MIYFS Foundation donation
Town Center Parking Facilities	City Manager's Office	Purchase and sale agreement with Parkway Management Group for "Tully's property"	AB 5434, 6/5/18	2018	\$2,000,000	Interfund transfer from Fund 343
		Due diligence costs for the City's proposed commuter parking project	AB 5450, 7/10/18	2018	\$225,750	Interfund transfer from Fund 343

Fund	Department	Description	Agenda Bill	Budget Year	Amount	Funding Source(s)
Capital Improvement	Non-Dept'l	Transfer REET 1 to Fund 342 (Town Center Parking Facility)	AB 5434, 6/5/18	2018	\$1,122,910	Unappropriated fund balance
		Transfer 2017 REET 1 surplus to Fund 342 (Town Center Parking Facility)	AB 5434, 6/5/18	2018	\$877,090	Unappropriated fund balance
		Transfer 2017 REET 1 surplus to Fund 342 (Town Center Parking Facility)	AB 5450, 7/10/18	2018	\$225,750	Unappropriated fund balance
Sewer	Public Works	Design of sewer utility line replacements within Lincoln Landing Stormwater and Park Improvements project	AB 5465, 8/28/18	2018	\$170,300	Unappropriated fund balance

New requests not approved or formally adopted by the Council are summarized in the table below.

Fund	Department	Description	Budget Year	Amount	Funding Source(s)
General	Parks & Recreation	Donation from Tonglao family for Senior Social program	2018	\$5,000	Private donation
Street	Non-Dept'l	Transfer remaining 2017 REET 2 surplus to Fund 343, thereby freeing up an equivalent amount of REET 1 to be transferred from Fund 343 to Fund 342 (Town Center Parking Facility)	2018	\$139,930	Unappropriated fund balance
Capital Improvement	Non-Dept'l	Transfer REET 1 to Fund 342 (Town Center Parking Facility)	2018	\$139,930	Unappropriated fund balance
Technology & Equipment	Police	Purchase digital evidence management system	2018	\$11,700	Unappropriated fund balance (U.S. Treasury reserve)

Additional information is provided below for the Police digital evidence management system budget request:

- The Police Department has a variety of evidence and property that is of a digital nature. This digital media includes records and documents that are provided to officers such as surveillance video, audio files of witness or suspect interviews, and crime scene photos or videos that are taken by the officers during their investigation. Currently, the Department utilizes compact disks and file drawers for this digital evidence. The property room has CD's dating back to 2007 (approximately 5,000 CD's containing these digital videos, images, and documents). While some of the media are simply "records," others are of an evidentiary nature. This latter media could be deleted post adjudication like most evidence, however per Washington State Records Retention rules, the images/recordings become a "record" at the point of adjudication and their retention

period is extended by six years. Our current storage methods do not have an efficient way to categorize or automate the retention schedule. Dissemination for public disclosure is very time consuming, and the process lacks the capacity to automatically redact, which needlessly adds to staff time.

Department staff have evaluated software solutions to meet the requirements of a Digital Evidence Management System (DEMS). This system will store, categorize, and provide a solution for dissemination and/or retention using applicable laws and established police procedures. The system identified is being used by police agencies large and small and fits the identified needs of the department.

Due to the overall cost of approximately \$11,700, the Department's General Fund budget is not able to absorb the cost of implementing the software solution. As this proposed program fits the spending rules for federal seizure dollars, the Department is requesting that the purchase be funded from this US Treasury Reserve in the Technology & Equipment Fund.

A budget amending ordinance is attached as Exhibit 3. Two summary listings of the originally adopted 2017-2018 Budget (expenditures only), broken down by year, and all subsequent amendments, including Exhibit 2, are presented below.

**2017 Budget Adjustment Summary
Expenditures by Fund**

Fund Type / Fund Name	Original 2017 Budget	2017 Budget Adjustments				Amended 2017 Budget
		Q4 2016 FSR, 5/1/2017	Q2 2017 FSR, 9/5/2017	Q3 2017 FSR, 11/21/2017	Q4 2017 FSR, 6/5/2018	
General Purpose Funds:						
General	29,436,000	1,316,396	746,634	1,479,701		32,978,731
Self-Insurance	10,000					10,000
Youth Services Endowment	500					500
Special Revenue Funds:						
Street*	2,728,368	778,146	397,343	236,953		4,140,810
Transportation Benefit District	350,000					350,000
Criminal Justice	599,441	501,173				1,100,614
Beautification	966,829	229,930				1,196,759
Contingency	-		700,000			700,000
1% for the Arts	15,000	24,914				39,914
Youth & Family Services	2,748,719	6,000	8,100			2,762,819
Debt Service Funds:						
Bond Redemption (Voted)	-					-
Bond Redemption (Non-Voted)	1,011,099					1,011,099
Capital Projects Funds:						
Capital Improvement*	4,706,243	1,115,172	110,260	80,000		6,011,675
Technology & Equipment*	731,000	129,136				860,136
Fire Station 92 Construction*	-	366,195				366,195
Capital Reserve*	-					-
Enterprise Funds:						
Water*	7,317,818	702,295		200,000		8,220,113
Sewer*	9,271,431	431,750		6,395,602	255,000	16,353,783
Storm Water*	2,574,312	400,854		48,553	350,000	3,373,719
Internal Service Funds:						
Equipment Rental*	1,658,766	198,002				1,856,768
Computer Equipment*	975,926					975,926
Trust Funds:						
Firemen's Pension	97,000					97,000
Total	65,198,452	6,199,963	1,962,337	8,440,809	605,000	82,406,561

* Capital Improvement Program (CIP) projects are budgeted and accounted for in these funds.

**2018 Budget Adjustment Summary
Expenditures by Fund**

Fund Type / Fund Name	Original 2018 Budget	2018 Budget Adjustments					Amended 2018 Budget
		Q4 2016 FSR, 5/1/2017	Q2 2017 FSR, 9/5/2017	Q3 2017 FSR, 11/21/2017	Q4 2017 FSR, 6/5/2018	Q2 2018 FSR, 9/17/2018	
General Purpose Funds:							
General	29,413,162	1,479,003		124,000	367,468	17,000	31,400,633
Self-Insurance	10,000						10,000
Youth Services Endowment	500						500
Special Revenue Funds:							
Street*	3,455,837				771,165	1,262,840	5,489,842
Transportation Benefit District	350,000						350,000
Criminal Justice	622,722	(622,722)					-
Beautification	939,900				109,740		1,049,640
Contingency	-						-
1% for the Arts	15,000				31,500		46,500
Youth & Family Services	2,444,250	343,886	58,780		59,773	50,500	2,957,189
Debt Service Funds:							
Bond Redemption (Voted)	-						-
Bond Redemption (Non-Voted)	847,159						847,159
Capital Projects Funds:							
Town Center Parking Facilities*	-					2,225,750	2,225,750
Capital Improvement*	3,459,461			80,000	372,500	2,365,680	6,277,641
Technology & Equipment*	732,000				32,000	11,700	775,700
Fire Station 92 Construction*	-						-
Capital Reserve*	-						-
Enterprise Funds:							
Water*	7,246,078						7,246,078
Sewer*	9,079,675					170,300	9,249,975
Storm Water*	1,934,956				50,000		1,984,956
Internal Service Funds:							
Equipment Rental*	2,139,515				282,935		2,422,450
Computer Equipment*	1,063,193						1,063,193
Trust Funds:							
Firemen's Pension	103,000						103,000
Total	63,856,408	1,200,167	58,780	204,000	2,077,081	6,103,770	73,500,206

* Capital Improvement Program (CIP) projects are budgeted and accounted for in these funds.

2017-2018 CIP - PROJECT MANAGEMENT REPORT (Biennium) --- Project Expenditures Reported as of 6/30/2018

PROJECT NUMBER	PROJECT NAME	PROJECT MANAGER	APPROVED BUDGET (2017-2018)	TOTAL EXPENDED (as of Jun 30, 2018)	% EXPEND TO DATE	EST. COMPLTN DATE	% WORK COMPLETE	PROJECT STATUS & COMMENTS
----------------	--------------	-----------------	-----------------------------	-------------------------------------	------------------	-------------------	-----------------	---------------------------

CAPITAL REINVESTMENT PLAN

PARKS, RECREATION AND OPEN SPACE

WP106R	Homestead Park Repairs	P. West	\$56,177	\$56,177	100%	11/17	100%	Tennis courts repaired and resurfaced; drainage and slope stabilization improvements completed.
WP107R	Island Crest Park Repairs	P. West	\$64,000	\$0	0%	12/17	100%	New LED light project combined with WPI155 Island Crest Park Sportsfield Improvements
WP113R	South Mercer Playfields Improvements	P. West	\$885,000	\$167,824	19%	12/18	19%	Playground completed in June 2018. Turf replacement sinking fund portion will transfer to MISD per new Interlocal agreement.
WP115S	Island Crest Park Sportsfield Improvements	P. West	\$2,255,563	\$2,167,896	96%	2/18	100%	Field completed in March 2018.
WP122P WP122R	Open Space - Vegetation Management	A. Sommargren	\$1,156,893	\$722,274	62%	12/18	60%	All 2017 restoration work completed, 2018 work contracted. Restoration tasks performed on 104 acres; 82 volunteer restoration events held; annual noxious weed mapping and monitoring complete. 3.3 miles of boundary/trail tree assessments performed, resulting in 165 individual tree assessments.
WP506R	Swim Beach Repairs (Groveland Beach)	P. West	\$981,655	\$101,121	10%	12/17	10%	Project plans completed; all permits issued. DNR Right-of Entry Agreement signed. Advertised for bids in March 2018; four bids received. Construction management contracted with Anchor QEA. Construction contract awarded to American Construction Co. Construction scheduled to begin 8/20/2018.
WP700R	Aubrey Davis Park Regional Multiuse Corridor Master Plan	P. West	\$350,000	\$6,649	2%	12/17	5%	WSDOT MOU agreement executed; consultant selected; WSDOT \$100k grant awarded; King County Sewer coordination underway; initial public engagement designed;
WP710C	Street End - Lincoln Landing	A. Sommargren	\$121,461	\$77,768	64%	12/18	15%	Design consultant team chosen and contracted; public meeting held to discuss concept design; 65% design completed. Issues with aging sewer line and location of treatment vault necessitate additional design work and coordination with Public Works. Construction planned for summer 2019.
WP720R	Recurring Park Projects	P. West	\$214,823	\$178,489	83%	12/18	83%	1st half 2018: playground repairs, trash cans, sign repairs, blackberry removal equipment rental, concrete pavement grinding, irrigation controller card replacement, Homestead dugout repairs, synthetic turf repairs, cost estimating for capital projects
WP907R	Mercerdale Park Repairs	P. West	\$148,000	\$0	0%	12/18	0%	Work has not started; Design in Fall 2018

STREETS, PEDESTRIAN AND BICYCLE FACILITIES

WR101R	Residential Street Improvements	C. Morris	\$1,352,000	\$955,334	71%	10/18	70%	Residential street improvements for 2018 include asphalt overlay of SE 28th curve (near 84th Ave), asphalt overlay of 82nd and 83rd Avenues in 7000 block, and chip sealing of SE 68th/SE 70th Street from 84th Ave to WMW. Both contracts have been awarded. Construction will occur in July and August 2018.
WR103F	Emergency Repair - Freeman Landing	J. Kintner	\$345,353	\$307,573	89%	2/18	100%	Vacation of portion of Freeman Ave completed in July 2017. Roadway improvements designed in late summer. Construction of new concrete roadway and stormwater system improvements began in late November 2017 and was completed in February 2018.
WR110R	Arterial Preservation Program	C. Morris	\$44,880	\$12,061	27%	9/18	30%	Patching and chip sealing on 78th Avenue (SE 34th to SE 39th) is planned for July and August 2018. This work is combined with WR718R, WR719R, and WR101R.
WR111R	Pavement Marking Replacement	B. Hartvigson	\$150,000	\$54,913	37%	12/18	50%	165,920 Linear feet of 4" lane channelization painted in June 2018. New crosswalks & stop bars 28th-32nd 78th Town Center- May 2018.
WR140C - WR140K	Pedestrian & Bicycle Facility	A. Tonella-Howe	\$108,000	\$43,445	40%	12/18	40%	Sharrow pavement markings and bike route signing for North/South bike route have been completed. Design for placement of 190/Mtns to Sound Trail signing complete October 2017 and installation has been completed by Parks Maintenance Team.
WR517R	SE 40th Street (Corridor Improvements)	C. Morris	\$1,705,162	\$139,181	8%	11/18	25%	Project will construct curbs, sidewalks, and bike lanes from Island Crest Way to Gallagher Hill Road. Design work completed in spring 2018 and construction contract awarded in May. Construction began in mid-June and should finish in October 2018.
WR517S	SE 40th Street (Street Overlay)	C. Morris	\$243,911	\$625	0%	11/18	15%	This project will place an asphalt overlay between 85th and 88th Avenues in conjunction with the SE 40th Corridor work (WR517R). Contract was awarded in May. Overlay work will occur in August and September 2018.
WR544C	PBF ICW Crossing at SE 32nd	A. Tonella-Howe	\$350,000	\$256,294	73%	12/17	100%	Pedestrian signal activated on January 11, 2018. Pavement markings and final punchlist items complete in March. Project closeout July 17, 2018.
WR716R	ICW (SE 27th to 3100 block)	C. Morris	\$390,000	\$28,070	7%	10/18	15%	Project will resurface Island Crest Way from SE 28th Street to 3100 block with a "grind and overlay" process. Work also includes a substantial amount of full depth pavement replacement. Contract awarded in June and construction will occur in July and August 2018.
WR717R	Preservation WMW (I-90 to Roanoke)	C. Morris	\$246,536	\$196,928	80%	10/17	100%	Project repaved existing WMW roadway from I-90 Lid to Roanoke Way. This project was combined with 2017 Residential Streets (WR101R). Work started in August and was completed by late September 2017.
WR718R	SE 53rd Place (ICW-EMW)	C. Morris	\$153,000	\$5,069	3%	10/18	15%	Project will patch and chip seal SE 53rd Place from ICW to EMW. Work was combined with WR719R, WR110R, and WR101R to create one large chip seal contract, which was awarded in June. Construction will occur in July and August 2018.
WR719R	East Mercer Way (SE 70th to WMW)	C. Morris	\$395,000	\$6,898	2%	10/18	15%	Project will patch and chip seal East Mercer Way from the 6600 block to WMW (8500 block). Work was combined with WR718R, WR110R, and WR101R to create one large chip seal contract, which was awarded in June. Construction will occur in July and August 2018.

2017-2018 CIP - PROJECT MANAGEMENT REPORT (Biennium) --- Project Expenditures Reported as of 6/30/2018

PROJECT NUMBER	PROJECT NAME	PROJECT MANAGER	APPROVED BUDGET (2017-2018)	TOTAL EXPENDED (as of Jun 30, 2018)	% EXPEND TO DATE	EST. COMPLTN DATE	% WORK COMPLETE	PROJECT STATUS & COMMENTS
----------------	--------------	-----------------	-----------------------------	-------------------------------------	------------------	-------------------	-----------------	---------------------------

GENERAL GOVERNMENT - BUILDING REINVESTMENT

WG101R	City Hall Building Repairs	M. Olson	\$458,222	\$59,289	13%	12/18	22%	Boiler and cooling tower replacement contract awarded. Work to start in August. Fire alarm upgrade Phase 2 completed, not billed due to waiting for a fire final. Security cameras installed at customer service and finance counters.
WG102R	Maintenance Building Repairs	M. Olson	\$271,027	\$59,149	22%	12/18	25%	Commercial hot water tank replaced. Window repair/replacement completed. Phase 2 of invasive weed removal contract has been awarded. Work to begin in the fall. Complex security fencing in progress.
WG103R	South Fire Station Building Repairs	M. Olson	\$33,000	\$12,478	38%	12/18	50%	HVAC software upgrades completed. Painting and exterior stain in bid process.
WG104R	Thrift Shop Building Repairs	M. Olson	\$82,000	\$27,523	34%	12/18	52%	Security camera upgrade completed. HVAC unit replacement in progress. Outside lighting improvement in progress.
WG105R	Community Center Building Repairs	M. Olson	\$438,665	\$224,849	51%	12/18	52%	Flooring for Room 101 purchased. Installation in the fall. Security door alert installed. Replacement window shades in scoping phase. Annex side sewer repair contract awarded. Work to be performed Aug. 30 & 31.
WG106R	North Fire Station Building Repairs	M. Olson	\$162,000	\$11,213	7%	12/18	7%	HVAC upgrade contract has been awarded. Carpet replacement in scoping phase.
WG107R	Luther Burbank Admin Building Repairs	M. Olson	\$242,695	\$74,429	31%	12/18	30%	Footing drain repair contract awarded. To be completed in August. Carpet replacement in scoping process. Hot water tank replaced.

GENERAL GOVERNMENT - TECHNOLOGY

WG110T	Computer Equipment Replacements	M. Kaser	\$402,000	\$260,713	65%	12/18	91%	PC/Laptop Replacements (49 Units) are complete for 2018. Fire MDCs are in progress. Server Replacements (2 units) are complete. SAN (storage) replacement is underway.
WG314T	Permitting System Upgrades	M. Kaser	\$57,000	\$0	0%	12/18	0%	This initiative has been moved to the 2019/20 workplan.
WG513T	Recreation & Facility Booking System	M. Kaser	\$107,943	\$129,101	120%	12/18	100%	The new recreation and facility booking system, PerfectMind, went live in January of 2018. This project is effectively complete. Continuous improvement will be ongoing.
WG702T	Document Management	M. Kaser	\$32,000	\$61,390	192%	12/17	100%	The migration to Hyland OnBase went live in April 2018. This project is effectively complete.
WG716T	Thrift Shop Point of Sale System	M. Kaser	\$37,000	\$0	0%	12/18	9%	A system has been selected and a contract is in the process of being completed. Implementation will begin in September, 2018.
WG717T	Watercourse GIS Layer	L. Llamas	\$62,000	\$0	0%	12/18	0%	Development services is currently developing the Critical Areas ordinance review process. Updating the watercourse layers will be a sub task of that effort.
WG920T	High Accuracy Orthophotos	M. Kaser	\$32,000	\$16,422	51%	12/18	100%	Information and Geographic Services (IGS) partnered with the City of Kirkland and City of Bellevue to purchase orthophotography (aerial imagery) services which were completed and delivered in 2017. City staff are currently using these deliverables in day to day processes.
WG921T	Server Software Upgrades	M. Kaser	\$67,040	\$67,040	100%	12/18	61%	Windows 10 has been implemented across the enterprise. Enterprise database environment assessment is nearly complete. Future state for databases is being designed.
WG926T	Web Based GIS Information	M. Kaser	\$34,000	\$27,489	81%	12/18	100%	The City's WebGIS system has been updated to the latest version and deployed to internal staff and the public.

GENERAL GOVERNMENT - VEHICLES AND EQUIPMENT

WG130E	Fleet (Vehicle) Replacements	J. Kintner	\$1,749,002	\$893,473	51%	12/18	75%	to replacement of the secondary engine, extending the useful life of the machine. Fleet #0395 (Jet Truck) was to be replaced in 2018 but has been delayed until the 2019-2020 biennium to align with programmatic change identified in the preliminary budget development. Remaining replacements will proceed as scheduled.
WG550R	Fuel Clean Up / Soil Remediation	J. Kintner	\$344,935	\$101,511	29%	12/18	25%	injections to expedite remediation efforts. Additional monitoring wells have been installed on teh City property with the final three wells to be completed in August 2018. The first round of site injections are expected to begin in September 2018. Ongoing site monitoring including compliance with King County Metro
XG710F	Fire Apparatus (Pumper) Replacement	M. Mandella	\$745,000	\$0	0%	4317800%	33%	The new specs for the new pumper have been completed, the initial (pre-construction) meeting is scheduled with the manufacturer for early September, financing has been arranged (lease purchase) and delivery will be in 2Q19 (or possible sooner).
WG730E	Self-Contained Breathing Apparatus	M. Mandella	\$266,000	\$0	0%	11/18	95%	The breathing apparatus has been ordered, with delivery expected in late 3rd quarter 2019. Breathing apparatus received August 2018. Training from vendor scheduled for October, when the breathing apparatus will be placed in service.
WG131E	Firefighting Equipment	M. Mandella	\$75,000	\$29,925	40%	12/18	75%	We anticipate the purchase of new hose, firefighting foam and ancillary items to outfit the new pumper in 4Q18. In 2017, this fund was used to purchase a bunker gear dryer, new software for annual fire code inspections in the field as well as to replace misc. valves, fittings and other items on the fire apparatus.
WG141E	MICEC Technology & Equip Replacement	Z. Houvener	\$156,000	\$105,356	68%	12/18	75%	purchased & installed: security camera server/software, lobby & landing display monitors, mercer room A/V components. Other equipment/tech to be delivered during closure in December 2018

2017-2018 CIP - PROJECT MANAGEMENT REPORT (Biennium) --- Project Expenditures Reported as of 6/30/2018

PROJECT NUMBER	PROJECT NAME	PROJECT MANAGER	APPROVED BUDGET (2017-2018)	TOTAL EXPENDED (as of Jun 30, 2018)	% EXPEND TO DATE	EST. COMPLTN DATE	% WORK COMPLETE	PROJECT STATUS & COMMENTS
----------------	--------------	-----------------	-----------------------------	-------------------------------------	------------------	-------------------	-----------------	---------------------------

WATER UTILITY

WW101P	Water System Plan	R. Lin	\$75,000	\$1,246	2%	12/19	2%	Update of the Emergency Response Plan (ERP) is postponed to spring of 2019.
WW102P	Water Model and Fire Flow Analysis	R. Lin	\$65,000	\$38,769	60%	6/18	75%	Consultant performed additional modeling to analyze the changes of fire flow deficiencies between Island wide modeling approach and localized approach. The studies provide a list of recommended hydrant/water main improvements based on the combined modeling fire flow deficiency priorities.
WW117R	Street Related Water CIP Projects	R. Lin	\$400,000	\$112,699	28%	12/18	30%	No construction related activities in this report period. Construction is anticipated to start in July.
WW120S	Meter Replacement Program	B. McDaniel	\$200,000	\$19,682	10%	12/18	10%	Consultant is preparing a replacement plan that will provide a recommendation for meter type and a preferred technology for future meter replacements. The task one for that plan has been completed and currently the plan is at 20 percent of engineering scope. Pilot project and replacements are projected to start 2019.
WW520C	Hydrant Replacements	R. Lin	\$533,000	\$261,111	49%	12/18	50%	No hydrant replacement work was done in this report period. Some construction work is anticipated in the fall.
WW521C	Water System Components	B. McDaniel	\$129,470	\$91,809	71%	12/18	60%	Six fire hydrants upgraded on West Mercer Way. Water quality analyzer installed at Boat Ramp to measure and report parameters to Supervisory Control And Data Acquisition (SCADA) system.
WW522R	Reservoir Generator Replacement	B. McDaniel	\$100,000	\$0	0%	12/18	0%	Project on hold until design of booster chlorination station has been completed. Booster station dictates the size of the generator to be installed.
WW523R	EMW 5400-6000 Block Watermain (Design)	R. Lin	\$1,785,870	\$535,567	30%	12/18	30%	Construction started in mid April. By end of June, approximately 70% of the 2,450 LF of water main was installed. Project is expected to continue until September 2018.
WW527R	3838 WMW Water Improvements (Design)	R. Lin	\$415,000	\$374,469	90%	6/17	100%	Project completed in May 2017. A total of 990 LF of water main, 2 fire hydrants, 13 water services, and 1 air vac assembly were installed. Project close-out completed in October 2017.
WW535C	PRV Air Vac Replacements Phase III	R. Lin	\$100,000	\$11,107	11%	6/18	15%	Challenges in shutting down the 24-in main to replace three of the large Air Vac Assemblies. More valving exercise by crew is required. In the meantime, in house crew completed few minor repair/upgrades. The total number of sites is now reduced from "19". Construction is anticipated to start in fall of 2018.
WW535D	Booster Chlorination Station	R. Lin	\$210,196	\$139,959	67%	12/18	70%	Staff completed the 90% design plans in May. Continue working with consultants in refining the design. By end of June, there are still some variables in design that would require further discussions and verifications. Targeted date for design completion is set for December 2018.
WW716R	82nd and Forest Ave Watermain	R. Lin	\$111,000	\$0	0%	12/18	0%	Design work is planned for July - December of 2018.
WW717R	SE 22nd Street Watermain	R. Lin	\$62,007	\$63,207	102%	12/18	80%	Project was temporarily placed on hold at 60% design submittal in October 2017. The project team re-grouped and restarted the project in early June. At the end of June, staff continued working on plan review and comments. Design will continue into fall with bid date targeted in December of 2018.

SEWER UTILITY

WS101U	Backyard Sewer System Improvements	B. McDaniel	\$200,000	\$66,776	33%	12/18	20%	81st Ave SE for the installation of eight sewer manholes design completed projectd bid opening September 6th. Engineer estimate is \$190,000.
WS103P	General Sewer Plan Update	A. Tonella-Howe	\$41,394	\$68,079	164%	12/18	100%	Presentation of the CIP and Financial chapters made to the Utility Board on 1/16/2018 and to the Council on 3/6/2018. Environmental Checklist prepared in May. Determination of Non Significance (DNS) issued on 7/2/2018.
WS160R	Street Related Sewer CIP Projects	B. McDaniel	\$60,000	\$8,997	15%	12/18	10%	Manhole structure upgrades will be completed during the construction of SE 40th St.
WS511R	Sewer Special Catch Basins	B. McDaniel	\$300,000	\$37,134	12%	12/17	20%	Prjoect has final design and fabrication shop has ben selected to build plates. City sewer crew will be installing plates Q3.
WS512R	Sewer Repair at Sub-Basin 27	F. Gu	\$248,356	\$250,058	101%	12/18	100%	the highly eroded watercourse. New sewer main is now buried in the east bank and reconnected to additional manholes. The eroded streambed was raised with the use of natural streambed materials.
WS590R	King County Sewer Interceptor Project	A. Tonella-Howe	\$5,325	\$9,598	180%	12/18	N/A	King County submitted 60% plan set to the City for review. Coordination continues between this sewer project and the Aubrey Davis Park Master Plan. KC conducted several neighborhood meetings to discuss project impacts with affected citizens. SEPA Environmental Review to begin in September 2018.
WS710R	General Sewer System Improvements	B. McDaniel	\$415,958	\$3,476	1%	12/18	10%	Bid has been awarded to re-line 4700 feet of sewer main using cast in place lining. Project construction to begin Q4 2018
WS712P	Pump Station/Lake Line Access Evaluation	A. Tonella-Howe	\$300,000	\$3,423	1%	12/18	1%	Entered into a professional services agreement with Tetra Tech, Inc. in June 2018. Scheduled field work evaluating sites to begin in August.
WS713T	SCADA System Upgrade	B. McDaniel	\$150,000	\$118,119	79%	12/18	100%	SCADA Master Plan has been completed. Bid award for recomende upgrades Q1 2019
WS714D	Lincoln Landing Design	A. Tonella-Howe	\$50,000	\$0	0%	12/18	15%	This sewer work is incorporated into the Parks project Street End - Lincoln Landing (WP710C)

2017-2018 CIP - PROJECT MANAGEMENT REPORT (Biennium) --- Project Expenditures Reported as of 6/30/2018

PROJECT NUMBER	PROJECT NAME	PROJECT MANAGER	APPROVED BUDGET (2017-2018)	TOTAL EXPENDED (as of Jun 30, 2018)	% EXPEND TO DATE	EST. COMPLTN DATE	% WORK COMPLETE	PROJECT STATUS & COMMENTS
WS901D	Sewer System - Pump Station Improvements	B. McDaniel	\$150,000	\$90,076	60%	12/18	90%	Project is at 90 percent design. Planned construction in Q2 2019.
WS901E	Sewer System - Emergency Repairs	B. McDaniel	\$100,000	\$10,166	10%	12/18	10%	No emergency repairs were needed during Q2.
WS901G	Sewer System - Generator Replacement	B. McDaniel	\$466,700	\$38,029	8%	12/18	25%	Design is at 80 percent for sewer pump stations 13, 17 & 24 and pending building permit approval prior to going to bid. Pump station 18 generator has been replaced and project is 90 percent complete. Set to go to formal bid Q3 2018.
WS902D	PS 14 Lake Line Cleaning	B. McDaniel	\$220,000	\$217,083	99%	12/18	100%	Emergency repair to excavate and install emergency clean out in Sewer Lake Line 320 feet south of Pump station #14. Project included design, permitting and construction (completed in September 2017).
WS905C	Sewer Basin 40 Inflow and Infiltration	B. McDaniel	\$35,000	\$33,641	96%	12/18	100%	Inflow study complete. Pipe repairs will be completed under WS710R piplining and manhole rehabilitation.

STORM WATER UTILITY

WD104D	Watercourse Condition Assessments	F. Gu	\$40,000	\$14,710	37%	4328100%	100%	The assessment was completed at the end of June. 12 additional watercourses were visited, of which, five were found to have moderated erosion risk. These will be added to future CIP work plans.
WD105R	Watercourse Minor Repairs/Maintenance	F. Gu	\$40,000	\$894	2%	12/18	15%	Sub basin 45b is identified for re-establishment of riparian corridor along a 450 LF watercourse reach that was built in 2007. Small work contract to be prepared for public bidding in August. Works to begin in the Fall.
WD130R	Street Related Storm Drainage	C. Morris	\$200,000	\$106,612	53%	12/18	95%	Project work in 2018 includes pipe repairs and pipe extensions on residential streets scheduled for resurfacing under WVR101R. Work occurred in June 2018 and is complete.
WD301S	Neighborhood Spot Drainage Improvements	C. Morris	\$180,000	\$123,918	69%	12/18	70%	Work for 2018 includes small repairs on several residential streets and will be constructed in October through December.
WD320R	Drainage System Emergency Repairs	B. Hartvigson	\$40,000	\$21,123	53%	12/18	N/A	Slip lined a collapsed section of 12" storm drain pipe at the 3626 WMW, crossing under WMW. Project completed 5/29/18.
WD321R	Drainage System Video Inspection	C. Morris	\$42,230	\$42,452	101%	1/17	100%	The budget for this project was carried over from 2016. Drainage pipe cleaning and inspections were performed in several neighborhoods in Dec 2016 to Jan 2017 prior to street resurfacing projects.
WD531C	Sub Basin 27a Watercourse	F. Gu	\$288,384	\$241,115	84%	12/18	100%	highly eroded watercourse. New sewer main is now buried in the east bank and reconnected to additional manholes. The eroded streambed was raised with the use of natural streambed materials.
WD533C	Sub Basin 49b Watercourse	F. Gu	\$292,000	\$30,918	11%	12/18	15%	Received Hydraulic project approval (HPA) from WDFW, but still waiting for permit approval from USACE. If that approval is delayed, there is risk of not being able to construct the in-water work within the "fish window" set forth by WDFW this year.
WD534C	Sub Basin 51a Watercourse	F. Gu	\$197,000	\$22,697	12%	12/18	15%	Received HPA from WDFW but in June, USACE requested that the project scope be revised so that the solution focuses only on the primary source of erosion. A revised plan was resubmitted to the agency. Still hoping to get the permit in time for construction this year before the "fish-window" closes.
WD722R	Sub Basin 3b.4 Watercourse	F. Gu	\$15,000	\$0	0%	12/18	5%	Design work to begin in the Fall for 2019 construction
WD724R	Sub Basin 29.2 Watercourse	F. Gu	\$25,000	\$0	0%	12/18	2%	Design work to begin in the Fall for 2019 construction

CAPITAL REINVESTMENT PLAN TOTAL			\$25,860,833	\$10,854,656	42.0%			
----------------------------------------	--	--	---------------------	---------------------	--------------	--	--	--

2017-2018 CIP - PROJECT MANAGEMENT REPORT (Biennium) --- Project Expenditures Reported as of 6/30/2018

PROJECT NUMBER	PROJECT NAME	PROJECT MANAGER	APPROVED BUDGET (2017-2018)	TOTAL EXPENDED (as of Jun 30, 2018)	% EXPEND TO DATE	EST. COMPLTN DATE	% WORK COMPLETE	PROJECT STATUS & COMMENTS
----------------	--------------	-----------------	-----------------------------	-------------------------------------	------------------	-------------------	-----------------	---------------------------

CAPITAL FACILITIES PLAN

PARKS, RECREATION AND OPEN SPACE

XP520R	Regional Trail Connections (KC Levy)	A. Sommargren	\$192,729	\$133,410	69%	12/18	70%	Hawthorn Trail in Luther Burbank Park designed and built May-Sept 2017; periodic trail brushing and maintenance performed; 29 bollards removed on City ROW and alternative traffic control installed; damaged paving repaired and silva cells installed on I-90 trail (Mountains to Sound Trail).
WP503R XP710R	Luther Burbank (MI Levy) Improvements	P. West	\$265,584	\$97,445	37%	12/18	37%	Waterfront Plaza Repairs design in progress; completion in fall 2018 dependent on permits. Tennis Courts temp. repairs expected summer 2018. Tennis court overlay budgeted for 2019. Boiler Building wall repair contracted for fall 2018. Dock repair and rescoping underway with RFQ for consultant.
XG501A	Mural at I-90 and WMW Onramp	D. Mortenson	\$29,914	\$14,500	48%	12/18	75%	The painting of the mural began on Monday, August 6. According to the artist the project could take 6-8 weeks.
XG930B	Town Center Banner Art	D. Mortenson	\$26,500	\$11,189	42%	12/18	50%	The banners are in production with Arsentia, and will be installed before the end of September.

STREETS, PEDESTRIAN AND BICYCLE FACILITIES

XR140D	North - South Bike Route	A. Tonella-Howe	\$52,000	\$15,343	30%	12/18	80%	Signing of the North-South route completed with ROW staff assistance in January 2018. Pavement marking installation began in April 2018. A few markings are delayed until fall 2018 for pavement overlay.
XR310R	EMW Shoulders - Phase 10	C. Morris	\$279,364	\$249,329	89%	6/18	100%	This project constructed new paved shoulder from SE 71st Street to SE 79th Street, and connected into two short pre-existing shoulder areas. Contract was awarded in December 2017 and construction occurred from January to April 2018.
XR320R	Safe Routes to School	A. Tonella-Howe	\$8,044	\$8,142	101%	12/18	N/A	The project will be packaged with the SE 40th Street (West Leg, WR517R and East Leg WR517S) for construction in 2018.
XR542C	84th Avenue Path	A. Tonella-Howe	\$22,473	\$32,256	144%	12/18	100%	Project widened and paved existing pathway behind guardrail where SE 29th curves to 84th Ave SE establishing a 5-foot hard surface path that will be easier to maintain and provides a dedicated walking path. Work began in late October and was completed by December 2017.
XR543C	WMW Roadside Shoulders (7400-8000 Block)	C. Morris	\$353,636	\$353,663	100%	7/17	100%	This project constructed new paved shoulder along east side of roadway. Construction began in January 2017, but poor weather and utility conflicts hampered progress. All work was completed by July 2017.
XR810R	SE 36th and NMW Crossing	A. Tonella-Howe	\$20,000	\$0	0%	12/18	1%	Entered into a professional services agreement with KPG, Inc in June 2018 to assist with TIB Grant application for the project.

GENERAL GOVERNMENT

XG118T	Enterprise Asset Management System (Maintenance Management System)	M. Kaser	\$507,940	\$473,045	93%	12/17	100%	The implementation of Cityworks and SeeClickFix went live in March of 2018. This project is complete. Continuous improvement will be ongoing.
XG150T	Small Technology and Equipment	C. Corder	\$97,280	\$46,884	48%	12/18	75%	Emergency repairs were made to the City's fiber network during the snow storm in January and at the Reservoir. Repairs were made to Council Chambers projection and sound system. Two electric vehicle charging terminals were installed.
XG152C	Sustainability Projects	R. Freeman	\$25,000	\$0	0%	12/18	0%	A project has not been identified yet for 2017-2018.
XG721P	Light Rail Station Planning	K. Taylor	\$50,000	\$0	0%	12/18	0%	This project will be coordinated with the Aubrey Davis Park Regional Multiuse Corridor Plan (WP700R) and the final design process for the 80th Avenue entrance and bus integration with the Light Rail Station.
XG700D	Maintenance Building Addition Design	M. Olson	\$150,000	\$124,437	83%	12/17	100%	Design, cost estimate, and conceptual drawings are completed.

2017-2018 CIP - PROJECT MANAGEMENT REPORT (Biennium) --- Project Expenditures Reported as of 6/30/2018

PROJECT NUMBER	PROJECT NAME	PROJECT MANAGER	APPROVED BUDGET (2017-2018)	TOTAL EXPENDED (as of Jun 30, 2018)	% EXPEND TO DATE	EST. COMPLTN DATE	% WORK COMPLETE	PROJECT STATUS & COMMENTS
STORM WATER UTILITY								
XD310C	Basin 10 & 32b Dissolved Metals	P. Yamashita	\$80,000	\$586	1%	12/20	25%	Site assessment in town center on SE 27th Street complete. Design expected to be completed this summer with installation of catch basin retrofits, filter media, and water quality monitoring equipment this fall.
XD311C	Water Quality Treatment	B. Hartvigson	\$75,000	\$0	0%	12/18	5%	Project identified and contractor selected for construction 3rd quarter to add new concrete sediment structures at 4211 Holly Lane & WMW 4400
XD701C	Sub Basin 40b Pipe Extension	B. Hartvigson	\$50,000	\$33,195	66%	12/18	100%	Storm water extension added 188 LF of 12" drain pipe and 4 new catch basins along SE 93rd Ave SE. Excavation areas were repaved with hot mix asphalt.
CAPITAL FACILITIES PLAN TOTAL			\$2,285,464	\$1,593,423	69.7%			
GRAND TOTAL (CRP + CFP)			\$28,146,297	\$12,448,079	44.2%			

**CITY OF MERCER ISLAND
ORDINANCE NO. 18-11**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON,
INCORPORATING CERTAIN BUDGET REVISIONS TO THE 2017-2018
BIENNIAL BUDGET AND AMENDING ORDINANCE NOS. 16-17, 17-13, 17-22,
17-26 AND 18-03.**

WHEREAS, the City Council adopted the 2017-2018 Budget by Ordinance No. 16-17 on December 5, 2016, representing the total for the biennium of estimated resources and expenditures for each of the separate funds of the City; and

WHEREAS, budget adjustments have been approved by the City Council in 2018 in various open public meetings but have not been formally adopted via ordinance, as noted in the following table; and

Fund	Department	Description	Agenda Bill	Budget Year	Amount	Funding Source(s)
General	DSG	Temporary Records Clerk (500 hours)	AB 5453, 7/17/18	2018	\$12,000	Unappropriated fund balance (DSG technology fee reserve)
Street	Non-Dept'l	Transfer 2017 REET 2 surplus to Fund 343, thereby freeing up an equivalent amount of REET 1 to be transferred from Fund 343 to Fund 342 (Town Center Parking Facility)	AB 5434, 6/5/18	2018	\$1,122,910	Unappropriated fund balance
Youth & Family Services	YFS	Community Needs Assessment (\$25,000) focusing on social and human services needs, high school youth survey (\$12,000), Mercer Island parent survey (\$10,200), and other community prevention activities (\$3,300)	AB 5460, 9/4/18	2018	\$50,500	MIYFS Foundation donation
Town Center Parking Facilities	City Manager's Office	Purchase and sale agreement with Parkway Management Group for "Tully's property"	AB 5434, 6/5/18	2018	\$2,000,000	Interfund transfer from Fund 343
		Due diligence costs for the City's proposed commuter parking project	AB 5450, 7/10/18	2018	\$225,750	Interfund transfer from Fund 343

Fund	Department	Description	Agenda Bill	Budget Year	Amount	Funding Source(s)
Capital Improvement	Non-Dept'l	Transfer REET 1 to Fund 342 (Town Center Parking Facility)	AB 5434, 6/5/18	2018	\$1,122,910	Unappropriated fund balance
		Transfer 2017 REET 1 surplus to Fund 342 (Town Center Parking Facility)	AB 5434, 6/5/18	2018	\$877,090	Unappropriated fund balance
		Transfer 2017 REET 1 surplus to Fund 342 (Town Center Parking Facility)	AB 5450, 7/10/18	2018	\$225,750	Unappropriated fund balance
Sewer	Public Works	Design of sewer utility line replacements within Lincoln Landing Stormwater and Park Improvements project	AB 5465, 8/28/18	2018	\$170,300	Unappropriated fund balance

WHEREAS, budget adjustments are needed that have not been previously approved by the City Council, as noted in the following table;

Fund	Department	Description	Budget Year	Amount	Funding Source(s)
General	Parks & Recreation	Donation from Tonglao family for Senior Social program	2018	\$5,000	Private donation
Street	Non-Dept'l	Transfer remaining 2017 REET 2 surplus to Fund 343, thereby freeing up an equivalent amount of REET 1 to be transferred from Fund 343 to Fund 342 (Town Center Parking Facility)	2018	\$139,930	Unappropriated fund balance
Capital Improvement	Non-Dept'l	Transfer REET 1 to Fund 342 (Town Center Parking Facility)	2018	\$139,930	Unappropriated fund balance
Technology & Equipment	Police	Purchase digital evidence management system	2018	\$11,700	Unappropriated fund balance (U.S. Treasury reserve)

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Amending the 2017-2018 Budget

The 2017-2018 Budget for the City of Mercer Island, as adopted in Ordinance No. 16-17 and amended by Ordinance Nos. 17-13, 17-22, 17-26 and 18-03, is hereby amended to incorporate increases in resources and expenditures in the following funds for the 2017-2018 biennium:

Fund No.	Fund Name	Resources	Expenditures
001	General	\$17,000	\$17,000
104	Street	1,262,840	1,262,840
160	Youth & Family Services	50,500	50,500
342	Town Center Parking Facilities	2,225,750	2,225,750
343	Capital Improvement	2,365,680	2,365,680
345	Technology & Equipment	11,700	11,700
426	Sewer	170,300	170,300
Totals		\$6,103,770	\$6,103,770

Section 2. Amending Previously Adopted Budget Ordinances

City Ordinance Nos. 16-17, 17-13, 17-22, 17-26 and 18-03 as previously adopted and as hereby amended, are hereby ratified, confirmed, and continued in full force and effect.

Section 3. Effective Date

This Ordinance shall take effect and be in force 5 days after passage and publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, AT ITS MEETING ON THE 17TH DAY OF SEPTEMBER 2018.

CITY OF MERCER ISLAND

Debbie Bertlin, Mayor

ATTEST:

Deborah A. Estrada, City Clerk

APPROVED AS TO FORM:

Kari Sand, City Attorney

Date of Publication: _____



PLANNING SCHEDULE

Please email the City Manager & City Clerk when an agenda item is added, moved or removed.

Special Meetings and Study Sessions begin at 6:00 pm. Regular Meetings begin at 7:00 pm. Items are not listed in any particular order. Agenda items & meeting dates are subject to change.

MONDAY, SEPTEMBER 17 (5:00 PM) (Changed from Sept 18 due to Yom Kippur) ABSENCES:		DUE TO:	9/7 D/P	9/10 FN	9/10 CA	9/11 Clerk
ITEM TYPE TIME TOPIC			STAFF		SIGNER	
EXECUTIVE SESSION (5:00-6:00 pm)						
60	Executive Session to discuss with legal counsel pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 60 minutes.					
STUDY SESSION (6:00-7:00 pm)						
60	AB 5473: Update on City Council Goal 4: Preserve, Promote, and Enhance Mercer Island's Focus on Arts and Culture			Julie Underwood		Ali
SPECIAL BUSINESS (7:00 pm)						
5	AB 5476: National Recovery Month Proclamation			Derek Franklin		Ali
5	AB 5477: Peace Day on Mercer Island Proclamation			Diane Mortenson		Ali
CONSENT CALENDAR						
--	AB 5475: Code Compliance Code Amendments (2nd Reading & Adoption)			Alison Van Gorp		Julie
--	AB 5468: Business License Model Ordinance Code Amendments (2nd Reading & Adoption)			Ali Spietz		Julie
--	AB 5478: 81 st Avenue SE Backyard Sewer Project Bid Award			Brian McDaniel		Ali
PUBLIC HEARING						
60	AB 5480: Receive Public Comments and Consider a Resolution in Support of State Initiative 1631, Carbon Emissions Fee Measure			Ross Freeman		Julie
REGULAR BUSINESS						
30	AB 5479: Title 19 Procedural Code Amendments (Second Reading & Adoption)			Evan Maxim		Julie
30	AB 5474: Second Quarter 2018 Financial Status Report & 2018 Budget Adjustments			Chip Corder		Julie

OCTOBER 2 (6:00 PM) ABSENCES:		DUE TO:	9/21 D/P	9/24 FN	9/24 CA	9/25 Clerk
ITEM TYPE TIME TOPIC			STAFF		SIGNER	
EXECUTIVE SESSION (5:00 pm) Bassett and Weiker may need to call in.						
60	Executive Session to discuss with legal counsel pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 60 minutes.					
STUDY SESSION (6:00 pm)						
60	Transportation Concurrency Revised Ordinance			Evan Maxim		Julie
SPECIAL BUSINESS (7:00 pm)						
5	Domestic Violence Action Month Proclamation			Derek Franklin		Ali
5	National Community Planning Month Proclamation			Evan Maxim		Ali
CONSENT CALENDAR						

PUBLIC HEARING					
REGULAR BUSINESS					
90	2018 Comprehensive Plan Amendments (1st Reading)		Evan Maxim		
30	Transportation Concurrency Ordinance (3rd Reading)		Evan Maxim		

OCTOBER 16 (6:00 PM)			DUE TO:	10/5 D/P	10/8 FN	10/8 CA	10/9 Clerk
ABSENCES: Bassett							
ITEM TYPE TIME TOPIC					STAFF		SIGNER
STUDY SESSION (6:00-7:00 pm)							
60	2019-2020 Preliminary Budget: Budget Message Presentation & Distribution			Julie Underwood & Chip Corder			Julie
SPECIAL BUSINESS (7:00 pm)							
5	Breast Cancer Awareness Month Proclamation			Ed Holmes			Ali
CONSENT CALENDAR							
	Transportation Concurrency Ordinance (4 th Reading & Adoption)			Evan Maxim			
PUBLIC HEARING							
REGULAR BUSINESS							
45	2018 Comprehensive Plan Amendments (2nd Reading)			Evan Maxim			
20	Luther Burbank Dock Reconfiguration Authorization to Apply for RCO Grant Funding			Paul West			
30	Draft Code of Ethics			Ali Spietz			
30	2019 Comprehensive Plan Docket			Evan Maxim			
EXECUTIVE SESSION							

OCTOBER 23 (SPECIAL MEETING, 5:00 PM)			DUE TO:	10/12 D/P	10/15 FN	10/15 CA	10/16 Clerk
ABSENCES: Bassett							
ITEM TYPE TIME TOPIC					STAFF		SIGNER
PUBLIC HEARING (5:00 pm)							
240	2019-2020 Preliminary Budget Review: Operating Budget			Chip Corder			Julie

NOVEMBER 5 (SPECIAL MEETING, 6:00 PM)			DUE TO:	10/26 D/P	10/29 FN	10/29 CA	10/30 Clerk
ABSENCES:							
ITEM TYPE TIME TOPIC					STAFF		SIGNER
SPECIAL BUSINESS (6:00 pm)							
5	Veteran's Day Proclamation			Ali Spietz			
180	2019-2020 Preliminary Budget Review: Capital Improvement Program			Chip Corder			Julie

NOVEMBER 6 (ELECTION NIGHT)							
------------------------------------	--	--	--	--	--	--	--

CANCELED			
-----------------	--	--	--

NOVEMBER 8 (SPECIAL MEETING, 4:45-6:00 PM)					
ABSENCES:					
Joint Meeting with MISD Board					

NOVEMBER 20 (TUESDAY BEFORE THANKSGIVING)				DUE TO:	11/9 D/P	11/12 FN	11/12 CA	11/13 Clerk
ABSENCES:								
ITEM TYPE TIME TOPIC						STAFF		SIGNER
STUDY SESSION (6:00-7:00 pm)								
SPECIAL BUSINESS (7:00 pm)								
CONSENT CALENDAR								
2018 Comprehensive Plan Amendments (3 rd Reading & Adoption)						Evan Maxim		Julie
PUBLIC HEARING								
90	2019-2020 Preliminary Budget Review: Finalize Changes, Pass 2019 NORCOM Budget Resolution, Adopt 2019 Property Tax Ordinances, Beautification Fund Ordinance, DSG Fee Structure Resolution, and Pass 2019 Utility Rate Resolutions					Chip Corder		Julie
REGULAR BUSINESS								
60	Private Community Facilities Code Amendment (1st Reading)					Evan Maxim		Julie
30	First/Last Mile Solutions: Rideshare Pilot Next Steps					Kirsten Taylor		Julie
EXECUTIVE SESSION								

DECEMBER 4				DUE TO:	11/23 D/P	11/26 FN	11/26 CA	11/27 Clerk
ABSENCES:								
ITEM TYPE TIME TOPIC						STAFF		SIGNER
STUDY SESSION (6:00-7:00 pm)								
SPECIAL BUSINESS (7:00 pm)								
10	Mercer Island Library Board Service Award					Diane Mortenson		
CONSENT CALENDAR								
PUBLIC HEARING								
REGULAR BUSINESS								
30	2019-2020 Final Budget Adoption					Chip Corder		Julie
15	3rd Quarter 2018 Financial Status Report & Budget Adjustments					Chip Corder		Julie

45	Private Community Facilities Code Amendment (2nd Reading)	Evan Maxim	
45	Solid Waste Contract	Jason Kintner	
30	Draft 2019 State Legislative Priorities	Ali Spietz	
EXECUTIVE SESSION			

DECEMBER 11 (SPECIAL MEETING, 6:00 PM)		DUE TO:	12/7 D/P	12/10 FN	12/10 CA	12/11 Clerk
ABSENCES:						
ITEM TYPE TIME TOPIC				STAFF		SIGNER
SPECIAL BUSINESS						
90	(TENTATIVE) Joint Meeting with Planning Commission	Evan Maxim				Julie

DECEMBER 18		DUE TO:	12/7 D/P	12/10 FN	12/10 CA	12/11 Clerk
ABSENCES:						
ITEM TYPE TIME TOPIC				STAFF		SIGNER
EXECUTIVE SESSION (6:00-7:00 pm)						
60	Executive Session to review the performance of a public employee pursuant to RCW 42.30.110(1)(g) for one hour					
SPECIAL BUSINESS (7:00 pm)						
CONSENT CALENDAR						
PUBLIC HEARING						
REGULAR BUSINESS						
30	Fiscal Sustainability Plan	Julie Underwood				

2019

JANUARY 2 (WEDNESDAY)		DUE TO:	12/21 D/P	12/24 FN	12/24 CA	12/26 Clerk
CANCELED by Council Vote						

JANUARY 8 (SPECIAL MEETING, 6:00 PM)		DUE TO:	12/21 D/P	12/24 FN	12/24 CA	12/26 Clerk
ABSENCES:						
(Tentative)						

JANUARY 15		DUE TO:	1/4 D/P	1/7 FN	1/7 CA	1/8 Clerk
ABSENCES:						
ITEM TYPE TIME TOPIC				STAFF		SIGNER
STUDY SESSION (6:00-7:00 pm)						
60	AB xxxx: Sound Transit Park-and-Ride Parking Permit Program	Kirsten Taylor				Ali
SPECIAL BUSINESS (7:00 pm)						

5	AB xxxx: Martin Luther King Jr. Day Proclamation		
CONSENT CALENDAR			
PUBLIC HEARING			
REGULAR BUSINESS			
30	Final 2019 State Legislative Priorities	Ali Spietz	Julie
EXECUTIVE SESSION			
	Tentative - Executive Session to review the performance of a public employee pursuant to RCW 42.30.110(1)(g) for one hour		

FEBRUARY 1 (FRIDAY) – 8:30 AM-5:30 PM			
ABSENCES:			
	2018 Planning Session (TBD)		

FEBRUARY 2 (SATURDAY) – 8:30 AM-5:30 PM			
ABSENCES:			
	2018 Planning Session (TBD)		

FEBRUARY 5	DUE TO:	1/25 D/P	1/28 FN	1/28 CA	1/29 Clerk
ABSENCES:					
ITEM TYPE TIME TOPIC			STAFF		SIGNER
STUDY SESSION (6:00-7:00 pm)					
SPECIAL BUSINESS (7:00 pm)					
	AB xxxx: Black History Month Proclamation				
CONSENT CALENDAR					
PUBLIC HEARING					
REGULAR BUSINESS					
	King County Comprehensive Solid Waste Management Plan			Jason Kinter	
EXECUTIVE SESSION					

FEBRUARY 19	DUE TO:	2/8 D/P	2/11 FN	2/11 CA	2/12 Clerk
ABSENCES:					
ITEM TYPE TIME TOPIC			STAFF		SIGNER
STUDY SESSION (6:00-7:00 pm)					
SPECIAL BUSINESS (7:00 pm)					

CONSENT CALENDAR
PUBLIC HEARING
REGULAR BUSINESS
EXECUTIVE SESSION

MARCH 5 ABSENCES:	DUE TO:	2/22 D/P	2/25 FN	2/25 CA	2/26 Clerk
ITEM TYPE TIME TOPIC	STAFF		SIGNER		
STUDY SESSION (6:00-7:00 pm)					
SPECIAL BUSINESS (7:00 pm)					
AB xxxx: Women’s History Month & International Women’s Day Proclamation					
CONSENT CALENDAR					
PUBLIC HEARING					
REGULAR BUSINESS					
EXECUTIVE SESSION					

MARCH 19 ABSENCES:	DUE TO:	3/8 D/P	3/11 FN	3/11 CA	3/12 Clerk
ITEM TYPE TIME TOPIC	STAFF		SIGNER		
STUDY SESSION (6:00-7:00 pm)					
SPECIAL BUSINESS (7:00 pm)					
CONSENT CALENDAR					
PUBLIC HEARING					
REGULAR BUSINESS					

EXECUTIVE SESSION					

APRIL 2			DUE	3/22	3/25	3/25	3/26
ABSENCES:			TO:	D/P	FN	CA	Clerk
ITEM TYPE TIME TOPIC					STAFF		SIGNER
STUDY SESSION (6:00-7:00 pm)							
SPECIAL BUSINESS (7:00 pm)							
AB xxxx: Sexual Assault Awareness Month Proclamation							
CONSENT CALENDAR							
PUBLIC HEARING							
REGULAR BUSINESS							
EXECUTIVE SESSION							

APRIL 16			DUE	4/5	4/8	4/8	4/9
ABSENCES:			TO:	D/P	FN	CA	Clerk
ITEM TYPE TIME TOPIC					STAFF		SIGNER
STUDY SESSION (6:00-7:00 pm)							
SPECIAL BUSINESS (7:00 pm)							
AB xxxx: Earth Day Proclamation							
AB xxxx: Volunteer Appreciation Week Proclamation							
CONSENT CALENDAR							
PUBLIC HEARING							
REGULAR BUSINESS							
EXECUTIVE SESSION							

MAY 7			DUE	4/26	4/29	4/29	4/30
ABSENCES:			TO:	D/P	FN	CA	Clerk
ITEM TYPE TIME TOPIC					STAFF		SIGNER
STUDY SESSION (6:00-7:00 pm)							

SPECIAL BUSINESS (7:00 pm)					
AB xxxx: Building Safety Month Proclamation					
CONSENT CALENDAR					
PUBLIC HEARING					
REGULAR BUSINESS					
EXECUTIVE SESSION					

MAY 21				DUE	5/10	5/13	5/13	5/14
ABSENCES:				TO:	D/P	FN	CA	Clerk
ITEM TYPE TIME TOPIC						STAFF		SIGNER
STUDY SESSION (6:00-7:00 pm)								
SPECIAL BUSINESS (7:00 pm)								
AB xxxx: Safe Boating and Paddling Week Proclamation								
AB xxxx: Public Works Week Proclamation								
CONSENT CALENDAR								
PUBLIC HEARING								
REGULAR BUSINESS								
EXECUTIVE SESSION								

JUNE 4				DUE	5/24	5/27	5/27	5/28
ABSENCES:				TO:	D/P	FN	CA	Clerk
ITEM TYPE TIME TOPIC						STAFF		SIGNER
STUDY SESSION (6:00-7:00 pm)								
SPECIAL BUSINESS (7:00 pm)								
CONSENT CALENDAR								
PUBLIC HEARING								

REGULAR BUSINESS					
EXECUTIVE SESSION					

JUNE 18			DUE	6/7	6/10	6/10	6/11
ABSENCES:			TO:	D/P	FN	CA	Clerk
ITEM TYPE TIME TOPIC					STAFF		SIGNER
STUDY SESSION (6:00-7:00 pm)							
SPECIAL BUSINESS (7:00 pm)							
CONSENT CALENDAR							
PUBLIC HEARING							
REGULAR BUSINESS							
EXECUTIVE SESSION							

JULY 2			DUE	6/21	6/24	6/24	6/25
ABSENCES:			TO:	D/P	FN	CA	Clerk
ITEM TYPE TIME TOPIC					STAFF		SIGNER
STUDY SESSION (6:00-7:00 pm)							
SPECIAL BUSINESS (7:00 pm)							
AB xxxx: Parks & Recreation Month & Summer Celebration Proclamation							
CONSENT CALENDAR							
PUBLIC HEARING							
REGULAR BUSINESS							
EXECUTIVE SESSION							

JULY 16			DUE	7/5	7/8	7/8	7/9
ABSENCES:			TO:	D/P	FN	CA	Clerk

ITEM TYPE TIME TOPIC	STAFF	SIGNER
STUDY SESSION (6:00-7:00 pm)		
SPECIAL BUSINESS (7:00 pm)		
	AB xxxx: National Night Out Proclamation	
CONSENT CALENDAR		
PUBLIC HEARING		
REGULAR BUSINESS		
EXECUTIVE SESSION		

OTHER ITEMS TO BE SCHEDULED:

- Parks Waterfront Structures Long-Term Planning – P. West
- Land Conservation Work Plan Update – A. Sommargren
- Open Space Vegetation Management – A. Sommargren
- Parks & Recreation Commission & Charter – J. Bon
- Citizen of the Year Criteria – A. Spietz
- Cybersecurity Presentation – M. Kaser
- YTN Update – J. Underwood
- Beautification Fund Ordinance – C. Corder
- Comprehensive Mobility Plan (ST Settlement) – K. Taylor
- *Tentative* Special Meeting January 7 or January 28 in lieu of January 2 (Wednesday)
- Sound Transit Park-and-Ride Parking Permit Program
- Developer Selection for Transit Commuter Parking and a Public-Private, Mixed-Use Development Project on the Tully’s/Parcel 12 Site

MISD BOARD JOINT MEETING DATES:

- Thursday, November 8, 2018
- Thursday, April 25, 2019

ANNUAL (ROUTINE) ITEMS:

Council/City Manager:

- Legislative Agenda (Q4 & Q1)
- City Council Annual Planning Session (Q1)
- Adoption of City Council Goals (Q2)
- Mini-Planning Session (Q2)
- Sustainability Update (Q1 & Q3)

Development Services Group:

- ARCH Budget and Work Program (Q1)
- ARCH Trust Fund Recommendations (Q1)
- Comprehensive Plan Amendments (Q4)
- Comprehensive Plan Docket (Q4)

Finance/Budget:

- Every Year:
 - General Fund & REET Surplus Disposition (Q2)
 - Mercer Island Report Card (Q3)
 - 4th Quarter Financial Status Report & Budget Adjustments (Q2)
 - 1st Quarter Financial Status Report & Budget Adjustments (Q2)
 - 2nd Quarter Financial Status Report & Budget Adjustments (Q3)
 - 3rd Quarter Financial Status Report & Budget Adjustments (Q4)
- Odd Years:
 - Mid-Biennial Budget Review (3rd Quarter Financial Status Report & Budget Adjustments, Utility Rates, and Property Tax Levy) (Nov Mtg)
- Even Years:
 - Capital Improvement Program (CIP) Budget Kick-Off (2nd Mar Mtg)
 - Operating Budget Kick-Off (Mini-PS)
 - Preliminary Budget: Presentation & Distribution (1st Oct Mtg)
 - Preliminary Budget: Operating Budget Review (2nd Oct Mtg)
 - Preliminary Budget: Capital Improvement Program Review (1st Nov Mtg)
 - Preliminary Budget: Finalize Changes & Adopt Tax Ordinances and Fee Resolutions (2nd Nov Mtg)
 - Final Budget Adoption (1st Dec Mtg)

Fire Department:

- Summer Celebration Fireworks Display Permit (Q2)

Human Resources:

- Police & Police Support Collective Bargaining Agreements
- Fire Collective Bargaining Agreement
- AFSCME Collective Bargaining Agreement

Parks & Recreation:

- Arts Council Annual Report and Work Plan (Q2)
- Open Space Conservancy Trust Board Annual Report and Work Plan (Q2)

Public Works:

- Bid Awards & Project Close-Outs
- Public Hearing: Preview of 6-Year Transportation Improvement Program (Q2)
- Adoption of 6-Year Transportation Improvement Program (Q2)

Youth & Family Services:

- Interlocal Agreement with MISD for School Mental Health Counselors (Q3)

Proclamations

- Martin Luther King Jr. Day Proclamation (1st Jan)
- Black History Month Proclamation (1st Feb)
- Women’s History Month & International Women’s Day Proclamation (1st Mar)
- Sexual Assault Awareness Month Proclamation (1st Apr)
- Earth Day Proclamation (2nd Apr)
- Volunteer Appreciation Week Proclamation (2nd Apr)
- Building Safety Month Proclamation (1st May)
- Safe Boating and Paddling Week Proclamation (2nd May)
- Public Works Week Proclamation (2nd May)
- Parks and Recreation Month & Summer Celebration! Proclamation (1st Jul)
- National Night Out Proclamation (2nd Jul)
- Women’s Equality Day Proclamation (1st Aug)
- National Recovery Month Proclamation (1st Sep)
- Emergency Preparedness Month Proclamation (1st Sep)
- Day of Concern for the Hungry Proclamation (1st Sep)
- Domestic Violence Action Month Proclamation (1st Oct)
- National Community Planning Month Proclamation (1st Oct)
- Veteran’s Day Proclamation (1st Nov)