

**FIRCREST CITY COUNCIL
REGULAR MEETING AGENDA**

**TUESDAY, SEPTEMBER 25, 2018
7:00 P.M.**

**COUNCIL CHAMBERS
FIRCREST CITY HALL, 115 RAMSDELL STREET**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. PRESIDING OFFICER'S REPORT**
 - A. Community Center and Pool Update
- 5. CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA**
(Please sign the **Public Attendance Roster/Public Hearing Sign-Up Sheet** if you wish to speak during the meeting.)
- 6. COMMITTEE, COMMISSION & LIAISON REPORTS**
 - A. Administration
 - B. Environment, Planning and Building
 - C. Finance, IT, Facilities
 - D. Other liaison reports
- 7. CONSENT CALENDAR**
 - A. Approval of [vouchers](#)/payroll checks
 - B. Approval of minutes: [September 11, 2018 Regular Minutes](#)
 - C. Liquor License Renewal: [Sammy's Pizza Fircrest](#)
- 8. PUBLIC HEARING 7:15 P.M.**
- 9. UNFINISHED BUSINESS**
- 10. NEW BUSINESS**
 - A. [Resolution: Ruston Court Services Contract](#)
 - B. [Resolution: Morris Law, P.C. Contract Amendment](#)
 - C. [Resolution: Jeff Boers and Associates Contract Amendment](#)
 - D. [Resolution: Sound Inspection LLC Contract Amendment](#)
 - E. [Ordinance: Business License System](#)
 - F. [Ordinance: General Facilities Charge Schedule of Fees \(Water\)](#)
 - G. [Ordinance: General Facilities Charge Schedule of Fees \(Sewer\)](#)
 - H. [Ordinance: Housekeeping Amendments – Title 17.04](#)
 - I. [Ordinance: Housekeeping Amendment Affecting Titles 17 and 18](#)
- 11. CITY MANAGER COMMENTS**
- 12. DEPARTMENT HEAD COMMENTS**
- 13. COUNCILMEMBER COMMENTS**
- 14. EXECUTIVE SESSION**
 - A. To discuss the performance of a public employee pursuant to RCW 42.30.110
- 15. ADJOURNMENT**

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

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17638	09/25/2018	2018		4298	AWC Employee Benefit	631.64	October 2018 Retired Medical
	521 22 20 01				LEOFF I Medical Premiums 001 000 521 General Fund	631.64	
17581	09/25/2018	2018	6403	2376	Allen, John	59.00	Library Reimbursement 1 Year
	572 21 49 00				Library Services 001 000 572 General Fund	59.00	
17579	09/25/2018	2018	6404	7725	Alpha Pyrotechnics	6,200.00	National Night Out Fireworks Show
	521 22 49 05				Reimbursable Programs 001 000 521 General Fund	6,200.00	
17566	09/25/2018	2018	6405	3705	Alpine Products Inc	2,223.36	Supplies For Speed Limit Markings On Streets
	542 30 31 02				Oper Supplies - Street Reg 101 000 542 City Street Fund	1,981.76	
	542 30 35 00				Small Tools & Equip-St Reg 101 000 542 City Street Fund	241.60	
17607	09/25/2018	2018	6405	3705	Alpine Products Inc	816.48	Torch - Streetlight Heat Shrink Tool, Solvent - Paint Machine Cleaning
	542 30 31 02				Oper Supplies - Street Reg 101 000 542 City Street Fund	102.03	
	542 63 35 00				Small Tools & Equip - St Light 101 000 542 City Street Fund	714.45	
17608	09/25/2018	2018	6405	3705	Alpine Products Inc	7,322.48	Paint Machine And Solvent
	542 30 31 02				Oper Supplies - Street Reg 101 000 542 City Street Fund	72.16	
	594 48 64 12				Street - ERR Capital 501 000 548 Equipment Rental	7,250.32	
17546	09/25/2018	2018	6406	2391	Armour, Phillip J.	61.84	05-01020.1 - 1222 DEL MONTE AVE
	343 10 00 00				Storm Drain Fees & Charges 415 000 340 Storm Drain	-13.79	
	343 40 00 00				Sale Of Water 425 000 340 Water Fund (depar	-14.62	
	343 50 00 00				Sewer Revenues 430 000 340 Sewer Fund (depar	-33.43	
17601	09/25/2018	2018	6407	6502	Ballew's Hitch Truck & RV	66.24	2 Chain Hooks Welded Onto Excavator Bucket
	548 65 48 12				O & M - Street 501 000 548 Equipment Rental	16.56	
	548 65 48 13				O & M - Storm 501 000 548 Equipment Rental	16.56	
	548 65 48 14				O & M - Wtr/Swr 501 000 548 Equipment Rental	33.12	
17629	09/25/2018	2018	6408	2114	Betz, Joseph	59.00	Library Reimbursement 1 Year
	572 21 49 00				Library Services 001 000 572 General Fund	59.00	
17616	09/25/2018	2018	6409	6768	Burgess, Gloria	141.61	03-02300.9 - 409 ALAMEDA AVE
	343 10 00 00				Storm Drain Fees & Charges 415 000 340 Storm Drain	-31.58	
	343 40 00 00				Sale Of Water 425 000 340 Water Fund (depar	-33.47	
	343 50 00 00				Sewer Revenues 430 000 340 Sewer Fund (depar	-76.56	
17613	09/25/2018	2018	6410	6018	Canon Financial Services Inc	244.61	Police Copier Rental (September 2018)

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	521 22 45 00				Oper Rentals - Copier - Police 001 000 521 General Fund	244.61	
17614	09/25/2018	2018	6410	6018	Canon Financial Services Inc	13.63	Police Faxboard Rental (September 2018)
	521 22 45 00				Oper Rentals - Copier - Police 001 000 521 General Fund	13.63	
17615	09/25/2018	2018	6410	6018	Canon Financial Services Inc	563.79	Equipment Rental (September 2018) - P/R, Court, CH, PW
	512 50 45 00				Oper Rentals - Copier - Court 001 000 512 General Fund	140.95	
	518 10 45 00				Oper Rentals - Copier - Non De 001 000 518 General Fund	140.95	
	531 50 45 00				Oper Rentals - Copier - Storm 415 000 531 Storm Drain	35.24	
	534 10 45 02				Oper Rentals - Copier - Water 425 000 534 Water Fund (depart	35.24	
	535 10 45 00				Oper Rentals - Copier - Sewer 430 000 535 Sewer Fund (depar	35.23	
	542 30 45 00				Oper Rentals - Copier - Street 101 000 542 City Street Fund	35.24	
	571 10 45 01				Oper Rentals - Copier - Rec 001 000 571 General Fund	126.85	
	576 80 45 00				Oper Rentals - Copier - Parks 001 000 576 General Fund	14.09	
17591	09/25/2018	2018	6411	3994	CenturyLink	129.35	Police BA Machine / Modem
	521 22 42 00				Communication - Police 001 000 521 General Fund	129.35	
17592	09/25/2018	2018	6411	3994	CenturyLink	66.45	Parks Primary 911
	576 80 42 00				Communication - Parks 001 000 576 General Fund	66.45	
17593	09/25/2018	2018	6411	3994	CenturyLink	62.88	Public Works Fax
	531 50 42 00				Communication - Storm 415 000 531 Storm Drain	15.72	
	534 10 42 00				Communication - Water 425 000 534 Water Fund (depart	15.72	
	535 10 42 01				Communication - Sewer 430 000 535 Sewer Fund (depar	15.72	
	542 30 42 00				Communication - Street 101 000 542 City Street Fund	15.72	
17594	09/25/2018	2018	6411	3994	CenturyLink	130.61	Direct Inward Dial - City Hall
	518 10 42 00				Communication - Non Dept 001 000 518 General Fund	130.61	
17590	09/25/2018	2018	6412	5805	CenturyLink	36.07	Long Distance Usage & Access Line
	518 10 42 00				Communication - Non Dept 001 000 518 General Fund	36.07	
17549	09/25/2018	2018	6413	1237	Cichowski, Ann	336.84	01-02270.8 - 533 FARALLONE AVE
	343 10 00 00				Storm Drain Fees & Charges 415 000 340 Storm Drain	-75.13	
	343 40 00 00				Sale Of Water 425 000 340 Water Fund (depart	-79.61	
	343 50 00 00				Sewer Revenues 430 000 340 Sewer Fund (depar	-182.10	
17558	09/25/2018	2018	6414	4324	City Treasurer-City of Tacoma	53,478.00	October 2018 Fire/EMS
	522 20 50 00				Tacoma Contract - Fire 001 000 522 General Fund	26,303.58	October 2018 Fire
	522 20 51 00				Tacoma Contract - EMS 001 000 522 General Fund	27,174.42	October 2018 EMS

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	17619	09/25/2018	2018	6415	4322	City of Tacoma - Utilities	10,293.08	Power - Various Locations
		518 30 47 00			001 000 518	Public Utility Services - City H General Fund	539.78	
		531 50 47 02			415 000 531	Public Utility Services/Bldg - Storm Drain	82.26	
		534 10 47 00			425 000 534	Utility Services/Building - Water Fund (depart	82.26	
		534 80 47 01			425 000 534	Utility Services/Pumping Water Fund (depart	3,984.40	
		535 10 47 00			430 000 535	Utility Services/Building - Sewer Fund (depart	82.26	
		535 80 47 01			430 000 535	Utility Services/Pumping Sewer Fund (depart	1,299.55	
		542 30 47 01			101 000 542	Dumping Fees - Street City Street Fund	69.01	
		542 30 47 02			101 000 542	Electricity & Gas/Bldg - Street City Street Fund	82.26	
		542 63 47 00			101 000 542	Electricity/Street Lights City Street Fund	2,163.44	
		548 65 47 00			501 000 548	Utilities ShopGarage Equipment Rental	22.82	
		576 80 47 00			001 000 576	Public Utility Services - Parks/ General Fund	1,885.04	
	17578	09/25/2018	2018	6416	6266	Clover Park School District	53.37	National Night Out Recognition Certificates
		521 22 49 05			001 000 521	Reimbursable Programs General Fund	53.37	
	17557	09/25/2018	2018	6417	6203	Code Mechanical Inc	1,135.90	AC Unit Repair At City Hall
		518 30 48 02			001 000 518	Rep & Maint - City Hall General Fund	1,135.90	
	17602	09/25/2018	2018	6418	6268	Cole-Parmer Instrument Company	217.04	Powder Dispenser Chlorine Free For Testing Residuals Daily
		534 80 31 02			425 000 534	Oper Supplies - Water Water Fund (depart	217.04	
	17624	09/25/2018	2018	6419	3565	Comfort Davies & Smith	10,562.65	
		515 30 41 01			001 000 515	City Attorney General Fund	2,788.65	
		515 30 41 03			001 000 515	City Prosecutor General Fund	7,774.00	
	17563	09/25/2018	2018	6420	3572	Consolidated Electrical Distributors	34.85	Light Bulbs For City Hall Exterior Doors
		518 30 31 04			001 000 518	Oper Sup/CH General Fund	34.85	
	17555	09/25/2018	2018	6421	3573	Copiers Northwest Inc	136.89	Police Copier Usage August 2018
		521 22 45 00			001 000 521	Oper Rentals - Copier - Police General Fund	136.89	
	17637	09/25/2018	2018	6402	4310	Dept Of Revenue-EXCISE TAX	18,600.33	August 2018 Excise Tax
		531 50 53 00			415 000 531	Excise Tax - Storm Drain	1,221.84	
		534 10 53 00			425 000 534	Excise Tax - Water Water Fund (depart	11,774.25	
		535 10 53 00			430 000 535	Excise Tax - Sewer Sewer Fund (depart	4,602.09	
		571 20 53 00			001 000 571	Excise Tax - Participation Fees General Fund	10.37	
		576 20 53 00			001 000 576	Excise Tax - Pool Revenue General Fund	991.78	
	17544	09/25/2018	2018	6422	2842	Estate of Dennis Fatland	330.42	06-01680.0 - 1421 EVERGREEN DR
		343 10 00 00			415 000 340	Storm Drain Fees & Charges Storm Drain	-77.05	
		343 40 00 00			425 000 340	Sale Of Water Water Fund (depart	-81.54	

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	343 50 00 00				Sewer Revenues	430 000 340 Sewer Fund (depar	-171.83
17625	09/25/2018	2018	6423	3627	Evergreen Rural Water of Washingt	470.00	Registration - Water Cert Classes (J. Davis & J. Marzano)
	534 10 49 02				Reg & Tuition - Water	425 000 534 Water Fund (depar	470.00
17632	09/25/2018	2018	6424	3636	Ferguson Enterprises Inc, #1539	673.79	Pvc Glue And Sewer Pipe
	534 50 31 01				Oper Supplies - Water Maint	425 000 534 Water Fund (depar	423.57
	594 31 63 00				Storm Improvements-Storm Cε	416 000 594 Storm Improvemen	250.22
17538	09/25/2018	2018	6425	7756	French, Tracy	187.46	04-02350.4 - 815 MAYWOOD LANE
	343 10 00 00				Storm Drain Fees & Charges	415 000 340 Storm Drain	-41.81
	343 40 00 00				Sale Of Water	425 000 340 Water Fund (depar	-44.31
	343 50 00 00				Sewer Revenues	430 000 340 Sewer Fund (depar	-101.34
17595	09/25/2018	2018	6426	6774	Greenleaf Landscaping 1 Inc	703.36	Turf, Trees And Flower Beds On Emerson (August & September 2018)
	542 30 48 01				Rep & Maint - Street Maint	101 000 542 City Street Fund	703.36
17576	09/25/2018	2018	6427	3690	Holroyd Co Inc	56.94	Dump Fee Fircrest Park Big Toy Posts And Concrete
	576 80 31 02				Oper Supplies - Parks	001 000 576 General Fund	56.94
17606	09/25/2018	2018	6427	3690	Holroyd Co Inc	1,281.22	5/8 Crushed Rock For Storm Drains - Delmonte
	594 31 63 00				Storm Improvements-Storm Cε	416 000 594 Storm Improvemen	1,281.22
17569	09/25/2018	2018	6428	3692	Home Depot Credit Services	25.29	Rapid Cement For Storm Drains Catch Basin
	531 50 31 02				Oper Supplies - Storm	415 000 531 Storm Drain	25.29
17598	09/25/2018	2018	6428	3692	Home Depot Credit Services	43.97	Tires For Supply Dolly
	535 80 31 00				Oper Supplies - Sewer Gen Op	430 000 535 Sewer Fund (depar	43.97
17541	09/25/2018	2018	6429	3282	Innovative Fitness	176.65	10-00685.8 - 1105 REGENTS BLVD -E
	343 40 00 00				Sale Of Water	425 000 340 Water Fund (depar	-42.61
	343 50 00 00				Sewer Revenues	430 000 340 Sewer Fund (depar	-134.04
17542	09/25/2018	2018	6430	3284	Innovative Fitness	71.58	10-00710.6 - 1105 REGENTS BLVD -C&D
	343 40 00 00				Sale Of Water	425 000 340 Water Fund (depar	-17.27
	343 50 00 00				Sewer Revenues	430 000 340 Sewer Fund (depar	-54.31
17583	09/25/2018	2018		7752	Kropelnicki, Kristina	29.50	Library Reimbursement 1/2 Year
	572 21 49 00				Library Services	001 000 572 General Fund	29.50

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17550	09/25/2018	2018	6432	8034	Larsen, William S	195.40	01-02660.2 - 126 FARALLONE AVE
	343 10 00 00				Storm Drain Fees & Charges	415 000 340 Storm Drain	-43.58
	343 40 00 00				Sale Of Water	425 000 340 Water Fund (depar	-46.18
	343 50 00 00				Sewer Revenues	430 000 340 Sewer Fund (depar	-105.64
17551	09/25/2018	2018	6433	6899	Lawrence, Jacob	243.31	01-00550.8 - 344 HARVARD AVE
	343 10 00 00				Storm Drain Fees & Charges	415 000 340 Storm Drain	-54.27
	343 40 00 00				Sale Of Water	425 000 340 Water Fund (depar	-57.50
	343 50 00 00				Sewer Revenues	430 000 340 Sewer Fund (depar	-131.54
17596	09/25/2018	2018	6434	3776	Lemay Mobile Shredding	25.50	Shredding Utility Documents
	531 50 49 00				Miscellaneous - Storm	415 000 531 Storm Drain	8.50
	534 10 49 00				Miscellaneous - Water	425 000 534 Water Fund (depar	8.50
	535 10 49 00				Miscellaneous - Sewer	430 000 535 Sewer Fund (depar	8.50
17559	09/25/2018	2018	6435	3791	Lowe's Company-#338954	25.01	Door Wedges For Rec And City Hall
	518 30 31 01				Oper Sup/Rec Bldg	001 000 518 General Fund	18.76
	518 30 31 04				Oper Sup/CH	001 000 518 General Fund	6.25
17570	09/25/2018	2018	6435	3791	Lowe's Company-#338954	16.72	8' Tube Light Bulbs For PW Garage
	542 30 31 02				Oper Supplies - Street Reg	101 000 542 City Street Fund	16.72
17575	09/25/2018	2018	6435	3791	Lowe's Company-#338954	68.17	Lumber For Tennis Bench
	576 80 31 02				Oper Supplies - Parks	001 000 576 General Fund	68.17
17588	09/25/2018	2018	6435	3791	Lowe's Company-#338954	41.34	Janitorial Supplies For City Hall And Public Works
	518 30 31 00				Oper Sup/Facilities	001 000 518 General Fund	10.05
	518 30 31 03				Oper Sup/PWF	001 000 518 General Fund	14.59
	518 30 31 04				Oper Sup/CH	001 000 518 General Fund	16.70
17597	09/25/2018	2018	6435	3791	Lowe's Company-#338954	46.63	4x3 Fernco's For Stormline
	594 31 63 00				Storm Improvements-Storm Ce	416 000 594 Storm Improvemen	46.63
17618	09/25/2018	2018	6436	8283	Lucent Auto Work	165.15	Paint Repair 2011 Ford Crown Victoria License #52951D
	548 65 48 08				O & M - Police	501 000 548 Equipment Rental l	165.15
17580	09/25/2018	2018	6437	318	Maenhout, Sherry L	24.71	Costco-envelopes, Sheet Protectors - Sherry Maenhout
	521 22 31 00				Office & Oper Sup - Police	001 000 521 General Fund	24.71
17571	09/25/2018	2018	6438	6639	McClain's Soil Supply	99.09	3-way Top Soil For ROW's Sidewalks

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	542 30 31 02				Oper Supplies - Street Reg	99.09	101 000 542 City Street Fund
17545	09/25/2018	2018	6439	1987	Meyer, Brandon	300.61	04-00530.9 - 536 RAMSDELL ST
	343 10 00 00				Storm Drain Fees & Charges	-67.05	415 000 340 Storm Drain
	343 40 00 00				Sale Of Water	-71.05	425 000 340 Water Fund (depart
	343 50 00 00				Sewer Revenues	-162.51	430 000 340 Sewer Fund (depar
17627	09/25/2018	2018	6440	1687	Mika, Robert P.	59.00	Library Reimbursement 1 Year
	572 21 49 00				Library Services	59.00	001 000 572 General Fund
17543	09/25/2018	2018	6441	5662	Moorehead, Cameron	26.48	01-01170.3 - 164 GOLDEN GATE AV
	343 10 00 00				Storm Drain Fees & Charges	-5.91	415 000 340 Storm Drain
	343 40 00 00				Sale Of Water	-6.25	425 000 340 Water Fund (depart
	343 50 00 00				Sewer Revenues	-14.32	430 000 340 Sewer Fund (depar
17561	09/25/2018	2018		5766	Multicare Cntr of Occupational Med	100.00	Fitness For Duty Exam 100.00
	518 11 41 00				Prof Svcs - Personnel		001 000 518 General Fund
17585	09/25/2018	2018	6443	7635	Nappi, Jessica	25.00	Gym Fees Reimbursement Sept 2018
	513 10 20 00				Personnel Benefits	16.75	001 000 513 General Fund
	518 11 20 00				Personnel Benefits - Personnel	8.25	001 000 518 General Fund
17587	09/25/2018	2018	6444	3906	O'Brien, Eileen	59.00	Library Reimbursement 1 Year
	572 21 49 00				Library Services	59.00	001 000 572 General Fund
17574	09/25/2018	2018	6445	3923	Orca Pacific Inc	614.01	Liquid Chlorine
	576 20 31 01				Pool Supplies-Chemicals	614.01	001 000 576 General Fund
17604	09/25/2018	2018	6445	3923	Orca Pacific Inc	348.49	Sodium Hypochlorite - Chlorine For All Wells
	534 80 31 03				Oper Supplies - Chlorine	348.49	425 000 534 Water Fund (depart
17564	09/25/2018	2018	6446	5030	Ostmann, Stephanie	59.00	1 Year Library Reimbursement
	572 21 49 00				Library Services	59.00	001 000 572 General Fund
17603	09/25/2018	2018	6447	3929	Owen Equipment Company	194.97	1" Ball Valve - Vactor Truck Repair
	548 65 48 12				O & M - Street	24.37	501 000 548 Equipment Rental l
	548 65 48 13				O & M - Storm	24.37	501 000 548 Equipment Rental l
	548 65 48 14				O & M - Wtr/Swr	146.23	501 000 548 Equipment Rental l Vactor Truck Repair
17611	09/25/2018	2018	6448	3957	PC Budget & Finance	153.20	August 2018 Printing Services

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512 50 31 00	Office & Oper Sup-Court	001 000 512	General Fund	115.22	Community Restitution Fees		
518 10 34 02	Central Office Printing	001 000 518	General Fund	37.98	Jayne Westman Business Cards		
17612	09/25/2018	2018	6448	3957	PC Budget & Finance	412.13	August 2018 Radio Communications Services
521 22 48 00	Rep & Maint - Police	001 000 521	General Fund	412.13			
17617	09/25/2018	2018	6448	3957	PC Budget & Finance	4,676.42	De-Icing Solution Delivered - 6,000 Gallons (February-March 2018)
531 50 31 02	Oper Supplies - Storm	415 000 531	Storm Drain	4,676.42			
17599	09/25/2018	2018	6449	3961	PCRCDD, LLC dba LRI-HV	201.24	Dump Fees - Street Sweeping
531 50 47 01	Dumping Fees - Storm	415 000 531	Storm Drain	201.24			
17577	09/25/2018	2018	6450	7401	PageFreezer Software Inc	3,300.00	Archiving 10/14/2018-10/13/2019
518 81 41 02	Web Design & Maintenance	001 000 518	General Fund	3,300.00			
17628	09/25/2018	2018	6451	3955	Petrocard Systems Inc	381.64	Gas/Fuel - PW
548 65 31 12	Street Gas	501 000 548	Equipment Rental I	18.56			
548 65 31 13	Storm Gas	501 000 548	Equipment Rental I	135.15			
548 65 31 14	Wtr/Swr Gas	501 000 548	Equipment Rental I	227.93			
17636	09/25/2018	2018	6452	3956	Petty Cash-Corcoran	87.02	Reimburse 9/25/18
518 10 42 01	Postage - Non-Dept	001 000 518	General Fund	8.50	Phone Return Postage		
521 22 31 00	Office & Oper Sup - Police	001 000 521	General Fund	13.75	Batteries - Key FOB		
534 80 31 02	Oper Supplies - Water	425 000 534	Water Fund (depart	2.18	Distilled Water For Water Testing		
542 30 31 02	Oper Supplies - Street Reg	101 000 542	City Street Fund	28.90	Propane For Street Torch		
548 65 31 08	Police Gas	501 000 548	Equipment Rental I	20.04	Gas-Police Plate #60943D		
571 10 42 00	Postage - Rec	001 000 571	General Fund	13.65	Rec Award Postage		
17573	09/25/2018	2018	6453	3970	Pitney Bowes Global LLC	394.91	3rd Quarter 2018 Machine Lease
518 10 42 01	Postage - Non-Dept	001 000 518	General Fund	394.91			
17582	09/25/2018	2018	6454	3976	Plumb Signs Inc	1,009.83	Police Dept Sign Install Above Entrance
518 30 48 04	Rep & Maint - PSB	001 000 518	General Fund	1,009.83			
17562	09/25/2018	2018	6455	7552	Reed, Frank	29.50	Library Reimbursement 1/2 Year
572 21 49 00	Library Services	001 000 572	General Fund	29.50			
17560	09/25/2018	2018	6456	337	Roberts, Christopher	984.00	Tuition Reimbursement, World Religious Traditions
521 22 49 02	Reg & Tuition - Police	001 000 521	General Fund	984.00			

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17609	09/25/2018	2018	6456	337	Roberts, Christopher	10.00	Active Shooter Response Training Lunch - Chris Roberts
	521 22 43 00		Travel - Police		001 000 521 General Fund	10.00	
17600	09/25/2018	2018	6457	4018	Rosen Supply Company Inc	233.43	Parts For New Stormline - Delmonte
	594 31 63 00		Storm Improvements-Storm Ce		416 000 594 Storm Improvemen	233.43	
17630	09/25/2018	2018	6458	5591	Ruzyla, Tonia	59.00	Library Reimbursement 1 Year
	572 21 49 00		Library Services		001 000 572 General Fund	59.00	
17548	09/25/2018	2018	6459	3000	Sanders, Michael	200.00	07-00073.1 - 122 BIRCH ST
	343 10 00 00		Storm Drain Fees & Charges		415 000 340 Storm Drain	-44.61	
	343 40 00 00		Sale Of Water		425 000 340 Water Fund (depar	-47.27	
	343 50 00 00		Sewer Revenues		430 000 340 Sewer Fund (depar	-108.12	
17620	09/25/2018	2018	6460	4035	Sarco Supply	38.41	Multi-Fold Towels
	518 30 31 02		Oper Sup/PSB Bldg		001 000 518 General Fund	38.41	
17621	09/25/2018	2018	6460	4035	Sarco Supply	89.88	Soap-Rec Building
	518 30 31 01		Oper Sup/Rec Bldg		001 000 518 General Fund	89.88	
17622	09/25/2018	2018	6460	4035	Sarco Supply	310.89	Misc. Bathroom Supplies - Rec Building
	518 30 31 01		Oper Sup/Rec Bldg		001 000 518 General Fund	310.89	
17610	09/25/2018	2018	6461	359	Schlosstein, Roger	102.00	CDL Renewal - Roger Schlosstein
	531 50 20 01		Contract Benefits - Storm		415 000 531 Storm Drain	25.50	
	534 10 20 01		Contract Benefits - Wtr Admin		425 000 534 Water Fund (depar	25.50	
	535 10 20 01		Contract Benefits - Swr Admin		430 000 535 Sewer Fund (depar	25.50	
	542 30 20 01		Contract Benefits - Street Reg		101 000 542 City Street Fund	25.50	
17572	09/25/2018	2018	6462	6088	Sentinel Pest Control Inc	192.33	August 2018 Pest Control Service PW Building
	531 50 48 00		Rep & Maint - Storm		415 000 531 Storm Drain	48.08	
	534 50 48 01		Rep & Maint - Water Maint		425 000 534 Water Fund (depar	48.09	
	535 50 48 00		Rep & Maint - Sewer Maint		430 000 535 Sewer Fund (depar	48.08	
	542 30 48 01		Rep & Maint - Street Maint		101 000 542 City Street Fund	48.08	
17567	09/25/2018	2018	6465	6350	Sevier, Maria	1,062.00	August 2018 On-call GIS Support
	531 50 41 00		Prof Svcs - Storm		415 000 531 Storm Drain	212.40	
	534 10 41 00		Prof Svcs - Water		425 000 534 Water Fund (depar	212.40	
	535 10 41 00		Prof Svcs - Sewer		430 000 535 Sewer Fund (depar	212.40	
	542 30 41 00		Prof Svcs - Street		101 000 542 City Street Fund	212.40	
	558 60 41 00		Prof Svcs - Planning		001 000 558 General Fund	212.40	

ACCOUNTS PAYABLE PAID

City Of Fircrest
MCAG #: 0583

09/25/2018 To: 09/25/2018

Time: 11:43:31 Date: 09/21/2018
Page: 9

Accts

Pay #	Paid On	Year	Trans	Vendor ID	Vendor	Amount	Memo
17586	09/25/2018	2018	6466	4085	Staples, Cecile	59.00	Library Reimbursement 1 Year
	572 21 49 00		Library Services		001 000 572 General Fund	59.00	
17589	09/25/2018	2018	6467	4088	State Auditor's Office	760.00	Financial Audit For Period 15 - 17, No. 44127
	518 10 41 01		Biennial Audit - Non Dept		001 000 518 General Fund	760.00	
17631	09/25/2018	2018	6468	4102	Stripe Rite Inc	4,590.90	Re-Striping Main City Arterials White And Yellow
	542 30 48 01		Rep & Maint - Street Maint		101 000 542 City Street Fund	4,590.90	
17556	09/25/2018	2018	6469	4135	Tacoma Screw Products Inc	115.70	Screws And Brass Wood Inserts
	576 80 31 02		Oper Supplies - Parks		001 000 576 General Fund	115.70	
17565	09/25/2018	2018	6470	4139	Tapco Visa Card	16.46	Experian Connect Credit Check
	518 11 41 00		Prof Svcs - Personnel		001 000 518 General Fund	16.46	
17623	09/25/2018	2018	6470	4139	Tapco Visa Card	118.68	IT Back-up Power Units
	518 81 35 00		Small Tools & Equip - I/S		001 000 518 General Fund	118.68	
17540	09/25/2018	2018	6471	6257	Tinker, Pat	117.64	07-00068.8 - 110 BIRCH ST
	343 10 00 00		Storm Drain Fees & Charges		415 000 340 Storm Drain	-26.24	
	343 40 00 00		Sale Of Water		425 000 340 Water Fund (depart	-27.80	
	343 50 00 00		Sewer Revenues		430 000 340 Sewer Fund (depar	-63.60	
17626	09/25/2018	2018	6472	4178	University Place Refuse Inc	91.00	Yard Waste Drop Box
	542 30 47 01		Dumping Fees - Street		101 000 542 City Street Fund	91.00	
17633	09/25/2018	2018	6473	4188	Verizon Wireless LLC	440.13	09/02/2018-10/01/2018 Air Cards (11) - Police
	521 22 42 00		Communication - Police		001 000 521 General Fund	440.13	
17634	09/25/2018	2018	6473	4188	Verizon Wireless LLC	274.90	Public Works Plan (9 Phones) & Global Positioning System Air Card (1)
	531 50 42 00		Communication - Storm		415 000 531 Storm Drain	10.00	
	531 50 42 00		Communication - Storm		415 000 531 Storm Drain	58.72	
	534 10 42 00		Communication - Water		425 000 534 Water Fund (depart	10.00	
	534 10 42 00		Communication - Water		425 000 534 Water Fund (depart	58.72	
	535 10 42 01		Communication - Sewer		430 000 535 Sewer Fund (depar	10.00	
	535 10 42 01		Communication - Sewer		430 000 535 Sewer Fund (depar	58.72	
	542 30 42 00		Communication - Street		101 000 542 City Street Fund	10.01	
	542 30 42 00		Communication - Street		101 000 542 City Street Fund	58.73	
17635	09/25/2018	2018	6473	4188	Verizon Wireless LLC	-2.91	Credit From Previous Account (Rick Rosenblatt 664315352)

ACCOUNTS PAYABLE PAID

City Of Fircrest
MCAG #: 0583

09/25/2018 To: 09/25/2018

Time: 11:43:31 Date: 09/21/2018
Page: 10

Accts

Pay #	Paid On	Year	Trans	Vendor ID	Vendor	Amount	Memo
534 10 42 00	Communication - Water			425 000	534 Water Fund (depart	-2.91	
17568	09/25/2018	2018	6474	4231	Water Mgmt Labs Inc	287.00	Coliform Testing And Fluoride August 2018
534 80 41 00	Water Testing			425 000	534 Water Fund (depart	287.00	
17547	09/25/2018	2018	6475	1143	Williams, Earl H	308.77	01-01360.0 - 157 SUMMIT AVE
343 10 00 00	Storm Drain Fees & Charges			415 000	340 Storm Drain	-68.87	
343 40 00 00	Sale Of Water			425 000	340 Water Fund (depart	-72.98	
343 50 00 00	Sewer Revenues			430 000	340 Sewer Fund (depar	-166.92	
17605	09/25/2018	2018	6476	4273	Zumar Industries Inc	782.21	15 Replacement Stop Signs
542 30 31 02	Oper Supplies - Street Reg			101 000	542 City Street Fund	782.21	

Total: 142,353.07

Fund

001 General Fund	86,533.53
101 City Street Fund	12,144.57
415 Storm Drain	7,171.10
416 Storm Improvement Fund	1,811.50
425 Water Fund (department)	18,642.91
430 Sewer Fund (department)	7,948.28
501 Equipment Rental Fund	8,101.18

This report has been reviewed by:

REMARKS:

Signature & Title

Date

CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL

Mayor Hunter T. George called the regular meeting to order at 7:00 P.M. and led the Pledge of Allegiance followed by a moment of silence to remember the victims of the September 11, 2001. Councilmembers David M. Viafore, Shannon Reynolds, Brett Wittner, Denny Waltier, Blake Surina, and Jamie Nixon were present.

PRESIDING OFFICER’S REPORT

A. Proclamation: Childhood Cancer Awareness Month

George introduced the item and read the proclamation into the record. **Reynolds MOVED to authorize the Mayor’s signature on a proclamation proclaiming the month of September as Childhood Cancer Awareness Month; seconded by Nixon.** George invited councilmember comments; Reynolds appreciated the City’s support for the cause. George invited public comment; there was none. **The Motion Carried (7-0).**

Viafore inquired if there would be community center and pool project update; Pingel indicated there was nothing new to report. Viafore requested councilmembers be made aware of upcoming meetings and events related to the project, and recommended a special meeting for the discussion of the project in October. Pingel indicated the survey would close on September 15, 2018, and stated that staff would request additional feedback from Council and that the Council would be briefed on the survey results prior to the discussions regarding finalizing the project scope.

CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA

George invited public comment; none were provided

COMMITTEE, COMMISSION, AND LIAISON REPORTS

A. Administration

Waltier reported that he had met with City Manager Pingel recently to discuss the community center and pool project, budget preparation, Chik-fil-A demolition, speed signs, and a Fun Days booth for councilmembers. Waltier indicated he attended the recent meeting of the Pool, Community Center, and Parks Steering Committee, stating the Council would be briefed on the fine points of the project before the details were finalized. Waltier indicated that once the data from the speed sign was obtained and analyzed, the City would be in a position to apply for grants related to reducing speeding such as speeding signs.

B. Environment, Planning and Building

Reynolds indicated she had not met with Planning and Building Administrator Stahlnecker and as such, no report was provided.

C. Finance, IT, Facilities

Nixon stated that councilmembers would be receiving checks instead of direct deposit this month, and stated that the senior bus would be delivered on September 12, 2018, the Preliminary 2019 Budget would be distributed during the meeting, and that the financial audit would start at the end of September. Viafore inquired if elected officials would receive a notice from the State Auditor announcing the audit and requesting elected officials to participate in an entry interview. Viafore requested staff could inquire and report back; Pingel indicated staff would. Accountant II Michelle Thomas requested for clarification if Nixon had received his check, and provided a background on the issuance of checks.

D. Other Liaison Reports

Reynolds reported on the recent meeting of the Steering Committee, stating it was not well attended and that Steering Committee members requested renderings of the design of the community center from ARC Architects to help them envision the styles. Reynolds indicated that the new information would be brought before Council and that ARC Architects would need direction from Council on the design of the center.

CONSENT CALENDAR

George requested the City Clerk read the Consent Calendar as follows: approval of Voucher No. 211824 through Voucher Check No. 211897 in the amount of \$223,704.56; approval of Payroll Check No. 13378 through Payroll Check No. 13402 in the amount of \$110,645.54; approval of Payroll Check No. 13403 through Payroll Check No. 13411 in the amount of \$7,003.67; approval of Payroll Check No. 13412 through Payroll Check No. 13419 in the amount of \$109,510.69; approval of the August 13, 2018 special Council meeting minutes; approval of the August 14, 2018 regular Council meeting minutes; approval of the August 20, 2018 special meeting minutes; approval of the August 27, 2018 special meeting minutes; and approval of the August 28, 2018 regular meeting minutes. **Reynolds MOVED to approve the Consent Calendar as read; seconded by Wittner. The Motion Carried (7-0).**

PUBLIC HEARING

No public hearing was scheduled.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

A. Leavitt Group NW Contract Amendment

Pingel briefed the Council on amendment to the Leavitt Group NW contract for insurance broker services, indicating there were no rate change and that the amendment would extend the contract through December 31, 2019. **Wittner MOVED to adopt Resolution No. 1543, authorizing the City Manager to execute Amendment #7 to the agreement with Leavitt Group NW for insurance broker services; seconded by Reynolds.** George invited councilmember comment; Viafore inquired if City Attorney Comfort was the acting City Attorney or simply the City Attorney; Comfort indicated it had been listed as City Attorney in the past and Pingel indicated the City contracted with the Comfort, Davies & Smith firm and would review the contract. George invited public comment; none were provided. **The Motion Carried (7-0).**

B. Preliminary 2019 Budget

Pingel briefed the Council on the Preliminary 2019 Budget and provided an overview of the highlights and upcoming scheduled budget meetings. Reynolds, George, and Waltier indicated that they would be unable to attend the September 24, 2018 budget study session. Viafore inquired about the 2018 assessed valuations regular levy; Pingel indicated the updated amount had not been released and that that item would be updated in the final report. Viafore inquired if the Police Guild contract had a 'me too' clause regarding the COLA increase; Pingel stated that the contract allowed for a guaranteed 1% to 3% COLA increase. Nixon inquired why the City did annual budgets instead of biennial budgets; Viafore provided a background on how biennial budgets impact small cities, especially those that were primary residential. There was

a brief discussion on how annual budgets were manageable for small cities, strategic planning, and supplemental budgets. **There was no motion; this item was for informational purposes only.**

CITY MANAGER COMMENTS

Pingel requested feedback from Council regarding the accessory dwelling units (ADU) and adult family homes, inquiring if councilmembers needed additional information. Surina inquired how many ADUs in the City were composed of family members; Pingel indicated in order for a unit to qualify as an ADU, it would have to include living, sleeping, cooking, and sanitation components. Pingel, George, and Viafore commented the City could not discriminate against who lived in an ADU due to federal housing regulations. There was a brief discussion on what would prevent a house from having two kitchens, addressing housing challenges and caring for an aging population, and unintended consequences. Stahlnecker stated that attached dwelling units would not be considered an ADU if it did not have a true kitchen, such as omitting an oven. Surina inquired if a homeowner could inactivate a portion of the kitchen; Stahlnecker stated they would need to demonstrate that component was removed.

Pingel indicated the general facilities charges would be brought before Council at an upcoming regular meeting. Viafore requested the item be included during the water and sewer portion of the budget meetings.

Pingel inquired if the Council would be interested in including contracts that had no fiscal impacts on the Consent Calendar; after a brief discussion, there was a general consensus to continue including them under New Business.

DEPARTMENT HEAD COMMENTS

- Parks and Recreation Director Grover reported that the installation of the playground equipment at Fircrest Park was completed and open to the public, and stated staff was working on a ribbon cutting date and creating a donor plate to recognize the contributors. Grover indicated 484 survey responses were received to date and that the tennis courts were in use. Wittner commented on his observations of children riding bicycles in the tennis courts and inquired about signage; Grover stated that there was signage that including what was prohibited, but that staff was in the process of having a larger sign made making that information more prominent. Viafore inquired if the City Manager could request the Police Chief to ask police officers to be on the lookout for prohibited activity and to act on behalf of the City and remind offenders of the rules. Surina inquired if the tennis court hours were posted and commented that the courts were closed on a Sunday afternoon; Grover indicated the signage did include the hours and would look into why the courts were closed that afternoon. Wittner commented on the new playground equipment and thanked Grover.
- Police Chief Cheesman commented on including possibly installing cameras in the City's parks, and reported on an update on the Café Elite robberies, stating the Department was coordinating with the Tacoma Police Department and the County to apprehend the suspects. Cheesman stated that the promotional board would be advertising for the second sergeant position on Friday and would take applications for two weeks, with the process for the applicants to begin in October. Cheesman invited councilmembers participating in the dunk tank during the National Night Out event.

COUNCILMEMBER COMMENTS

- Viafore commented on Wakefield’s work and analysis on the general facilities charge fees, and requested if staff could review out-of-Fircrest sewer fees and provided a brief background of this fee. Viafore requested not to postpone the Ruston Municipal Court services contract as staff would need to advertise and train staffing in time for a January 1 start date. George and Waltier clarified they would be in attendance of the September 25, 2018 regular Council meeting and Reynolds indicated she would not be in attendance of that meeting. Viafore commented on his concerns regarding three councilmembers being absent for the September 24, 2018 budget session. George inquired if Council had any objections in canceling the September 24th meeting; there was a general consensus to cancel that meeting. Pingel indicated that the regularly scheduled study session in October could be used for the budget as well. George agreed with Viafore to set a special meeting for the community center and pool project. Viafore requested more emergency management item scheduled for the September 17, 2018 study session; Cheesman indicated Pierce County Department of Emergency Management would provide training for elected officials and staff on roles and responsibilities during disasters and to assist them in the decision-making process. George commented on the importance of the training and indicated councilmembers should use their discretion on whether to attend. Reynolds commented on her experience when she underwent similar training. Viafore inquired about the recent Pierce County Cities and Towns Association meeting; Pingel indicated South Sound 911 Executive Director Neiditz presented on South Sound 911 and the sale tax. Pingel indicated Neiditz was open to presenting to Council at a future meeting. There was a brief discussion regarding the South Sound 911 tax revenues.
- Reynolds commented on the Tree City program, stating that the City may qualify for the program accolades as it allocated funds for tree maintenance. Reynolds requested if this item could be included in a study session for discussion. Reynolds indicated she would be absent for the September 25, 2018 meeting and would be leaving early for the September 17, 2018 meeting.
- Wittner thanked the audience for their attendance, and thanked Reynolds for chairing and Waltier for attending the Steering Committee meeting in his absence.
- Waltier and Nixon thanked the audience for their attendance.
- Surina recognized George Hansen’s retirement, commented on his character, and wished him well. Reynolds commented on Hansen’s character as well.
- George indicated that Fircrest resident and Metro Parks Tacoma Recreation Supervisor Roy Fletcher was retiring and spoke of his character. George expressed his appreciation of Pingel’s responsiveness regarding the potential usage of the community center as a temporary Metro Parks Tacoma day camp site during the Tacoma teacher strike. George indicated the demand was currently being met by the four day camp sites and stated he did not anticipate the community center being used as an overflow site.

Viafore MOVED to cancel the September 24, 2018 special Council meeting; seconded by Reynolds. George invited councilmember comment; none were provided. George invited public comment; none were provided. **The Motion Carried (7-0).**

Viafore requested the City Manager monitor the situation at the big traffic island as he had observed individuals from the teacher’s association camped out in the big island with a small tent and lounge chairs in that crosswalk as well as a small tent on the sidewalk at Wainwright Intermediate School. Viafore briefed the Council on the design intention of the island and stated

that the Council had been advised that if one group was permitted to utilize the island, then all groups would have to be permitted. Cheesman indicated he had spoken to the group about finding an amicable solution that was not blocking the sidewalk, and stated that he and Stahlnecker could talk to them about the tent. There was a brief discussion regarding applying policies consistently.

EXECUTIVE SESSION

George stated the Council would convene into Executive Session at 8:13 P.M. not to exceed the hour of 8:28 P.M. with Pingel and City Attorney Comfort to discuss potential litigation per RCW 42.30.110(1)(i) with no action upon reconvening.

The Council reconvened into regular session at 8:23 P.M.

ADJOURNMENT

Wittner MOVED to adjourn the meeting at 8:23 P.M., seconded by Waltier. The Motion Carried (7-0).

Hunter T. George, Mayor

Jessica Nappi, City Clerk

CONSENT CALENDAR:
ITEM: 7C

Liquor License Renewal: Sammy's Pizza Fircrest

PROPOSAL: The Council is being asked to register no objections to the liquor license renewal for Sammy's Pizza Fircrest located at 1039 Regents Boulevard. There were no problems regarding liquor sales at this establishment. Finance, Planning and Building, and Police departments have expressed no concerns regarding renewing the license.

FISCAL IMPACT: None.

ADVANTAGE: Allows Council input on the liquor license renewal.

DISADVANTAGES: None known.

ALTERNATIVES: Council could object to renewing the liquor license renewal.

HISTORY: The Washington State Liquor and Cannabis Control Board sent notification of the liquor license application. This allows the City the opportunity to make comments and recommendations regarding approval or disapproval to the Board. Unless Council has objections, the license will be issued.

ATTACHMENTS: [Liquor License Renewal Notification](#)
[Staff Response Forms](#)

C091080-2

WASHINGTON STATE LIQUOR AND CANNABIS BOARD

DATE: 09/06/2018

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF FIRCREST
(BY ZIP CODE) FOR EXPIRATION DATE OF 20181231

LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	PRIVILEGES
1. LISTENING JUICE CORPORATION	SAMMY'S PIZZA FIRCREST / PETEY'S 1039 REGENTS BLVD FIRCREST WA 98466 6030	423427	BEER/WINE REST - BEER/WINE

CITY OF FIRCREST
SEP 10 2018
RECEIVED



**Washington State
Liquor and Cannabis Board**

PO Box 43098, 3000 Pacific Ave. SE, Olympia WA 98504-3098, (360) 664-1600
www.liq.wa.gov Fax #: (360) 753-2710

September 06, 2018

Dear Local Authority:

RE: Liquor License Renewal Applications in Your Jurisdiction - Your Objection Opportunity

Enclosed please find a list of liquor-licensed premises in your jurisdiction whose liquor licenses will expire in about 90 days. This is your opportunity to object to these license renewal requests as authorized by RCW 66.24.010 (8).

1) Objection to License Renewal

To object to a liquor license renewal: fax or mail a letter to the Washington State Liquor and Cannabis Board (WS-LCB) Licensing Division. This letter must:

- o Detail the reason(s) for your objection, including a statement of all the facts upon which your objection or objections are based. You may include attachments and supporting documents which contain or confirm the facts upon which your objections are based.
- o Please note that whether a hearing will be granted or not is within the Board's discretion per RCW 66.24.010 (8)(d).

Your letter or fax of objection must be received by the Board's Licensing Division at least 30 days prior to the license expiration date. If you need additional time you must request that in writing. Please be aware, however, that it is within the Board's discretion to grant or deny any requests for extension of time to submit objections. Your request for extension will be granted or denied in writing. If objections are not timely received, they will not be considered as part of the renewal process.

A copy of your objection and any attachments and supporting materials will be made available to the licensee, therefore, it is the Local Authority's responsibility to redact any confidential or non-disclosable information (see RCW 42.56) prior to submission to the WSLCB.

2) Status of License While Objection Pending

During the time an objection to a renewal is pending, the permanent liquor license is placed on hold. However, temporary licenses are regularly issued to the licensee until a final decision is made by the Board.

3) Procedure Following Licensing Division Receipt of Objection

After we receive your objection, our licensing staff will prepare a report for review by the Licensing Director. The report will include your letter of objection, as well as any attachments and supporting documents you send. The Licensing Director will then decide to renew the liquor license, or to proceed with non-renewal.

4) Procedure if Board Does Not Renew License

If the Board decides not to renew a license, we will notify the licensee in writing, stating the reason for this decision. The licensee also has the right to request a hearing to contest non-renewal of their liquor license. RCW 66.24.010 (8)(d). If the licensee makes a timely request for a hearing, we will notify you.

The Board's Licensing Division will be required to present evidence at the hearing before an administrative law judge to support the non-renewal recommendation. You may present evidence in support of your objection or objections. The administrative law judge will consider all of the evidence and issue an initial order for the Board's review. The Board members have final authority to renew the liquor license and will enter a final order announcing their decision.

5) Procedure if Board Renews License Over Your Objection

If the Board decides to renew the license over your objection, you will be notified in writing. At that time, you may be given an opportunity to request a hearing. An opportunity for a hearing is offered at the Board's discretion. If a hearing is held, you will be responsible for presenting evidence before an Administrative Law Judge in support of your objection to license renewal. The Board's Licensing Division will present evidence in support of license renewal. The Licensee may also participate and present evidence if the licensee desires. The administrative law judge will consider all of the evidence, and issue an initial order for the Board's review. The Board members have final authority to renew the liquor license and will enter a final order announcing their decision.

For questions about this process, contact the WSLCB Licensing Division at (360) 664-1600 or email us at wslcb@liq.wa.gov.

Sincerely,

Rebecca Smith

Rebecca Smith, Director,
Licensing and Regulation Division

LIQ 864 07/10



THE CITY OF FIRCREST

115 RAMSDELL STREET • FIRCREST, WASHINGTON 98466-6999 • (253) 564-8901 • FAX (253) 566-0762

Applicant Information

Liquor License Renewal

Applicant Name	Listening Juice Corporation		
Establishment Name	Sammy's Pizza Fircrest		
Address	1039 Regents Blvd		
Comments			
No concerns per Finance			
Director Signature	<i>Colleen Corcoran</i>		
Date	9/14/2018	Department	Finance



THE CITY OF FIRCREST

115 RAMSDELL STREET • FIRCREST, WASHINGTON 98466-6999 • (253) 564-8901 • FAX (253) 566-0762

Applicant Information

Liquor License Renewal

Applicant Name	Listening Juice Corporation		
Establishment Name	Sammy's Pizza Fircrest/Petey's		
Address	1039 Regents Blvd		
Comments			
Zoned Neighborhood Commercial (NC). This is a permitted use subject to the performance standards listed in FMC 22.58.029. Planning and Building has no objects to the license.			
Director Signature	<i>Angelic Stahlnecker</i>		
Date	09/11/2018	Department	Planning/Building



THE CITY OF FIRCREST

115 RAMSDELL STREET • FIRCREST, WASHINGTON 98466-6999 • (253) 564-8901 • FAX (253) 566-0762

Applicant Information

Liquor License Renewal

Applicant Name	Listening Juice Corporation		
Establishment Name	SAMMY'S PIZZA		
Address	1039 Regents Blvd		
Comments			
We have not had any problems with the service of alcohol at this establishment.			
Director Signature	<i>Julie Chapman</i>		
Date	9/14/2018	Department	Police

NEW BUSINESS: Ruston Court Services Contract
ITEM 10A.

FROM: Scott Pingel, City Manager

RECOMMENDED MOTION: I move to adopt Resolution No. _____, authorizing the City Manager to execute a contract with the City of Ruston for the City of Fircrest to provide Court Services to the City of Ruston.

PROPOSAL: This motion is to authorize the City Manager to execute the Ruston Court Services contract.

FISCAL IMPACT: This contract will provide the City \$232,000 in revenue for FY 2019, which will cover our expenses for providing court services to Ruston along with sufficient overhead (i.e. City Manager time, Finance Director time, other soft costs not specifically called out) for the City to recover costs in a way that is fair to Ruston and beneficial to the City of Fircrest.

ADVANTAGE: The advantage of this contract is that the City of Fircrest is able to serve a neighboring city and provide a win-win situation for both communities with regards to Municipal Court Services wherein both communities are able to take advantage of economies of scale.

DISADVANTAGES: The main disadvantage to this contract is the unknown. Our Municipal Court, along with supporting City functions, has never had to take on a transition like taking on another court.

ALTERNATIVES: Not contracting to provide Municipal Court Services to the City of Ruston.

HISTORY: Upon hearing that the City of Ruston may be looking to contract out their Municipal Court function, City staff reached out to Ruston City officials to determine their needs. Ruston officials approached the City of Fircrest about contracting with Fircrest for Municipal Court services. We began meeting with the Ruston Mayor and researching the costs of taking on another court. City staff along with Judge Miller, and with help and feedback from Councilmember Viafore (Court Liaison), were able to determine necessary changes to the court and the cost of those changes. The contract was initially based on similar contracts a few of our neighboring jurisdictions have with the Lakewood Court. We adjusted the contract language for our particular situation and the City of Ruston has agreed. The City of Ruston approved the contract at their August 21, 2018 City Council meeting.

ATTACHMENTS: [Resolution](#)
[Ruston Court Service Contract](#)

**CITY OF FIRCREST
RESOLUTION NO. ____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON, AUTHORIZING THE CITY MANAGER
TO EXECUTE A CONTRACT WITH THE CITY OF RUSTON FOR
THE CITY OF FIRCREST TO PROVIDE COURT SERVICES TO THE
CITY OF RUSTON.**

WHEREAS, the City of Ruston has a need to contract out their municipal court services; and

WHEREAS, the City of Fircrest has the ability to serve a neighboring city and provide a win-win situation for both communities with regards to Municipal Court Services wherein both communities are able to take advantage of economies of scale; and

WHEREAS, the contract will provide the City of Fircrest \$232,000 in revenue for FY 2019, which will cover the City's expenses for providing court services to Ruston along with sufficient overhead for the City to recover costs in a way that is fair to Ruston and beneficial to the City of Fircrest; and

WHEREAS, the City of Ruston City of Ruston approved the contract at their August 21, 2018 City Council meeting. Now, Therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FIRCREST:

Section 1. The City Manager is hereby authorized and directed to execute a contract with the City of Ruston for the City of Fircrest to provide Court Services to the City of Ruston.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON, at a regular meeting thereof this 25th day of September 2018.

APPROVED:

Hunter T. George, Mayor

ATTEST:

Jessica Nappi, City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney

RESOLUTION NO. 688

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RUSTON, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF FIRCREST FOR THE MUNICIPAL COURT SERVICES AND TO TAKE THE STEPS TO IMPLEMENT THIS AGREEMENT.

WHEREAS, in accordance with Chapter 39.34 RCW, the "Interlocal Cooperation Act", the City is authorized to contract with other governmental agencies to provide services that the City is authorized to perform; and

WHEREAS, the City of Fircrest operates a municipal court that has excess capacity; and

WHEREAS, the City of Ruston's court is creating a security issue for the City as it has outgrown its current location at Ruston City Hall'

WHEREAS, the City of Ruston and the City of Fircrest have agreed that Ruston's municipal court will be operated at and administered by the City of Fircrest; and

WHEREAS, the City Council finds it in the public interest to authorize the Mayor to execute the proposed Interlocal Agreement for Municipal Court Services with the City of Fircrest which is attached to this Resolution as Exhibit "1"; **NOW, THEREFORE,**

THE CITY COUNCIL OF THE CITY OF RUSTON, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:


Section 1. Authorization of Agreement. The Mayor is hereby authorized to execute the Interlocal Agreement for Municipal Court Services between the City of Ruston and the City of Fircrest in substantially the form attached hereto as Exhibit "1".

Section 2. Implementation of Agreement. The Mayor is hereby authorized to take all necessary steps to implement the Agreement, for a smooth transition, including termination of contracts that are no longer necessary once the Court is moved to Fircrest.

Section 3. Posting on Website Required. The Clerk is directed to post a copy of this Agreement, once fully executed, on the City's website.

RESOLVED this 21st day of August, 2018.

APPROVED:



Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:



Judy Grams, City Clerk

FILED WITH THE CITY CLERK: 8-14-2018
PASSED BY THE CITY COUNCIL: _____
RESOLUTION NO.: 688

Attachment "1"
Interlocal Agreement
Between
City of Fircrest
and
City of Ruston
For Municipal Court Services

**AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF FIRCREST AND THE CITY OF RUSTON FOR
THE PROVISION OF MUNICIPAL COURT, PROSECUTION AND PUBLIC DEFENDER SERVICES**

THIS INTERLOCAL AGREEMENT (“AGREEMENT”) is made and entered into pursuant to the Interlocal Cooperation Act, Chapter 39.34 of the Revised Code of Washington, on the 1st day of January, 2019, by and between the City of Fircrest, a Washington municipal corporation (“Fircrest”), and the City of Ruston, a Washington Municipal corporation (“Ruston”), collectively referred to herein as the “parties”.

WHEREAS, the City of Ruston, “Ruston” is a non-charter code city which was incorporated in 1906 and assumed authority and jurisdiction with respect to criminal and traffic offense occurring within the corporate boundaries thereby created; and

WHEREAS, Ruston originally established its own municipal court in 1961 and desires to instead contract for its municipal court services with the City of Fircrest; and

WHEREAS, the City of Fircrest, “Fircrest” has the capacity to provide municipal court, prosecution, and public defender related services to Ruston in a manner beneficial to both parties and Ruston desires to use these services; and

WHEREAS, Fircrest and Ruston wish to cooperate and enter into this Agreement for the orderly and efficient processing of traffic infractions, parking infractions, criminal traffic cases, criminal non-traffic misdemeanors and any other matters within the jurisdiction of a Municipal Court through services provided by and held at Fircrest; and

WHEREAS, included in the services provided by Fircrest to Ruston shall be a detail of statistics identifying caseload, type of case and other matters of interest to Ruston; and

WHEREAS, the parties agree that provision of services as detailed in this Agreement are in the best interest of the citizens of both cities; and

WHEREAS, in accordance with RCW 3.50.815 and RCW 39.34.180, a city may contract with another city for municipal court services; and

WHEREAS, Title 39.34 of the Revised Code of Washington authorizes joint and cooperative Agreements between public agencies;

NOW, THEREFORE, pursuant to RCW Chapter 39.34, and in consideration of the mutual benefits and covenants described herein, the City of Fircrest and the City of Ruston agree as follows:

- A. Purpose.** The purpose of this Interlocal Agreement is to make all necessary arrangements for the processing of any matters within the jurisdiction of Ruston using municipal court (including a judge and court staff), prosecution, public defender and related services provided by Fircrest in Fircrest Municipal Court pursuant to RCW 39.34. This is to include any ancillary services such as statistical tracking and any work related to appeals. Jail and Police services are specifically excluded from this Agreement.
- B. Services.** Fircrest, through this Agreement, shall **provide** the following services to Ruston:
- 1. Municipal Court Services.** Municipal Court services include all court services required by State statute, court rule, Fircrest City ordinance, or other regulation as now existing or hereafter amended. These services include, as applicable, the filing, processing, adjudication and penalty enforcement of all City cases currently pending and filed on January 1, 2019 or any date thereafter for the duration of this agreement, issuance of search and arrest warrants, procedures of establishing bail, arraignments and plea hearings, pretrial motions and evidentiary hearings, discovery matters, notification and subpoenaing of witnesses and parties, bench and jury trials, pre-sentence investigations, sentencing, the duties of courts of limited jurisdiction regarding appeals, and all other court functions as they relate to municipal court. Fircrest shall provide all necessary personnel to perform such services in a timely manner as required by law and court rule.
 - 2. Appointment of Judicial Officers.** Ruston will appoint the Fircrest Municipal Court Judge as the Judge of the Ruston Municipal Court and acknowledges that the appointed municipal judge has the authority to appoint any pro tem judges to serve as Judges Pro Tem for the Ruston Municipal Court.
 - 3. Prosecution Services.** All criminal cases covered by this Agreement shall be reviewed, filed and fully prosecuted by Fircrest City Prosecutor. Fircrest City Prosecutor shall have final case disposition authority on all cases except those assigned to outside counsel at the request of Ruston. Ruston shall support Fircrest's prosecution of Ruston cases fully, including attendance at hearings, production of evidence and coordinating with the assigned prosecutor as needed to properly process each case. The City Attorney for Ruston, or designee, shall be authorized to directly prosecute any matter within Ruston jurisdiction upon notice to Fircrest within 15 days of filing of the case. All prosecution services are to be provided to Ruston with sufficient input and direction from Ruston to ensure consistency with the best interests of the citizens of Ruston.

4. Public Defender Services. Public Defender services shall be provided to Ruston as an extension of the current agreement between Fircrest and the current Public Defender.
5. Other Services. Fircrest and Ruston shall communicate and exchange information sufficient to evaluate the adequacy of services provided for in this Agreement. Fircrest is expected to provide ancillary services, including statistical information and appellate work. Ruston shall be responsible for transporting all Ruston in-custody defendants from Pierce County Jail, Nisqually Jail or any other jail that houses Ruston defendants on misdemeanor or gross misdemeanor charges.
6. Matters Reserved to Fircrest. Fircrest reserves the right to implement matters requiring compliance with statutory and judicial mandates, which includes, but is not limited to, the Standards for Indigent Defense and personnel matters pursuant to General Rule 29 of the Washington Courts.

C. Property. This Interlocal Agreement does not provide for the acquisition, holding or disposal of real or personal property. Ruston Police shall be responsible for all items of evidence related to criminal prosecution.

D. Financial Provisions. In consideration for the services provided in this Agreement, the parties agree to the following:

1. In the event that Ruston appoints Fircrest's judge as judge of the Ruston Municipal Court, Ruston shall pay to Fircrest an annual fee of \$232,000. The annual fee shall be determined based on the cost of the Fircrest Municipal Court and includes factors such as the cost of the courts system and administrative costs associated with running the court. The fee will be reviewed and adjusted on an annual basis. Ruston shall be notified of the changes to the calculation of court costs and administrative costs. This fee shall be invoiced and paid monthly.

2. Ruston shall retain all fees, costs, penalties and fines, assessed to Ruston cases for the duration of this Agreement which shall be collected by Fircrest and disbursed to Ruston on a monthly basis. Any new programs established after the effective date of this Agreement shall not be included but shall be addressed by the parties in a separate amendment hereto.

E. Agreement Administration. The parties are expected to work cooperatively as though the employees of Fircrest are employees of Ruston when handling Ruston cases. The City Attorney for Ruston, or designee, is to consult with Fircrest departments as necessary regarding the prosecution of Ruston cases. Interested Ruston employees are to be invited to interdepartmental meetings regarding Court process. Where necessary Fircrest employees are

to be available to Ruston employees and/or Council to discuss court process, prosecutorial philosophy or other matters of interest to Ruston.

1. Dispute resolution. Disputes between the parties that cannot be resolved at the department level are to be resolved by the respective City Managers/Mayors. It is understood between the parties that this Agreement is of benefit to both parties and there is a common interest in working through issues to continue the Agreement.

Any disputes related to levels of compensation which cannot be resolved by the parties as described above may be resolved by binding arbitration in accordance with RCW 39.34.180(3). Such process may be invoked by either party in accordance with the procedures in RCW 39.34.180(3). In such case, the parties shall equally split the fees and costs of the arbitrator(s) in such arbitration.

2. Reporting. Fircrest shall provide Ruston with monthly reports summarizing court activity during which services are provided. Ruston shall identify any deficiencies in such monthly reports and, where feasible, Fircrest shall amend the reports accordingly.

3. Special Emphasis. Ruston shall identify any areas of special emphasis and Fircrest shall provide opportunities for input and reporting specific to those areas.

F. Indemnification. In executing this Agreement, Fircrest does not assume liability or responsibility for or in any way release Ruston from any liability or responsibility which arises in whole or in part from:

1. The existence of effect of any Ruston ordinance; or
2. Any prosecution conducted by Ruston's City Attorney or designee.

If any cause, claim, suit, action or administrative proceeding is commenced in which the enforceability and/or validity of any such ordinance or prosecution is at issue, Ruston shall defend the same at its sole expense and if judgment is entered or damages are awarded against Ruston, Fircrest or both, Ruston shall satisfy the same, including all chargeable costs and attorneys' fees.

Fircrest shall indemnify, defend, and hold harmless Ruston, its officers, agents and employees from and against any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatever, including costs and attorneys' fees in defense thereof, for injuries, sickness or death of persons (including employees of Ruston), or damage to property, or the violation of any person's civil rights, which is caused by or arises out of Fircrest's acts, errors or omissions with respect to the subject matter of this Agreement, or any act or mission of any agency retained

by or contracted with by Fircrest to provide services covered by this Agreement; provided, however, that

1. Fircrest's obligation to indemnify, defend and hold harmless shall not extend to injuries, sickness, death, damage or civil rights violations caused by or resulting from the actions or negligence of Ruston, its Police Department or its officers, agents or employees; and

2. Fircrest's obligation to indemnify, defend and the hold harmless for injuries, sickness death, damage or civil rights violations caused by or resulting from the concurrent actions of negligence of Fircrest or its agents and Ruston or its agents shall apply to the extent that Fircrest or its agents or negligence cause or contributed hereto.

Fircrest does not by this Agreement assume any contractual obligations to anyone other than Ruston, and Ruston does not assume any contractual obligations to anyone other than Fircrest. Fircrest and Ruston expressly eliminate any third-party beneficiary to this Agreement.

G. Termination. Either party shall have the right to terminate this Agreement, provided that the terminating party notifies the other party twelve (12) months prior to such termination to allow the parties sufficient time to address alternate measures.


H. Term. The initial term of this Agreement is January 1, 2019 through December 31, 2019 with the parties consulting on a regular basis to establish whether amendments are needed to achieve the best results possible for both parties. Without such notice by October 1st of each year the Agreement will automatically renew as is for the following fiscal year.

I. Amendment. Amendments to this Agreement must be in writing and may be made at any time during the term of the Agreement by agreement and signature of both parties.

CITY OF FIRCREST

CITY OF RUSTON

Scott Pingel
City Manager
Dated: _____



Bruce Hopkins
Mayor
Dated: 8-21-2018

Attest:

Attest:

Jessica Nappi
City Clerk

Approved as to form:

Michael B. Smith, City Attorney
Date: _____

Judy Grams

Judy Grams
City Clerk

Approved as to form:

Jennifer Robertson

Jennifer Robertson, City Attorney
Date: *8-21-2018*

NEW BUSINESS: Morris Law, P.C. Contract Amendment
ITEM 10B.

FROM: Scott Pingel, City Manager

RECOMMENDED MOTION: I move to adopt Resolution No. ____, authorizing the City Manager to execute Amendment #12 to the agreement with Morris Law, P.C. for special legal counsel services in land use matters and environmental law.

PROPOSAL: The Council is being asked to authorize the City Manager to execute Amendment #12 to the agreement with Morris Law, P.C. for special legal counsel services in land use matters and environmental law as needed by the City.

FISCAL IMPACT: None, the rate of \$275 per hour will remain the same for 2019.

ADVANTAGE: The City needs legal counsel with litigation, municipal law practice experience, knowledge and expertise in land use and environmental police law. Morris Law has demonstrated extensive experience in representing local governments in land use matters throughout Washington State.

DISADVANTAGES: None known.

ALTERNATIVE: The City could consider another firm with equivalent experience.

HISTORY: In the course of land use decisions, special legal counsel has been utilized to represent the City. A considerable amount of legal experience in land use and environmental law is highly desirable in those occasions where special expertise is needed.

ATTACHMENTS: [Resolution](#)
[Professional Services Agreement Amendment #12](#)

**CITY OF FIRCREST
RESOLUTION NO. ____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON AUTHORIZING THE CITY MANAGER
TO EXECUTE AMENDMENT #12 TO THE AGREEMENT WITH
MORRIS LAW, P.C. FOR SPECIAL LEGAL COUNSEL SERVICES IN
LAND USE MATTERS AND ENVIRONMENTAL LAW.**

WHEREAS, the City Council finds that it is in the best interests of the City to retain special legal counsel with expertise in land use law to provide legal assistance in land use and environmental policy issues that could arise during land use proceedings and other land use issues; and

WHEREAS, the City contracted for professional services with the Law Office of Morris Law, P.C., to provide special legal counsel on land use matters; and

WHEREAS, Morris Law, P.C., has substantial experience and knowledge in the field of land use and environmental law; and

WHEREAS, the budgeted amount is included in the 2019 Legal Services department for special legal counsel; and

WHEREAS, the City of Fircrest desires to maintain these services for as long as necessary; and

WHEREAS, the contract was first approved in 2008 and the fee for services rendered has not increased from the hourly rate of \$275.00. Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FIRCREST:

Section 1. The City Manager is hereby authorized to amend the contract term with the Law Firm of Morris Law, P.C., for special legal counsel related to land use matters through December 31, 2019.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON**, at a regular meeting thereof this 25th day of September 2018.

APPROVED:

Hunter T. George, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney

**AMENDMENT #12
TO THE CITY OF FIRCREST**

**PROFESSIONAL SERVICES AGREEMENT WITH THE LAW FIRM OF MORRIS LAW, P.C.
FOR SPECIAL LEGAL COUNSEL SERVICES RELATING TO LAND USE MATTERS**

This Twelfth amendment is hereby made and entered into this 25th day of September 2018 by and between the City of Fircrest, a political subdivision of the State of Washington, hereinafter referred to as the "City" and Morris Law, P.C.

WITNESSETH:

1. Purpose

The purpose of this twelfth amendment is to amend paragraph 3 of the December 26, 2007 contract with Morris Law, P.C., for special legal counsel services, regarding the term of the agreement. This amendment is limited as set forth herein. The amendments is as follows:

Term: Pursuant to Section 3 of the Agreement the City hereby exercises its option to extend the term of the Agreement for one year to expire December 31, 2019.

- 2.** All of the remaining terms and conditions of the December 26, 2007 agreement shall remain in full force and effect as well as all previous amendments.

IN WITNESS WHEREOF, the parties to these presents have executed this contract in duplicate, each of which shall be deemed as originals, in the year and day first above mentioned.

CITY OF FIRCREST

MORRIS LAW, P.C.

By: _____
Scott Pingel, City Manager

By: _____
Carol Morris, President

APPROVED AS TO FORM:

By: _____
City Attorney

ATTEST:

City Clerk

NEW BUSINESS: Jeff Boers and Associates Contract Amendment
ITEM 10C.

FROM: Angelie Stahlnecker, Planning and Building Administrator

RECOMMENDED MOTION: I move to adopt Resolution No. ____, authorizing the City Manager to execute Amendment #6 to the agreement with Jeff Boers and Associates for current and long-range planning consulting services.

PROPOSAL: The Council is being asked to authorize an amendment to the professional services agreement with Jeff Boers and Associates to extend the date of the agreement to December 31, 2019 and increase the hourly rate to \$95. The increase approximates the regional Consumer Price Index increase over the past four years. It also reflects increased professional liability insurance costs relative to hours worked on behalf of Fircrest.

FISCAL IMPACT: Jeff Boers and Associates has requested an increase of \$10 per hour from \$85 to \$95. The last increase was in 2015.

ADVANTAGE: The City needs a qualified professional to serve as the principal planner for the City. Jeff Boers has existing knowledge of Fircrest's land use code and has extensive experience working with local jurisdictions on land use issues and GMA required Comprehensive Plan updates.

DISADVANTAGES: None known.

ALTERNATIVE: The City could consider another planning consultant, although Jeff Boers and Associates has the most Fircrest experience and is the lowest cost.

HISTORY: On April 23, 2013, the City contracted with Jeff Boers to serve as principal planner. A principal planner is required to review all land use issues, prepare the Growth Management Act updates and serve as the SEPA responsible official.

ATTACHMENTS: [Resolution](#)
[Professional Services Agreement Amendment #6](#)

**CITY OF FIRCREST
RESOLUTION NO. ____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON AUTHORIZING THE CITY MANAGER
TO EXECUTE AMENDMENT #6 TO THE AGREEMENT WITH
JEFF BOERS AND ASSOCIATES FOR CURRENT AND LONG-
RANGE PLANNING CONSULTING SERVICES.**

WHEREAS, the City of Fircrest has need of consultant services to serve as the principal land use consultant planner for the City; and

WHEREAS, the term of said Agreement will expire on December 31, 2018; and

WHEREAS, Section 3 of said Agreement provides for the option to extend the term of the Agreement for one year; and

WHEREAS, Jeff Boers and Associates has requested an hourly rate increase from \$85.00 to \$95.00; and

WHEREAS, the City of Fircrest desires to maintain these services. Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FIRCREST:

Section 1. The City Manager is hereby authorized and directed to execute an amendment to the Professional Service Agreement with Jeff Boers and Associates, extending the term of said agreement through December 31, 2019 and increasing the hourly rate to \$95.00.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON, at a regular meeting thereof this 25th day of September 2018.

APPROVED:

Hunter T. George, Mayor

ATTEST:

Jessica Nappi, City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney

**AMENDMENT #6
TO THE CITY OF FIRCREST**

PROFESSIONAL SERVICES AGREEMENT WITH JEFF BOERS AND ASSOCIATES TO PROVIDE CURRENT AND LONG-RANGE PLANNING CONSULTING SERVICES

This Sixth amendment is hereby made and entered into this 25th day of September 2018 by and between the City of Fircrest, a political subdivision of the state of Washington, hereinafter referred to as the "City" and Jeff Boers and Associates, hereinafter referred to as "Consultant", to be effective January 1, 2019.

WITNESSETH:

1. Purpose

The purpose of this amendment is to amend Section 3 and Section 7 of the April 23, 2013 contract with Jeff Boers and Associates to provide current and long-range planning consulting services, regarding the term of the agreement. This amendment is limited as set forth herein. All of the remaining terms and conditions of the April 23, 2013 agreement shall remain in full force and effect. The amendment is as follows:

2. Section 3 is hereby amended to read as follows:

The term of this Agreement shall be from January 1, 2019 until December 31, 2019, and may be extended or modified by mutual consent of the parties.

3. Section 7 is hereby amended to read as follows:

Billing for services of Consultant shall clearly list costs as related to the statement of work and Consultant agrees to maintain appropriate records accounting for all services rendered to and on behalf of the City. Consultant shall receive remuneration as and for fees for services rendered in the sum of \$95.00 (NINETY-FIVE DOLLARS) per hour. The City also agrees to reimburse the Consultant for the registration cost to attend the AWC Planning Directors Conference. Consultant may elect to bill the City for direct expenses incurred in the performance of his/her duties hereunder for long distance phone charges, photocopies, and other similar expenses required to complete the Scope of Services. However, the Consultant will make every effort to use City equipment, including photocopier, as often as practical in order to minimize expenses charges. Consultant shall be paid monthly on account of the services performed during that month with payment due 30 days of the invoice date.

IN WITNESS WHEREOF, the parties to these presents have executed this contract in duplicate, each of which shall be deemed as originals, in the year and day first above mentioned.

CITY OF FIRCREST

JEFF BOERS AND ASSOCIATES

By: _____
City Manager

By: _____

APPROVED AS TO FORM:

By: _____
City Attorney

ATTEST:

City Clerk

NEW BUSINESS: **Sound Inspection LLC Contract Amendment**
ITEM 10D.

FROM: **Angelie Stahlnecker, Planning and Building Administrator**

RECOMMENDED MOTION: **I move to adopt Resolution No. ____, authorizing the City Manager to execute Amendment #6 to the agreement with Sound Inspection LLC for inspection services.**

PROPOSAL: The Council is being asked to authorize the City Manager to execute an amendment to the professional services agreement with Sound Inspection LLC to extend the date of the agreement to December 31, 2019.

FISCAL IMPACT: None, the rate of \$95 per hour will remain the same for 2019.

ADVANTAGE: The City needs a qualified professional to serve as the Building Official. Sound Inspection LLC has existing knowledge of Fircrest, extensive experience, and the required qualifications.

DISADVANTAGES: None known.

ALTERNATIVE: The City could consider another firm with equivalent experience.

HISTORY: Plan review and inspection services are mandated functions of the Building Division under the requirements of the International Building Code. The City has had a relationship with Sound Inspection LLC since 2003.

ATTACHMENTS: [Resolution](#)
[Professional Services Agreement Amendment #6](#)

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**CITY OF FIRCREST
RESOLUTION NO. _____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON AUTHORIZING THE CITY MANAGER
TO EXECUTE AMENDMENT #6 TO THE AGREEMENT WITH
SOUND INSPECTION LLC FOR INSPECTION SERVICES.**

WHEREAS, Sound Inspections, LLC, has been providing building official, building inspection, and plan review services for the City; and

WHEREAS, the term of said Agreement will expire on December 31, 2018; and

WHEREAS, Section 3 of said Agreement provides for the option to extend the term of the Agreement for one year; and

WHEREAS, the City desires to maintain these services. Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FIRCREST:

Section 1. The City Manager is hereby authorized and directed to execute an amendment to the professional services agreement with Sound Inspection LLC, extending the term of said agreement through December 31, 2019.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON**, at a regular meeting thereof this 25th day of September
2018.

APPROVED:

Hunter T. George, Mayor

ATTEST:

Jessica Nappi, City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney

**AMENDMENT #6
TO THE CITY OF FIRCREST**

**PROFESSIONAL SERVICES AGREEMENT WITH SOUND INSPECTION LLC
TO PROVIDE BUILDING OFFICIAL, BUILDING INSPECTION, AND PLAN REVIEW
SERVICES FOR THE CITY**

This Sixth amendment is hereby made and entered into this 25th day of September 2018 by and between the City of Fircrest, a political subdivision of the state of Washington, hereinafter referred to as the “City” and Sound Inspection LLC, hereinafter referred to as “Consultant”, to be effective January 1, 2019.

WITNESSETH:

1. Purpose

The purpose of this amendment is to amend Section 3 of the November 27, 2012 contract with Sound Inspection LLC, regarding the term of the agreement. This amendment is limited as set forth herein. All of the remaining terms and conditions of the November 27, 2012 agreement shall remain in full force and effect and as amended on October 25, 2016. The amendments are as follows:

2. Section 3 is hereby amended to read as follows:

The term of this Agreement shall be from January 1, 2019 through December 31, 2019, or as may be extended or modified by mutual consent of the parties.

IN WITNESS WHEREOF, the parties to these presents have executed this contract in duplicate, each of which shall be deemed as originals, in the year and day first above mentioned.

CITY OF FIRCREST

SOUND INSPECTION LLC

By: _____
Scott Pingel, City Manager

By: _____

APPROVED AS TO FORM:

By: _____
City Attorney

ATTEST:

City Clerk

NEW BUSINESS: Business License System
ITEM 10E.

FROM: Angelie Stahlnecker, Planning and Building Administrator

RECOMMENDED MOTION: I move to adopted Ordinance No. ____, amending Ordinance No. 1156 Section 1 and FMC 5.04.010 Definitions; amending Ordinance No. 1475 Section 1 and FMC 5.04.020 Business License Required; amending Ordinance No. 1156 Section 9 and FMC 5.04.085 Service Charge For Returned Checks; and amending Ordinance No. 1475 Section 10 and FMC 5.04.100 Exemptions.

PROPOSAL: The City of Fircrest proposes to amend FMC 5.04.010 Definitions, FMC 5.04.020 Business License Required, FMC 5.04.100 Exemptions, and FMC 5.04.085 Service charge for returned checks.

FISCAL IMPACT: The proposed amendments will have minimal fiscal impact as that most of the outside businesses that do register for a Fircrest business license make more than the minimum threshold.

ADVANTAGE: Fulfills the state requirement.

DISADVANTAGES: None known.

ALTERNATIVE: None known. If the Council does not adopt the new ordinance, the City will not be able to enforce its business license after January 1, 2019.

HISTORY: In 2015, legislation was enacted directing the Department of Revenue to lead a Local Tax and Licensing Simplification Task Force to improve the local business licensing process, examine the difference in nexus between the state and cities, examine allocation and apportionment methods, centralize B&O tax collection, and share data between the Department and FileLocal.

In 2017, the Simplification Task Force presented a report providing recommendations. Those recommendations included:

- Requiring that cities partner with the Department of Revenue Business Licensing Services (BLS), for issuing and renewing local business licenses – *Fircrest has partnered with BLS since 2009.*
- Required that cities, working with AWC, develop and adopt a model ordinance that establishes an “engaging in business” definition and a uniform minimum licensing threshold. – *Presented in the proposed Ordinance.*

State law requires cities to adopt changes to their business license ordinance (to include a minimum business activity threshold for non-resident businesses and a uniform definition of engaging in business) by October 17, 2018.

ATTACHMENTS: [Ordinance](#)
[Chapter redlined changes](#)

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**CITY OF FIRCREST
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF FIRCREST, WASHINGTON, AMENDING ORDINANCE NO. 1156 SECTION 1 AND FMC 5.04.010 DEFINITIONS; AMENDING ORDINANCE NO. 1475 SECTION 1 AND FMC 5.04.020 BUSINESS LICENSE REQUIRED; AMENDING ORDINANCE NO. 1156 SECTION 9 AND FMC 5.04.085 SERVICE CHARGE FOR RETURNED CHECKS; AND AMENDING ORDINANCE NO. 1475 SECTION 10 AND FMC 5.04.100 EXEMPTIONS.

WHEREAS, the 2017 State Legislature passed Engrossed House Bill (EHB) 2005, now codified as Chapter 35.90 RCW, requiring Washington Cities and Towns with business licenses to create a model business ordinance with a minimum threshold and a definition of “engaging in business”; and

WHEREAS, the City staff recently reviewed the business licensing process and procedures set for in Fircrest Municipal Code Chapter 5.04; and

WHEREAS, the City Council reasonably believes the adoption of this Ordinance is in furtherance of the health, safety, and welfare of citizens of the City. Now, Therefore,

THE CITY COUNCIL OF THE CITY OF FIRCREST DO ORDAIN AS FOLLOWS:

Section 1. Ordinance 1156 §1 and FMC 5.04.010 are hereby amended to read as follows:

5.04.010 Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed in this section, except where the context clearly indicates a different meaning:

(a) “Business” means and includes vocations, occupations, professions, enterprises, and establishments and all other activities and matters conducted for private profit or benefit, either directly or indirectly, anywhere within the city.

(b) “Engaging in Business”

(1) "Engaging in business" 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.

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- (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.

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- (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).

(6) 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.

- (c) "Licensee" means any business granted a business license by the city.
- (d) "Person" means any individual, corporation, company, firm, joint stock company, co-partnership, joint venture, trust, business trust, club, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, receiver, administrator, executor, assignee, or trustee in bankruptcy.
- (e) "Premises" shall mean and include all lands, structures and places, and also any personal property which either is affixed to, or is used in connection with, any such business conducted on such premises.

Section 2. Ordinance 1475 §1 and FMC 5.04.020 are hereby amended to read as follows:

5.04.020 Business license required.

No person shall engage in business within the city limits, regardless whether the person has a permanent business location within the city limits, without first having been issued a city business license through the master license service in coordination with the city, unless such activity is exempt as provided in FMC 5.04.100.

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Section 3. Ordinance 1156 §9 and FMC 5.04.085 are hereby amended to read as follows:

5.04.085 Service charge for returned checks.

A service charge of \$40.00 in addition to the restitution amount of the check shall be imposed upon any business who tenders a check to the city which is thereafter returned to the city unpaid. The city manager shall have the authority to waive the service charge.

Section 4. Ordinance 1475 §10 and FMC 5.04.100 are hereby amended to read as follows:

5.04.100 Exemptions.

To the extent set forth in this section, the following persons and businesses shall be exempt from the registration, license and/or license fee requirements as outlined in this chapter:

- (a) Casual or isolated sales or services made by persons who are not engaged in the ongoing business of selling the type of property involved. “Casual or isolated” is defined as not more than four such sales made during any tax year. Examples include garage sales, yard sales, bake sales, or occasional parties for the sale or distribution of goods or services.
- (b) Minors engaged in babysitting, delivery of newspapers, lawn mowing, car washing, and similar activities.
- (c) Nonprofit organizations are required to apply for a city business license but are exempt from the fee, provided a certificate of tax exempt status under 26 U.S.C. Section 501(c)(3), or certified incorporation papers showing that the organization is nonprofit, is submitted as proof of charitable or nonprofit status.
- (d) Any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than \$2,000 (or higher threshold as determined by city) and who does not maintain a place of business within the city shall be exempt from the general business license requirements in this chapter. The exemption does not apply to regulatory license requirements or activities that require a specialized permit.

Section 5. Severability. If any section, sentence, clause or phrase of this title shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this title.

Section 6. Publication and Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the city. This ordinance shall be effective five (5) days after such publication.

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**PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST,
WASHINGTON**, at a regular meeting thereof this 25th day of September, 2018.

APPROVED:

Hunter T. George, Mayor

ATTEST:

Jessica Nappi, City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney

**DATE OF PUBLICATION:
EFFECTIVE DATE:**

Chapter 5.04

BUSINESS LICENSES*

Sections:

- 5.04.010 Definitions.
- 5.04.020 Business license required.
- 5.04.025 Application for business license.
- 5.04.030 Separate license required.
- 5.04.035 Supplemental requirements.
- 5.04.040 Change in nature or location of business.
- 5.04.050 License fee.
- 5.04.060 Term of license.
- 5.04.070 Renewal of license.
- 5.04.080 Penalties for late payment of new license fee or license renewal fee.
- 5.04.085 Service charge for returned checks.
- 5.04.090 Penalties and violations.
- 5.04.100 Exemptions.
- 5.04.110 Processing procedure.
- 5.04.120 Mailing of notices.
- 5.04.130 Inspections – Right of entry.
- 5.04.140 Posting of license.
- 5.04.150 Revocation, suspension, denial.
- 5.04.160 Effect of license denial, revocation or suspension.
- 5.04.170 Notice of hearing.
- 5.04.180 Appeals.
- 5.04.190 Decision of the city council.
- 5.04.200 Appeal to the superior court.
- 5.04.210 Emergency suspension.
- 5.04.220 Nonconforming uses.

* Cities authorized to license, for purposes of regulation and revenue, all and every kind of business authorized by law – See RCW 35A.82.020.

5.04.010 Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed in this section, except where the context clearly indicates a different meaning:

- (a) “Business” means and includes vocations, occupations, professions, enterprises, and establishments and all other activities and matters conducted for private profit or benefit, either directly or indirectly, anywhere within the city.

(b) “Engaging in Business”

- (1) “Engaging in business” 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.
- (2)(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.
- (A)(P) Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.
- ~~(3)~~(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).
- (6) 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.

~~1.(c)~~ "Licensee" means any business granted a business license by the city.

~~2.~~(d) “Person” means any individual, corporation, company, firm, joint stock company, co-partnership, joint venture, trust, business trust, club, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, receiver, administrator, executor, assignee, or trustee in bankruptcy.

~~3.~~(e) “Premises” shall mean and include all lands, structures and places, and also any personal property which either is affixed to, or is used in connection with, any such business conducted on such premises.

5.04.020 Business license required.

No person shall ~~transact~~, engage in ~~or carry on any~~ business, ~~trade, profession or occupation~~ within the city limits, regardless whether the person has a permanent business location within the city limits, without first having been issued a city business license through the master license service in coordination with the city, unless such activity is exempt as provided in FMC 5.04.100.

5.04.025 Application for business license.

Application for a city business license is accomplished by submitting a completed master business license service of the state Department of Licensing, including any appropriate supplemental application forms, and all license fees due, including the master license service application handling fee.

5.04.030 Separate license required.

A separate business license shall be obtained for each separate physical location within the city at which the business is conducted unless such business typically provides temporary services to customers or clients at more than one location within the city. Examples of such businesses include, but are not limited to, building contractors and consultants.

A separate business license shall be obtained for each individual business conducted at a location within the city.

5.04.035 Supplemental requirements.

A business conducted within any residential dwelling unit requires a home occupation permit as provided in FMC 22.58.013 prior to approval of the city business license. A home occupation permit is processed separately by the city and must be issued prior to city manager approval of the license application.

Family day-care facilities must meet requirements as provided in FMC 22.58.010.

A transient merchant, peddler, street seller or canvasser that goes from place to place within the city limits in order to solicit business is subject to a transient merchant's registration as provided in Chapter 5.08 FMC. A transient merchant's registration is processed separately by the city.

5.04.040 Change in nature or location of business.

Each business license shall authorize a particular type of business at the designated location. Any change in the type or nature of the business to be conducted at the licensed location requires the filing of a new application for a city business license with the master license service. The new business activity may not be conducted in the city limits until the new application has been reviewed and approved by the city.

A change of business location shall be reported in writing to the city manager and the master license service prior to the change, and, if in compliance with all applicable municipal code requirements, the existing business license shall be transferred to the new location at no charge to the applicant.

5.04.050 License fee.

Effective January 2, 2013, the initial annual business license fee shall be \$75.00. Effective February 1, 2013, the renewal business license fee shall be \$75.00.

5.04.060 Term of license.

A business license is effective for one year upon approval by the city manager, and will expire on the date established by the master license service, unless revoked sooner by the city manager as provided in this chapter. The license fee and term may be prorated to accommodate the expiration date established by the master license service.

5.04.070 Renewal of license.

All business licenses must be renewed on or before the expiration date established by the master license service if the business is to be continued. Application for renewal shall be made through the master license service, and requires submitting any information determined by the city manager necessary for renewal, and payment of all license fees due, including the master license service renewal handling fee.

5.04.080 Penalties for late payment of new license fee or license renewal fee.

(a) A new license for a business commencing operations in the city shall be considered delinquent if not received within 30 days of the commencement of business operations in the city. A penalty of \$35.00 shall be assessed on any delinquent license for a new business which has not paid the required license fee on or before the thirtieth day following commencement of business operations in the city. An additional penalty of \$35.00 for a total penalty of \$70.00 shall be assessed on any delinquent license for a new business which has not paid the required

license fee on or before the sixtieth day following commencement of business operations in the city. An additional penalty of \$430.00 for a total penalty of \$500.00 shall be assessed on any delinquent license for a new business which has not paid the required fee on or before the one-hundred-fifth day following commencement of business operations in the city.

The late penalty will be collected separately by the city, outside of the city business license application process administered by the master license service.

(b) A city license renewal is delinquent if not submitted to the master license service on or before the expiration date established by the master license service for the license. A delinquent license renewal may be assessed a delinquent renewal penalty fee by the master license service in addition to the total license renewal and handling fees due, in accordance with RCW 19.02.085.

(c) A penalty of \$35.00 shall be assessed on any delinquent license renewal for a business which has not paid the required renewal fee on or before the thirtieth day following renewal notification. An additional penalty of \$35.00 for a total penalty of \$70.00 shall be assessed on any delinquent license renewal for a business which has not paid the required renewal fee on or before the sixtieth day following renewal notification. An additional penalty of \$430.00 for a total penalty of \$500.00 shall be assessed on any delinquent license renewal for a business which has not paid the required fee on or before the one-hundred-fifth day following renewal notification.

The late renewal penalty will be collected separately by the city, outside of the city business license renewal process administered by the master license service.

5.04.085 Service charge for returned checks.

A service charge of ~~\$35.00~~\$40.00 in addition to the restitution amount of the check shall be imposed upon any business who tenders a check to the city which is thereafter returned to the city unpaid. The city manager shall have the authority to waive the service charge.

5.04.090 Penalties and violations.

(a) Criminal Penalties. Any person violating any of the terms of this chapter shall be guilty of a misdemeanor and upon conviction thereof be punished as provided in RCW 9A.20.021(3).

(b) Civil Penalties. Any person who fails to comply with the provisions of this chapter is, in addition to any criminal penalties, subject to a maximum civil penalty of \$5,000 for each day or portion of the day that the violation continues.

(c) Other Legal Remedies. Nothing in this chapter limits the rights of the city to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.

5.04.100 Exemptions.

To the extent set forth in this section, the following persons and businesses shall be exempt from the registration, license and/or license fee requirements as outlined in provisions of this chapter:

(a) Casual or isolated sales or services made by persons who are not engaged in the ongoing business of selling the type of property involved. "Casual or isolated" is defined as not more than four such sales made during any tax year. Examples include garage sales, yard sales, bake sales, or occasional parties for the sale or distribution of goods or services.

(b) Minors engaged in babysitting, delivery of newspapers, lawn mowing, car washing, and similar activities.

(c) Nonprofit organizations are required to apply for a city business license but are exempt from the fee, provided a certificate of tax exempt status under 26 U.S.C. Section 501(c)(3), or certified incorporation papers showing that the organization is nonprofit, is submitted as proof of charitable or nonprofit status.

(d) Any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than \$2,000 (or higher threshold as determined by city) and who does not maintain a place of business within the city shall be exempt from the general business license requirements in this chapter. The exemption does not apply to regulatory license requirements or activities that require a specialized permit.

5.04.110 Processing procedure.

Prior to approval of a city business license application, the city manager shall:

(a) Review all forms and information required to implement this chapter.

(b) Submit all applications to city departments, as necessary, for their endorsements as to compliance by applicant with all city regulations which they have the duty of enforcing.

(c) Notify any applicant and the master license service of the acceptance or rejection of this application and shall, upon denial of any license, state in writing the reason for rejection and the process for appeal.

5.04.120 Mailing of notices.

Any notices required by this chapter to be mailed to any licensee or applicant shall be sent by ordinary mail, addressed to the address of the licensee or applicant as shown by the records of the city, or if no such address is shown, to such address the city is able to ascertain by reasonable effort. Failure of the licensee or applicant to receive such mail notice shall not

release the registrant or applicant from any fees or penalties thereon, nor shall such failure operate to extend any time limit set by the provisions of this chapter.

5.04.130 Inspections – Right of entry.

The city manager, or designee, are authorized to make such inspections of licensed premises and take such action as may be required to enforce the provisions of any business license or regulation ordinance.

5.04.140 Posting of license.

It shall be unlawful for any person to engage in business at any location within the city without posting and displaying, prominently and in clear view, the valid business license authorizing such business at such location. If the person is engaged in business whereby services are provided to customers or clients at more than one location within the city then he/she shall carry the license on his/her person.

5.04.150 Revocation, suspension, denial.

A license issued under this chapter may be revoked, suspended, or denied for any one or more of the following reasons:

- (a) Failure to comply with any federal, state or local laws or regulations;
- (b) Failure to comply with any of the terms and conditions imposed by the city on the issuance of the license;
- (c) Failure to operate the business or activity in accordance with any federal, state or local law or regulation;
- (d) Conduct of the business or activity in a manner which endangers the public health, welfare, or safety;
- (e) When the license was procured by fraud or false representation of facts;
- (f) When the license was issued through mistake or inadvertence;
- (g) When the license application contains false or misleading statements, evasions or suppression of material facts;
- (h) Failure to complete a renewal of the business license within 120 days after the expiration date established by the master license service.

5.04.160 Effect of license denial, revocation or suspension.

If a business license is revoked for any reason, a new business license shall not be granted to the person and/or any entity in which the person has an ownership interest for a minimum

period of one year from the date of such revocation and all business activity shall immediately cease from the date of such revocation.

The city manager may suspend a license for no more than six months to allow for the business to return to compliance. During the period of any suspension, all business activity shall cease. If at the end of six months the business is still out of compliance, the business license shall be revoked. No person whose license has been so revoked or suspended shall be entitled to a return of any portion of the license fee previously paid.

5.04.170 Notice of hearing.

Prior to suspension or revocation of a license under this chapter, the licensee shall be notified in writing of the grounds for suspension or revocation of the license. Deposit in the U.S. mail by registered mail of the notice of suspension or revocation by the city manager shall constitute compliance with this section. Suspension or revocation of the registration shall occur 10 days after the date of the mailing of the notice of suspension or revocation unless such action is appealed by licensee in the manner described in this chapter.

5.04.180 Appeals.

An applicant or licensee under this chapter must appeal the decision for revocation, suspension or denial within 10 days of the mailing of the notice of revocation, suspension or denial by filing a notice of appeal with the city manager. Upon receipt by the city manager of the appeal notice, a hearing shall be held before the city council. Notice of the hearing shall be given to the appellant at least 10 days prior to the hearing. At such hearing, the appellant shall be entitled to be heard and introduce evidence on his or her own behalf.

5.04.190 Decision of the city council.

The decision of the city council shall be rendered within 14 days of the close of the hearing. The decision shall be in writing and shall:

- (a) Affirm the city manager's decision; or
- (b) Revise or modify the city manager's decision.

5.04.200 Appeal to the superior court.

The decision of the city council is final unless an appeal of the decision of the city council is filed with superior court within 30 calendar days from the date the city council's decision was personally served upon or was mailed to the appellant. The decision for suspension or revocation of a license under this chapter shall be stayed during administrative and judicial review, but refusal to issue an initial license shall not be stayed.

5.04.210 Emergency suspension.

In the event of conduct or activities which create an eminent risk of harm to public health, safety or welfare, the license of such business may be summarily suspended upon notice to the licensee; provided, that the licensee shall be entitled to a hearing before the city council upon a written appeal being filed with the city manager by the licensee within 10 days of the license suspension. In the event of an appeal by the licensee, a hearing shall be provided within 14 days of notice of appeal. The provisions of FMC 5.04.200 shall apply to any appeal of the city council's decision regarding emergency suspension.

5.04.220 Nonconforming uses.

A license does not constitute vesting nor ratification of a nonconforming use. The purpose of this chapter is to identify and license businesses which are active in the city. Identification is necessary to protect public health, safety, and the welfare of the community. The issuance of a business license by the city does not constitute either approval of a business or the use of any particular parcel in the city for a business purpose. By issuing a business license, the city shall not be precluded from taking enforcement action against any use which is not authorized in the zone in which it is occurring. The procurement of a business license does not vest the license with any rights to continue a nonconforming use.

NEW BUSINESS: **General Facilities Charge Schedule of Fees (Water)**
ITEM 10F.

FROM: **Jerry Wakefield, Public Works Director**

RECOMMENDED MOTION: **I move to adopt Ordinance No. ____, amending Ordinance No. 1464 Section 1 and FMC 21.01.030 General Facilities Charge; amending Ordinance No. 1464 Section 2 and FMC 21.04.130 Service Connection Fees and Water Meter Drop-In Fees; amending Ordinance No. 1589 Section 5 and FMC 21.06.10 Purpose; and amending Ordinance No. 1589 Section 6 and FMC 21.06.020 Applicability.**

PROPOSAL: This is a proposal to increase the Water System General Facilities Charge (GFC), Service Connection Fees, and Water Meter Drop-In Fees. Council requested staff to review the City's Water System GFC for possible adjustment. Using the 2008 methodology, staff updated the project list and costs, and a CPI (Consumer Price Index) adjuster has been included in the ordinance.

FISCAL IMPACT: The fiscal impact will be to add additional revenue to the water fund to offset the costs of the existing and future improvements based on the future development activity in the City.

ADVANTAGE: Increasing the charges provides for future connections to help pay for the improvements that have occurred since the last increase as well as buy into the existing system. By adjusting this fee on an annual basis with the CPI this allows the fee to remain current.

DISADVANTAGES: Increases the cost to future customers.

ALTERNATIVE: Not increase the fees, which means the future customers would not pay their fair share in buying into the utility. Adjust the fee differently that what is recommended by staff.

HISTORY: In 1995, Ordinance Nos. 1098 and 1099 updated the prior GFC rates. These were based on the water and sewer 1995 rate study done by Gray and Osborne, which was based on residential meter equivalency. In November 2001, the GFC were again adjusted based on meter size with a service connection fee and drop-in fee for meters established. These fees were identified as the value of the existing facilities and the planned capital improvements at the time of connection. In 2008, these fees were reviewed and recalculated per the July 27, 2008 memo's from the City Engineer and increased accordingly effective January 1, 2009. No additional increases or studies has occurred since then.

ATTACHMENTS: [Ordinance](#)
[Title 21 redlined changes](#)

**CITY OF FIRCREST
ORDINANCE NO. ____**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON, AMENDING ORDINANCE NO. 1464
SECTION 1 AND FMC 21.01.030 GENERAL FACILITIES CHARGE;
AMENDING ORDINANCE NO. 1464 SECTION 2 AND FMC 21.04.130
SERVICE CONNECTION FEES AND WATER METER DROP-IN
FEES; AMENDING ORDINANCE NO. 1589 SECTION 5 AND FMC
21.06.10 PURPOSE; AND AMENDING ORDINANCE NO. 1589
SECTION 6 AND FMC 21.06.020 APPLICABILITY.**

WHEREAS, the City Council of the City of Fircrest determined to increase the general facilities charge and system connection fees and water meter drop-in fees to more appropriately recover costs associated with connections to the water system and the customer's proportionate share of the value of the existing facilities, based on present day values. Now, Therefore,

**THE CITY COUNCIL OF THE CITY OF FIRCREST DO ORDAIN AS
FOLLOWS:**

Section 1. Section 1 of Ordinance No. 1464 and FMC 21.01.030 are hereby amended to read as follows:

"21.01.030 General Facilities Charge. Each connection to the City water system shall be charged a water general facilities charge based on the customer's proportionate share of the existing facilities and the planned capital improvements at the time of connection. The general facilities charge shall be paid as specified in F.M.C 18.10.070 for each property served based on the meter size required to provide the water service requested, as shown in the following table:

(a) The following general facilities charges shall be as follows:

Meter Size	General Facilities Charge
5/8"	\$4,400
1"	\$11,000
1-1/2"	\$22,000
2"	\$35,200
3"	\$70,400
4"	\$110,000

(b) Such general facilities charges shall be credited to the specific premises served and no other property, and the premises shall be noted by address and permanently filed in the records of the city. Properties with existing services shall be considered to have satisfied the general facilities charges; however, change of use shall require payment for any differential in residential equivalents.

(c) The General Facility Charge schedule, as set forth in the following chart, shall be updated annually at a rate adjusted in accordance with the Consumer Price Index (CPI-W) for Seattle-Tacoma-Bremerton area ending December of each year."

1 **Section 2.** Section 2 of Ordinance No. 1464 and FMC 21.04.130 are hereby amended to
2 read as follows:

3 “21.04.130 Service connection fee and meter drop-in fee. A service connection fee or
4 meter drop-in fee shall be charged and collected by the city for each new permanent
5 connection to its water distribution system, which fee shall be paid before any water is
6 furnished through such connection.

7 The service connection fee will be charged in the event that the city is required to make
8 the physical connection to the existing water main, extend the service line to the property
9 line, and install a complete water meter assembly.

10 The meter drop-in fee will be charged in the event that a developer makes the physical
11 connection to a new water main, extends the service line to the property line, and installs
12 a water meter assembly, and the city inspects such work and installs the water meter in
13 the water meter assembly. The service connection fees and meter drop-in fees will be
14 charged as follows:

15 (a) Service Connection Fee.

Meter Size	Service Connection Fee
5/8”	\$2,065
1”	\$2,135
1-1/2”	\$2,315
2”	\$2,840

16 For meters larger than two inches, the fee will be the actual costs of labor and materials
17 for furnishing and installing the connection, plus an amount equal to 25 percent of the
18 cost of labor and materials for overhead. In addition to the fees listed above, an
19 additional fee of \$25.00 per square foot of pavement restoration required for the
20 connection shall be charged based on measurements made at the time of the connection,
21 and the actual costs of any other related costs shall be the responsibility of the property
22 owner, payable to the city prior to final inspection.

23 The General Facility Charge schedule, as set forth in the following chart, shall be
24 updated annually at a rate adjusted in accordance with the Consumer Price Index (CPI-
25 W) for Seattle-Tacoma-Bremerton area ending December of each year.

26 (b) Meter Drop-In Fee.

Meter Size	Service Connection Fee
5/8”	\$430
1”	\$485
1-1/2”	\$590
2”	\$740

27 The General Facility Charge schedule, as set forth in the following chart, shall be
28 updated annually at a rate adjusted in accordance with the Consumer Price Index (CPI-
29 W) for Seattle-Tacoma-Bremerton area ending December of each year.”

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Section 3. Section 5 of Ordinance No. 1589 and FMC 21.06.010 are hereby amended to read as follows:

“21.06.010 Purpose. The purpose of these regulations is to provide a credit to low-income seniors and low-income disabled persons on their water ready to service charges.”

Section 4. Section 6 of Ordinance No. 1589 and FMC 21.06.020 are hereby amended to read as follows:

“21.06.020 Applicability. To city of Fircrest water customers living in one-family or individually billed two-family or multifamily units who have been certified eligible for a low-income senior or low-income disabled person discount by Tacoma Power; and:

(a) Are a single occupant or the head of a household or the spouse of the head of the household; and

(b) Reside in the dwelling unit; and

(c) Are billed or are the spouse of a person billed by the city of Fircrest for water service; and

(d) Customers who have been certified eligible by Tacoma Power for a low-income senior or low-income disabled person discount must provide the city of Fircrest evidence that they are receiving such a discount by Tacoma Power. The discounted rate will begin the first day of the current bimonthly billing cycle in which the aforementioned evidence is received by the city of Fircrest. If a customer closes the active account and establishes a new account, or if a customer has never applied for the discount rate, then the customer must apply in accordance with the hereinabove criteria.”

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

Section 6. Publication and Effective Date: A summary of this ordinance consisting of its title shall be published in the official newspaper of the city. This ordinance shall be effective five (5) days after such publication.

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**PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST,
WASHINGTON**, at a regular meeting thereof this 25th day of September 2018.

APPROVED:

Hunter T. George, Mayor

ATTEST:

Jessica Nappi, City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney

**DATE OF PUBLICATIONS:
EFFECTIVE DATE:**

Chapter 21.01

CONNECTION FEE IN LIEU OF ASSESSMENT

21.01.010 Connection to main authorized.

Persons owning property, either within or without the limits of the city, adjacent to or abutting upon any available water main installed by the city and which property has not been previously assessed or charged for such water main, may connect to the water main for water service upon first making written application and being subject to the following terms and conditions of this chapter. (Ord. 521, 1965; Ord. 279 § 28, 1955).

21.01.020 Compliance with regulations and payment of usual fees.

Applicant shall pay all usual and ordinary fees required for purposes of connection to the water system of the city, and shall be subject to and comply with all other provisions of this title or any amendments or changes thereto. (Ord. 1279 § 1, 2001; Ord. 521, 1965; Ord. 279 § 28(a), 1955).

21.01.030 General facilities charge.

Each connection to the city water system shall be charged a water general facilities charge based on the customer's proportionate share of the value of the existing facilities and the planned capital improvements at the time of connection. The general facilities charge shall be paid as specified in FMC 18.10.070 for each property served based on the meter size required to provide the water service requested, as shown in the following table.

(a) The following general facilities charges shall ~~take effect January 1, 2009~~ be as follows:

Meter Size	General Facilities Charge
5/8"	\$4,000 <u>\$4,400</u>
1"	\$6,800 <u>\$11,000</u>
1-1/2"	\$12,977 <u>\$22,000</u>
2"	\$21,200 <u>\$35,200</u>
3"	\$40,000 <u>\$70,400</u>
4"	\$66,665 <u>\$110,000</u>

(b) Such general facilities charges shall be credited to the specific premises served and no other property, and the premises shall be noted by address and permanently filed in the records of the city. Properties with existing services shall be considered to have satisfied the general facilities charges; however, change of use shall require payment for any differential in residential equivalents.

(c) The General Facility Charge schedule, as set forth in the following chart, shall be updated annually at a rate adjusted in accordance with the Consumer Price Index (CPI-W) for Seattle-Tacoma-Bremerton Area ending December of each year. (Ord. 1464 § 1, 2008; Ord. 1292 § 1, 2001; Ord. 1279 § 2, 2001; Ord. 1098 § 1, 1995; Ord. 961 § 4, 1990; Ord. 521, 1965; Ord. 279 § 28(b), 1955).

21.01.040 Record of payment.

Repealed by Ord. 1098. (Ord. 521, 1965; Ord. 279 § 28(c), 1955).

21.01.050 Special approval for multiple use of single connection.

No more than one residence or one commercial establishment may be served by or through a single connection to the water main without special approval of the city council, and upon payment of such additional connection charges as the circumstances shall warrant. (Ord. 521, 1965; Ord. 279 § 28(d), 1955).

21.01.060 Fees considered revenue of water fund.

All water service connection fees hereunder shall be considered revenue of the water fund. (Ord. 521, 1965; Ord. 279 § 28(e), 1955).

21.01.070 Application of general regulations.

All other ordinances, rules and regulations of the city relating to the use, maintenance and connections for water service in the city of Fircrest, as now or hereafter adopted, shall apply with equal force to all water service connections hereunder. (Ord. 521, 1965; Ord. 279 § 28(f), 1955).

Chapter 21.04

SERVICE WITHIN CITY

21.04.010 Title and citation.

This title shall be known and may be cited or referred to as the water ordinance of the city. (Ord. 279 § 1, 1955).

21.04.020 Applicability.

The city will supply and sell water when and as available, both for domestic and commercial use and consumption within and without corporate limits of the city. (Ord. 941 § 1, 1989; Ord. 279 § 2, 1955).

21.04.030 Residential rate.

Water furnished by the city of Fircrest for single-family residential and multiple dwelling units use and consumption within Fircrest city limits shall be furnished through metered connections and shall be charged for on the following basis:

(a) A bimonthly ready to serve charge for each meter regardless of size, per connection, shall be billed in accordance with the following schedule:

Residential and Multiple Dwelling Water Ready to Serve Charge

Year	2017	2018	2019
Ready to Serve Charge	\$34.00	\$35.50	\$37.00

(b) A charge for water consumed through each meter shall be billed in accordance with the following schedule:

Consumption Tier for Residential and Multiple Dwelling Units

	2017	2018	2019
Tier 1 (0 – 1,000 cf)	\$0.0100	\$0.0104	\$0.0109
Tier 2 (1,001 – 4,000 cf)	\$0.0150	\$0.0157	\$0.0163
Tier 3 (4,001 – + cf)	\$0.0250	\$0.0261	\$0.0272

(c) Water furnished by the city of Fircrest for single-family residential and multiple dwelling units use and consumption outside the Fircrest city limits shall be charged as outlined in subsections (a) and (b) of this section with an additional bimonthly surcharge of \$25.00.

(d) All rates and charges imposed by this section shall be collected in full for service furnished during any month or fractional month. (Ord. 1589 § 1, 2016; Ord. 1446 § 1, 2007; Ord. 1365 § 1, 2005; Ord. 1287 § 1, 2001; Ord. 1119 § 1, 1996; Ord. 1086 § 1, 1994; Ord. 1016 § 1, 1992; Ord. 979 § 1, 1990; Ord. 891 § 1, 1988; Ord. 745 § 1, 1980).

21.04.031 Nonresidential rate.

Repealed by Ord. 1365. (Ord. 941 § 2, 1989).

21.04.040 Commercial rate.

Water furnished by the city of Fircrest for commercial or industrial use and consumption within the Fircrest city limits shall be furnished through metered connections and shall be charged for on the following basis:

(a) A bimonthly ready to serve charge for each meter regardless of size, per connection, shall be in accordance with the following schedule:

Commercial Water Ready to Serve Charge

Year	2017	2018	2019
Ready to Serve Charge	\$34.00	\$35.50	\$37.00

(b) A charge for water consumed through each meter shall be in accordance with the following schedule:

Consumption Tier for Commercial Units

	2017	2018	2019
Tier 1 (0 – 2,000 cf)	\$0.0120	\$0.0124	\$0.0129
Tier 2 (2,001 – 4,200 cf)	\$0.0170	\$0.0177	\$0.0183
Tier 3 (4201 – + cf)	\$0.0270	\$0.0281	\$0.0292

(c) Where more than one commercial business or establishment receives water through a single metered connection, each separate commercial business or establishment shall be charged a separate ready to serve charge that will include the same rate schedule as listed above.

(d) All rates and charges imposed by this section shall be collected in full for service furnished during any month or fractional month. (Ord. 1589 § 2, 2016; Ord. 1287 § 2, 2001; Ord. 1119 § 2, 1996; Ord. 1098 § 3, 1995; Ord. 1086 § 2, 1994; Ord. 1016 § 2, 1992; Ord. 979 § 2, 1990; Ord. 891 § 2, 1988; Ord. 745 § 2, 1980).

21.04.050 Separate irrigation service.

Customers are encouraged to separate water service for irrigation from the regular service. When either the residential or commercial customer wishes to do so, a second meter may be installed ahead of the existing meter at the customer's expense; or if additional capacity is required, a new connection will be made with the appropriate connection and general facilities charges being assessed and paid. In either case no additional ready to serve rate will be charged; however, the metered rate for tier 2 in this chapter will be billed. In every case the irrigation service line shall contain a city-approved backflow valve to prevent the flow of groundwater into the regular water line. (Ord. 1589 § 3, 2016; Ord. 1279 § 3, 2001; Ord. 1098 § 4, 1995; Ord. 279 § 5, 1955).

21.04.060 Multiple dwellings defined.

A "multiple dwelling" is defined to be the space provided for the separate occupancy of an individual or family unit with separate living quarters and kitchen. Multiple dwellings shall consist of all places wherein more than one dwelling unit is located and where water is supplied to two or more dwelling units through a single connection to the water lines of the city. (Ord. 1589 § 4, 2016; Ord. 1279 § 4, 2001; Ord. 891 § 3, 1988; Ord. 745 § 3, 1980).

21.04.080 Commercial use of portion of dwelling unit.

Private dwellings in which space is occasionally used for the conduct of business by a person residing therein will be served under the residential meter and rate. The commercial rate shall apply to water furnished to a dwelling which is regularly or primarily used for commercial purposes such as professional or business office, shop or store, studio or other gainful activity wherein the suite has a fixture count of six or more units. (This would be equivalent to an ordinary half bath.) (Ord. 1098 § 5, 1995; Ord. 279 § 8, 1955).

21.04.090 Connection size.

All connections to the water distribution system of the city of Fircrest shall conform to the following and it is unlawful for any person to make, cause to be made, or authorize any other connection to the water distribution system without prior approval of the city:

(a) The minimum connection size shall be three-quarter-inch service line which shall be served with a five-eighths-inch meter.

(b) Where water pressure as determined by the general superintendent is or may be less than 50 pounds per square inch, the connection size shall be not less than one inch. This then will be considered to be a residential equivalent without incremental facility charge being due.

(c) The size of commercial connections shall be determined by the general superintendent; provided, however, that the size of commercial connections may not exceed two inches without prior approval of the city council.

(d) Connections for fire sprinkler systems shall be in such size as may be approved by the city manager or his/her designee.

(e) At each connection, a meter yoke shall be installed at the dwelling or building, whether or not the water shall be furnished through metered connections. (Ord. 1098 § 10, 1995; Ord. 961 § 7, 1990; Ord. 499, 1964; Ord. 408, 1961; Ord. 385, 1960; Ord. 279 § 9, 1955).

21.04.100 Meters – Right of entry.

The city shall have the right to install and maintain meters at any building or premises receiving water from the city whether such water be charged for at the metered rate or not. Authorized city employees shall have the right to enter upon all premises receiving water for the purpose of installing and servicing meters and for the purpose of determining the amount of water consumed. (Ord. 279 § 10, 1955).

21.04.110 Application for service.

Repealed by Ord. 1279. (Ord. 1098 § 6, 1995; Ord. 279 § 11, 1955).

21.04.120 Connections required by the city – Notice to consumer.

If the city changes the point of service of an existing connection through a main upgrade or other change so as to require that an additional or altered connection be made at a particular building or premises, the city shall notify the owner and consumer in writing. The city will install the replacement service line and meter to the property line at no additional expense to the property owner. The property owner will be responsible for the connection to the residence or commercial building. (Ord. 1098 § 7, 1995; Ord. 279 § 12, 1955).

21.04.130 Service connection fee and meter drop-in fee.

A service connection fee or meter drop-in fee shall be charged and collected by the city for each new permanent connection to its water distribution system, which fee shall be paid before any water is furnished through such connection.

The service connection fee will be charged in the event that the city is required to make the physical connection to the existing water main, extend the service line to the property line, and install a complete water meter assembly.

The meter drop-in fee will be charged in the event that a developer makes the physical connection to a new water main, extends the service line to the property line, and installs a water meter assembly, and the city inspects such work and installs the water meter in the water meter assembly. The service connection fees and meter drop-in fees ~~shall take effect January 1, 2009, and~~ will be charged as follows:

(a) Service Connection Fee.

Meter Size	Service Connection Fee
5/8"	\$1,800 <u>\$2,065</u>
1"	\$1,870 <u>\$2,135</u>
1-1/2"	\$2,050 <u>\$2,315</u>
2"	\$2,575 <u>\$2,840</u>

For meters larger than two inches, the fee will be the actual costs of labor and materials for furnishing and installing the connection, plus an amount equal to 25 percent of the cost of labor and materials for overhead. In addition to the fees listed above, an additional fee of \$25.00 per square foot of pavement restoration required for the connection shall be charged based on measurements made at the time of the connection, and the actual costs of any other related costs shall be the responsibility of the property owner, payable to the city prior to final inspection.

The General Facility Charge schedule, as set forth in the following chart, shall be updated annually at a rate adjusted in accordance with the Consumer Price Index (CPI-W) for Seattle-Tacoma-Bremerton Area ending December of each year

(b) Meter Drop-In Fee.

Meter Size	Service Connection Fee
5/8"	\$360.00 <u>\$430</u>
1"	\$415.00 <u>\$485</u>
1-1/2"	\$520.00 <u>\$590</u>
2"	\$670.00 <u>\$740</u>

For meters larger than two inches, the fee will be the actual costs of labor and materials for furnishing and installing the meter and conducting the required inspections, plus an amount equal to 25 percent of the cost of labor and materials for overhead.

The General Facility Charge schedule, as set forth in the following chart, shall be updated annually at a rate adjusted in accordance with the Consumer Price Index (CPI-W) for Seattle-Tacoma-Bremerton Area ending December of each year (Ord. 1464 § 2, 2008; Ord. 1292 § 2, 2001; Ord. 1279 § 5, 2001; Ord. 1098 § 2, 1995; Ord. 961 § 5, 1990; Ord. 385, 1960; Ord. 279 § 13, 1955).

21.04.140 Temporary service.

Temporary connections to the water distribution system of the city may be made only when authorized in each individual instance by resolution of the city council. Such resolution may specify the amount which shall be paid as a service connection charge prior to making any such connection. Water furnished through temporary connections shall be charged for at the rate applicable to permanent connections. Temporary connections shall be limited to a period of 120 days, and may be extended by the city council for further periods of not to exceed 30 days each upon written request and without additional connection charges. (Ord. 279 § 14, 1955).

21.04.170 Costs of making connection – Extension of mains charge.

(a) Except as hereinafter provided, when an existing water main is available to which an ordinary connection can be made, the city will make all connections to its water distribution system, including the cost of meters, at its own expense, which is offset by the service connection fee.

(b) In the event any water main must be extended to the property to be served before a connection can be made, the applicant shall pay all cost of making such extension in addition to the service connection fee and general facilities charge. All such mains shall run to the far property line of the property involved.

If the city extends the mains, all costs and charges shall be the actual cost to the city, including but not limited to, engineering and preparation of cost estimates, labor plus 15 percent overhead, and supplies and materials. Alternatively, the city may allow a developer to extend the main based on approved engineering drawings with an approved professional engineer certification that the installation meets city and state standards.

The applicant shall pay all charges in advance based on city estimates at the time of application for a building permit.

At the end of the project, the developer shall pay the actual city cost less the estimated cost paid at time of building permit issuance. If the estimated cost exceeds the city's total cost, the balance shall be promptly refunded to the developer. If the estimated cost is insufficient to cover the city's total cost, the developer shall pay the balance prior to issuance of any final inspection or occupancy permit. (Ord. 1279 § 6, 2001; Ord. 1098 § 8, 1995; Ord. 279 § 17, 1955).

21.04.180 Connections to be made by city employees only.

Connections to or disconnections from the water distribution system of the city shall be made only by authorized employees, agents or officials of the city, and it is unlawful for any other person to make or cause to be made any such connection or disconnection.

The city may allow a developer, in conjunction with installation of an approved water main extension, to make connections to the water main extension; provided, that the developer has secured written city approval prior to issuance of a building permit based on city-approved engineering drawings, with an approved professional engineer certification that the connection meets the city and state standards; and provided, that the connections are inspected and approved by an authorized city employee or agent of the city prior to being covered. Should the developer fail to comply with any of the provisions of this section, the project may be shut down unless and until the city has determined that said installation complies with city standards. The actual cost to the city of additional labor and all other costs incurred by the city to enforce compliance shall be paid by the developer prior to approval of the project. (Ord. 1279 § 7, 2001; Ord. 279 § 18, 1955).

21.04.190 Repairs and trouble calls.

Ordinarily the city will not perform service line repairs beyond the meter or off the right-of-way. Occasionally when repairs are being made within these parameters it may be determined that the cause of the trouble is due to some defect on the customer's property. In such case the city at its option may make incidental repairs in the customer's line and bill the owner the actual cost of repairing the same, plus 15 percent. (Ord. 1098 § 9, 1995; Ord. 279 § 19, 1955).

21.04.200 Resale prohibited.

It is unlawful for any person to resell water received from the city. (Ord. 279 § 20, 1955).

21.04.210 City not liable for private damage.

The city shall not be liable for any damage to or which occurs on private property served with water by the city, which results from defective or improper appliances, pipes, conduits or other appurtenances and the fact that agents of the city may have connected or inspected the same at or subsequent to installation shall not operate to make the city liable for any such damage. (Ord. 1279 § 8, 2001; Ord. 279 § 21, 1955).

21.04.240 Fluoridation of water.

A source of fluoridation approved by the State Department of Health shall be added to the water supply of the city of Fircrest under the rules and regulations of the State Board of Health, such addition to be administered in a manner approved by the State Department of Health. (Ord. 323, 1957).

21.04.250 Sprinkling regulations authorized – Penalty for violation.

(a) Authority. Subject to review by the city council, the city manager is empowered to, from time to time and as circumstances require, regulate the use of water for sprinkling purposes in the city of Fircrest; said regulation to deal with:

- (1) Time that sprinkling may be done by hours, and days and months;
- (2) Amounts of water allowed to be used;
- (3) Manner of applying water.

(b) Penalty for Violation. Violation of any of the provisions of this section or regulations enacted hereunder is a misdemeanor. (Ord. 987 § 42, 1991; Ord. 834 § 43, 1986; Ord. 294 §§ 1, 2, 1956).

21.04.260 Severability.

In the event any portion or provision of this chapter is found and held to be invalid, the remaining portions shall not be affected thereby. (Ord. 279 § 26, 1955).

Chapter 21.06

WATER UTILITY CREDIT FOR LOW-INCOME SENIORS AND LOW-INCOME DISABLED PERSONS

Sections:

- 21.06.010 Purpose.
- 21.06.020 Applicability.
- 21.06.030 Bimonthly rate.
- 21.06.040 Renewal.
- 21.06.050 City manager interpretation authority.

21.06.010 Purpose.

The purpose of these regulations is to provide a credit to low-income seniors and low-income disabled persons on their ~~basic-water_~~ready to service charges. (Ord. 1589 § 5, 2016; Ord. 1493 § 1, 2010).

21.06.020 Applicability.

To city of Fircrest water customers living in one-family or individually billed two-family or multifamily units who have been certified eligible for a low-income senior or low-income disabled person discount by Tacoma Power; and:

(a) Are a single occupant or the head of a household or the spouse of the head of the household; and

(b) Reside in the dwelling unit; and

(c) Are billed or are the spouse of a person billed by the city of Fircrest for water service; and

(d) Customers who have been certified eligible by Tacoma Power for a low-income senior or low-income disabled person discount must provide the city of Fircrest evidence that they are receiving such a discount by Tacoma Power. The discounted rate will begin the first day of the ~~following current~~ bimonthly billing cycle ~~after the date in which~~ the aforementioned evidence is received by the city of Fircrest. If a customer closes the active account and establishes a new account, or if a customer has never applied for the discount rate, then the customer must apply in accordance with the hereinabove criteria. (Ord. 1589 § 6, 2016; Ord. 1493 § 2, 2010).

21.06.030 Bimonthly rate.

Seventy-five percent of the bimonthly ready to serve charge calculated under FMC 21.04.030(a). (Ord. 1589 § 7, 2016; Ord. 1493 § 3, 2010).

21.06.040 Renewal.

During the month of January of each year, in order to continue to receive the water utility credit in the ensuing year, any person receiving a water utility credit from the city of Fircrest, as a low-income senior or a low-income disabled person, shall provide evidence to the city manager or his/her designee that they are still receiving a low-income senior or a low-income disabled person discount from Tacoma Power. (Ord. 1589 § 8, 2016; Ord. 1493 § 4, 2010).

21.06.050 City manager interpretation authority.

The city manager or his/her designee shall have the authority to decide any questions which may arise pertinent to the interpretation and/or the application of the regulations of this chapter. (Ord. 1493 § 5, 2010).

NEW BUSINESS: General Facilities Charge Schedule of Fees (Sewer)
ITEM 10G.

FROM: Jerry Wakefield, Public Works Director

RECOMMENDED MOTION: I move to adopt Ordinance No. ____, amending Ordinance No. 1464 Section 1 and FMC 20.04.025 General Facilities Charge; amending Ordinance No. 1465 Section 3 and FMC 20.04.030 Service Connection Fees and Inspection Fees; amending Ordinance No. 1588 and FMC 20.13.020 Applicability; and amending Ordinance No. 1587 and FMC 20.17.020 Applicability.

PROPOSAL: This is a proposal to increase the Sewer System General Facilities Charge (GFC), Service Connection Fees, and inspection fees. Council requested staff to review the City's Sewer System GFC for possible adjustment. Using the 2008 methodology, staff updated the project list and costs, and a CPI (Consumer Price Index) adjuster has been included in the ordinance.

FISCAL IMPACT: The fiscal impact will be to add additional revenue to the water fund to offset the costs of the existing and future improvements based on the future development activity in the City.

ADVANTAGE: Increasing the charges provides for future connections to help pay for the improvements that have occurred since the last increase as well as buy into the existing system. By adjusting this fee on an annual basis with the CPI this allows the fee to remain current.

DISADVANTAGES: Increases the cost to future customers.

ALTERNATIVE: Not increase the fees, which means the future customers would not pay their fair share in buying into the utility. Adjust the fee differently that what is recommended by staff.

HISTORY: In 1995, Ordinance Nos. 1098 and 1099 updated the prior GFC rates. These were based on the water and sewer 1995 rate study done by Gray and Osborne, which was based on residential meter equivalency. In November 2001, the GFC were again adjusted based on meter size with a service connection fee and drop-in fee for meters established. These fees were identified as the value of the existing facilities and the planned capital improvements at the time of connection. In 2008, these fees were reviewed and recalculated per the July 27, 2008 memo's from the City Engineer and increased accordingly effective January 1, 2009. No additional increases or studies has occurred since then.

ATTACHMENTS: [Ordinance](#)
[Title 20 redlined changes](#)

**CITY OF FIRCREST
ORDINANCE NO. ____**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON, AMENDING ORDINANCE NO. 1464
SECTION 1 AND FMC 20.04.025 GENERAL FACILITIES CHARGE;
AMENDING ORDINANCE NO. 1465 SECTION 3 AND FMC 20.04.030
SERVICE CONNECTION FEES AND INSPECTION FEES;
AMENDING ORDINANCE NO. 1588 AND FMC 20.13.020
APPLICABILITY; AND AMENDING ORDINANCE NO. 1587 AND
FMC 20.17.020 APPLICABILITY.**

WHEREAS, the City Council of the City of Fircrest determined to increase the General Facilities Charge and system connection fees and inspection fees to more appropriately recover costs associated with connections to the sewer system and the customer's proportionate share of the value of the existing facilities, based on present day values. Now, Therefore,

THE CITY COUNCIL OF THE CITY OF FIRCREST DO ORDAIN AS FOLLOWS:

Section 1. Section 1 of Ordinance No. 1465 and FMC 20.04.025 are hereby amended to read as follows:

"20.04.025 General facilities charge. Each connection to the city sanitary sewer system shall be charged a general facilities charge based on the customer's proportionate share of the value of the existing facilities and the planned capital improvements at the time of connection for each property served. The general facilities charge shall be a flat rate of \$5,000 except for business, commercial, and industrial connections.

(a) The general facilities charge for business, commercial, and industrial connections shall be computed by multiplying the base rate of \$5,000 times the meter equivalent, based on the meter size table as follows:

Meter Size	Meter Equivalent	General Facilities Charge
5/8"	1.0	\$5,000
1"	2.5	\$12,500
1-1/2"	5.0	\$25,000
2"	8.0	\$40,000
3"	16.0	\$80,000
4"	25.0	\$125,000

(b) Such general facilities charges shall be credited to the specific premises served and no other property, and the premises shall be noted by address and permanently filed in the records of the city. Properties with existing services shall be considered to have satisfied the general facilities charges; however, change of use shall require payment for any differential in residential equivalents.

(c) The General Facility Charge schedule, as set forth in the following chart, shall be updated annually at a rate adjusted in accordance with the Consumer Price Index (CPI-W) for Seattle-Tacoma-Bremerton area ending December of each year."

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Section 2. Section 2 of Ordinance No. 1465 and FMC 20.04.030 are hereby amended to read as follows:

“20.04.030 Service connection fee and inspection fee. A service connection fee or inspection fee, for each residential unit or equivalent, shall be charged and collected by the city for each new permanent connection to its sewer collection system. The service connection fee will be charged in the event that the city is required to make the physical connection to the existing sewer main and extend the service line to the property line. The inspection fee will be charged in the event that a developer makes the physical connection to a new or existing sewer main, extends the service line to the property line, completes all surface restoration, and the city inspects said work. The service connection fees and inspection fees shall be charged as follows:

- (a) Service connection fee: \$2,450. In addition to the service connection fee, an additional fee of \$25.00 per square foot of pavement restoration required for the connection shall be charged based on measurements made at the time of connection, and the actual cost of any other related work shall be the responsibility of the property owner payable to the city prior to final inspection.
- (b) The service connection fee, as set forth above, shall be updated annually at a rate adjusted in accordance with the Consumer Price Index (CPI-W) for Seattle-Tacoma-Bremerton area ending December of each year.
- (c) Inspection fee: \$350.00.
- (d) The Inspection fee shall be updated annually at a rate adjusted in accordance with the Consumer Price Index (CPI-W) for Seattle-Tacoma-Bremerton area ending December of each year.

Section 3. Section 4 of Ordinance No. 1588 and FMC 20.13.020 are hereby amended to read as follows:

“20.13.020 Applicability. To city of Fircrest sewer customers living in one-family or individually billed two-family or multifamily units who have been certified eligible for a low-income senior or low-income disabled person discount by Tacoma Power; and:

- (a) Are a single occupant or the head of a household or the spouse of the head of the household; and
- (b) Reside in the dwelling unit; and
- (c) Are billed or are the spouse of a person billed by the city of Fircrest for sewer service; and

1 (d) Customers who have been certified eligible by Tacoma Power for a low-income
2 senior or low-income disabled person discount must provide the city of Fircrest
3 evidence that they are receiving such a discount by Tacoma Power. The discounted
4 rate will begin the first day of the current bimonthly billing cycle in which the
5 aforementioned evidence is received by the city of Fircrest. If a customer closes the
active account and establishes a new account, or if a customer has never applied for
the discount rate, then the customer must apply in accordance with the hereinabove
criteria.”

6 **Section 4.** Section 2 of Ordinance No. 1587 and FMC 20.17.020 are hereby amended
7 to read as follows:

8 “20.17.020 Applicability. To city of Fircrest storm drain customers living in one-family
9 or individually billed two-family or multifamily units who have been certified eligible
10 for a low-income senior or low-income disabled person discount by Tacoma Power;
and:

11 (a) Are a single occupant or the head of a household or the spouse of the head of the
12 household; and

13 (b) Reside in the dwelling unit; and

14 (c) Are billed or are the spouse of a person billed by the city of Fircrest for stormwater
15 service; and

16 (d) Customers who have been certified eligible by Tacoma Power for a low-income
17 senior or low-income disabled person discount must provide the city of Fircrest
18 evidence that they are receiving such a discount by Tacoma Power. The discounted
19 rate will begin the first day of the current bimonthly billing cycle in which the
20 aforementioned evidence is received by the city of Fircrest. If a customer closes the
active account and establishes a new account or if a customer has never applied for
the discount rate, then the customer must apply in accordance with the hereinabove
criteria.”

21 **Section 5.** Severability. If any section, sentence, clause, or phrase of this ordinance
22 should be held invalid or unconstitutional by a court of competent jurisdiction, such
23 invalidity or unconstitutionality shall not affect the validity or constitutionality of any
other section, sentence, clause, or phrase of this sentence.

24 **Section 6.** Publication and Effective Date: A summary of this ordinance consisting of
25 its title shall be published in the official newspaper of the city. This ordinance shall be
effective five (5) days after such publication.

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**PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST,
WASHINGTON**, at a regular meeting thereof this 25th day of September 2018.

APPROVED:

Hunter T. George, Mayor

ATTEST:

Jessica Nappi, City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney

**DATE OF PUBLICATIONS:
EFFECTIVE DATE:**

Chapter 20.04

CONNECTIONS*

20.04.010 Connection to system required.

Every building in the city wherein sewage is or may be produced shall be connected to the sewerage system of the city, and it is unlawful for any person to occupy or use any such building which is not so connected or equipped, or to install, maintain or use any septic tank, cesspool, outhouse or other means of sewage disposal not herein made permissible.

All residential sewer service lines shall be not less than four inches in diameter, and all sewer mains shall be not less than eight inches in diameter. (Ord. 1280 § 1, 2001; Ord. 913 § 1, 1988; Ord. 116 § 1, 1947).

20.04.020 Sewage defined – Discharge of storm sewage into sanitary systems prohibited.

The term “sewage” as used in this chapter shall mean and include all liquid or solid human waste material that drains from any toilet, washbasin, sink, laundry tray, shower, bathtub or other plumbing fixtures employed to promote cleanliness and health.

Storm sewage is expressly excluded from this definition and it shall be unlawful for any person to discharge or cause to be discharged any storm sewage into the sanitary sewers of the city of Fircrest. (Ord. 1280 § 2, 2001; Ord. 116 § 2, 1947).

20.04.025 General facilities charge.

Each connection to the city sanitary sewer system shall be charged a general facilities charge based on the customer’s proportionate share of the value of the existing facilities and the planned capital improvements at the time of connection for each property served. Effective January 1, 2009, The general facilities charge shall be a flat rate of \$4,000-~~\$5,000~~ except for business, commercial and industrial connections.

a) The general facilities charge for business, commercial, and industrial connections shall be computed by multiplying the base rate of ~~\$4,000-\$5,000~~ times the meter equivalent, based on the meter size table as follows:

Meter Size	Meter Equivalent	General Facilities Charge
5/8"	1.0	\$4,000 <u>\$5,000</u>
1"	2.5	\$10,000 <u>\$12,500</u>
1-1/2"	5.0	\$20,000 <u>\$25,000</u>
2"	8.0	\$32,000 <u>\$40,000</u>
3"	16.0	\$64,000 <u>\$80,000</u>
4"	25.0	\$100,000 <u>\$125,000</u>

a)b) Such general facilities charges shall be credited to the specific premises served and no other property, and the premises shall be noted by address and permanently filed in the records of the city. Properties with existing services shall be considered to have satisfied the general facilities charges; however, change of use shall require payment for any differential in residential equivalents. (Ord. 1465 § 1, 2008; Ord. 1293 § 1, 2001; Ord. 1280 § 3, 2001; Ord. 1099 § 2, 1995).

b)c) The General Facility Charge schedule, as set forth in the following chart, shall be updated annually at a rate adjusted in accordance with the Consumer Price Index (CPI-W) for Seattle-Tacoma-Bremerton Area ending December of each year.

20.04.030 Service connection fee and inspection fee.

A service connection fee or inspection fee, for each residential unit or equivalent, shall be charged and collected by the city for each new permanent connection to its sewer collection system. The service connection fee will be charged in the event that the city is required to make the physical connection to the existing sewer main and extend the service line to the property line. The inspection fee will be charged in the event that a developer makes the physical connection to a new or existing sewer main, extends the service line to the property line, completes all surface restoration, and the city inspects said work. The service connection fees and inspection fees shall take effect January 1, 2009, and shall be charged as follows:

(a) ~~(a)~~ Service connection fee: ~~\$2,150~~ \$2,450. In addition to the service connection fee, an additional fee of \$25.00 per square foot of pavement restoration required for the connection shall be charged based on measurements made at the time of connection, and the actual cost of any other related work shall be the responsibility of the property owner payable to the city prior to final inspection.

(b) The service connection fee, as set forth above, shall be updated annually at a rate adjusted in accordance with the Consumer Price Index (CPI-W) for Seattle-Tacoma-Bremerton Area ending December of each year.

~~(b)~~(c) Inspection fee: ~~\$275.00~~ \$350. (Ord. 1465 § 2, 2008; Ord. 1293 § 3, 2001; Ord. 1280 § 4, 2001; Ord. 1099 § 1, 1995; Ord. 961 § 1, 1990; Ord. 913 § 2, 1988; Ord. 116 § 3, 1947).

(d) The inspection fee, shall be updated annually at a rate adjusted in accordance with the Consumer Price Index (CPI-W) for Seattle-Tacoma-Bremerton Area ending December of each year.

20.04.035 Costs of making connection – Extension of sewer mains.

When any sewer main must be extended to the property to be served before a connection can be made, the applicant shall pay the cost of making such extension in addition to the service connection fee and general facilities charge. All mains extended shall run to the far property line of the premises involved.

If the city extends the mains, all costs and charges shall be the actual cost to the city, including but not limited to, engineering and preparation of estimates, labor plus 25 percent for overhead and materials. Alternatively, the city may allow a developer to extend the main based on approved engineering drawings with an approved professional engineer certification that the installation meets city and state standards.

The applicant shall pay all charges in advance based on city estimates at the time of application for a building permit.

At the end of the project, the developer shall pay the actual city cost less the estimated cost paid at the time of building permit issuance. If the estimated cost exceeds the city's total cost, the balance shall be promptly refunded to the developer. If the estimated cost is insufficient to cover the city's total cost, the developer shall pay the balance prior to issuance of any final inspection or occupancy permit. (Ord. 1293 § 4, 2001; Ord. 1280 § 5, 2001; Ord. 1099 § 3, 1995).

20.04.040 Authorized person to connect.

The city may allow a developer or contractor to make connections to sewer mains; provided, that the developer or contractor has secured written city approval prior to issuance of a building permit based on city-approved drawings; and provided, that the connections are inspected and approved by an authorized city employee or agent of the city prior to being covered. Should the developer or contractor fail to comply with any of the provisions of this section, the city may shut down the project unless and until the city has determined that said installation complies with city standards. The actual cost to the city of additional labor plus 15 percent overhead and all other costs incurred by the city to enforce compliance shall be paid by the developer or contractor prior to approval of the project. (Ord. 1285 § 1, 2001; Ord. 1280 § 6, 2001; Ord. 913 § 3, 1988; Ord. 376, 1960; Ord. 116 § 4, 1947).

20.04.045 City not liable for private damage.

The city shall not be liable for any damage to or which occurs on private property served with sewers by the city, which results from defective or improper appliances, pipes, conduits or other appurtenances and the fact that agents of the city may have connected or inspected the same at or subsequent to installation shall not operate to make the city liable for any such damage. (Ord. 1280 § 7, 2001).

20.04.050 Procedure for application submission and approval of plans and issuance of permit.

Repealed by Ord. 1280. (Ord. 1099 § 4, 1995; Ord. 961 § 2, 1990; Ord. 913 § 4, 1988; Ord. 376, 1960; Ord. 116 § 5, 1947).

20.04.060 Buildable lot defined – Separate connection fee – Exceptions.

Each buildable lot shall be subject to a separate connection fee, general facilities charge and a separate monthly sewer charge based upon the site's use when connected to the city sewer system whether or not held in sole ownership. For the purpose of this provision, a "buildable lot" shall mean an area sufficient in size to permit the use or development thereof for any purpose authorized by the applicable land use regulations. Where applicant owns or acquires more than one building lot and uses and develops the whole as one buildable lot, only one general facilities charge, one connection fee, and one monthly charge shall be made for the entire area, subject, however, to additional general facilities charge, connection fee and monthly fee if segregated or the use is changed at a later date. (Ord. 1280 § 9, 2001; Ord. 1099 § 5, 1995; Ord. 913 § 5, 1988; Ord. 116 § 6, 1947)

20.04.070 Compliance with health department requirements.

Notwithstanding any minimum requirements for the installation of such sewer lines and connections to the city sewer system imposed by the city, said sewer lines and connections shall, in all respects, comply with the requirements of the county and state health

departments, including but not limited to the certificate of sewer availability. (Ord. 1280 § 10, 2001; Ord. 913 § 6, 1988; Ord. 116 § 7, 1947).

20.04.080 Failure of septic tank owner to make connection to city sewer system.

Existing buildings presently connected to functional septic systems shall be required to connect to the city sewerage system in the following situations:

- (a) When any portion of the on-site system fails, functions improperly, or needs replacement. This requirement may be tempered through an engineering feasibility study.
- (b) Whenever community or neighborhood sewer system is extended by local improvement methods or by other means becomes reasonably available.
- (c) Where property is adjacent to presently existing accessible sewer mains, connections shall be made within a five-year period from date of the ordinance codified in this section or future annexation ordinance.

Whenever the conditions and circumstances which led to the installation of a septic tank within the city of Fircrest become abated and a connection to the sewage system becomes possible under the provisions of this chapter, the city shall require that such connection be made in the manner herein provided after notice to the person or persons affected. In the event such person or persons fails to make application for such connection within 90 days after the giving of the notice by the city, the city shall make such connection and shall charge the cost thereof to the person or persons affected. All parties connecting shall pay service connection fees, general facilities charges and other related charges for a sewer connection, pursuant to the ordinances of the city of Fircrest, and the city shall have all remedies provided by law for collection of such costs and charges. (Ord. 1099 § 6, 1995; Ord. 913 § 14, 1988; Ord. 651, 1973; Ord. 116 § 8, 1947).

20.04.090 Penalty for violation.

Violation of any of the terms of this chapter is made and declared to be a misdemeanor. (Ord. 987 § 41, 1991; Ord. 834 § 42, 1986; Ord. 116 § 9, 1947).

20.04.100 Severability.

Should any portion of this chapter be held invalid, the remaining portions shall not be thereby affected. (Ord. 116 § 10, 1947).

20.04.110 Lines not to cross another's private property.

No connection shall be made to the city sewer system where any portion of the line to serve the applicant's property must cross over private property belonging to third parties, private easements being unacceptable. Whenever possible all connections must be made from applicant's property to lines within public streets or roads. (Ord. 1280 § 11, 2001; Ord. 913 § 7, 1988).

20.04.120 Liability for maintenance and repair.

Applicants and/or users of a private service line connected to the city sewer system shall be responsible for the maintenance and repairs of all private service lines serving their property, and the costs thereof, up to the point of and including the connection to the sewer system of the city. All maintenance and repairs of sewer mains lying within public or private streets, and the costs thereof, shall be made by the city. (Ord. 1280 § 12, 2001; Ord. 913 § 8, 1988).

20.04.130 Standards of sewage.

No sewage may be discharged into the Fircrest sewage system which does not conform to the standards of sewage adopted by ordinance and to the standards as set forth in the Construction Standards and Specifications of the American Public Works Association Uniform Code. All such sewage shall be of domestic quality, including sewage from normal and usual commercial establishments, but excluding industrial wastes or other sewage considered harmful to sewage systems or treatment plants. (Ord. 913 § 9, 1988).

20.04.140 Plumbing standards.

No homes, buildings or establishments can connect to the Fircrest sewer system unless the sewer plumbing in said home, building or establishment conforms to the most rigid of the following standards:

- (a) Uniform Plumbing Code and applicable city codes; or
- (b) Construction Standards and Specifications of the American Public Works Association Uniform Codes, as now enacted or hereafter amended. (Ord. 1280 § 13, 2001; Ord. 913 § 10, 1988).

20.04.150 Inspection of plumbing and sewage.

The city shall have the right to inspect any and all sewer connections, or applications therefor, to determine whether or not their plumbing installations and sewage discharge conform to the requirements of the governing sewer ordinances of the city, and in connection therewith to conduct such tests as may be appropriate for such inspection. (Ord. 1280 § 14, 2001; Ord. 913 § 11, 1988).

20.04.160 Violations of plumbing or sewage standards.

No connection shall be permitted to the Fircrest sewer system by any house, building or establishment which does not conform to the plumbing and sewage standards as above specified, and any house, building or establishment connected to the Fircrest sewer system which fails hereafter to meet the plumbing and/or sewage standards specified may be disconnected from the Fircrest sewer system unless and until the property owner makes such changes as may be necessary to conform to such standards within a reasonable period of time, which shall not exceed 30 days from date of notification from the city. (Ord. 913 § 12, 1988).

20.04.170 When additional or different terms and conditions can be imposed.

Where application is made for sewer connection to serve commercial properties, or properties to be used for other than a single-family residence, or where the use of a property being served hereunder is changed from a single-family residence to a different use, the city council, if it approves such application or change of use, shall impose such terms and conditions, connection fees, general facility charges, and/or other charges, than herein provided as the city council determines circumstances indicate shall be appropriate. (Ord. 1280 § 15, 2001; Ord. 913 § 13, 1988).

Chapter 20.13

SEWER UTILITY CREDIT FOR LOW-INCOME SENIORS AND LOW-INCOME DISABLED PERSONS

Sections:

- 20.13.010 Purpose.
- 20.13.020 Applicability.
- 20.13.030 Bimonthly rate.
- 20.13.031 Renewal.
- 20.13.040 City manager interpretation authority.

20.13.010 Purpose.

The purpose of these regulations is to provide a credit to low-income seniors and low-income disabled persons on their sewer service base charge and sewer treatment user charge. (Ord. 1588 § 3, 2016; Ord. 1494 § 2, 2010).

20.13.020 Applicability.

To city of Fircrest sewer customers living in one-family or individually billed two-family or multifamily units who have been certified eligible for a low-income senior or low-income disabled person discount by Tacoma Power; and:

(a) Are a single occupant or the head of a household or the spouse of the head of the household; and

(b) Reside in the dwelling unit; and

(c) Are billed or are the spouse of a person billed by the city of Fircrest for sewer service; and

(d) Customers who have been certified eligible by Tacoma Power for a low-income senior or low-income disabled person discount must provide the city of Fircrest evidence that they are receiving such a discount by Tacoma Power. The discounted rate will begin the first day of the ~~following current~~ bimonthly billing cycle ~~after the date~~ in which the aforementioned evidence is received by the city of Fircrest. If a customer closes the active account and establishes a new account, or if a customer has never applied for the discount rate, then the customer must apply in accordance with the hereinabove criteria. (Ord. 1588 § 4, 2016; Ord. 1494 § 3, 2010).

20.13.030 Bimonthly rate.

Seventy-five percent of the bimonthly sewer service base charge and 75 percent of the bimonthly treatment user charge calculated under FMC 20.12.010(a). (Ord. 1588 § 5, 2016; Ord. 1494 § 4, 2010).

20.13.031 Renewal.

During the month of January of each year, in order to continue to receive the sewer utility credit in the ensuing year, any person receiving a sewer utility credit from the city of Fircrest, as a low-income senior or a low-income disabled person, shall provide evidence to the city manager or his/her designee that they are still receiving a low-income senior or a low-income disabled person discount from Tacoma Power. (Ord. 1588 § 6, 2016).

20.13.040 City manager interpretation authority.

The city manager or his/her designee shall have the authority to decide any questions which may arise pertinent to the interpretation and/or the application of the regulations of this chapter. (Ord. 1494 § 5, 2010).

Chapter 20.17

STORM DRAIN CREDIT FOR LOW-INCOME SENIORS AND LOW-INCOME DISABLED PERSONS

Sections:

- 20.17.010 Purpose.
- 20.17.020 Applicability.
- 20.17.030 Bimonthly rate.
- 20.17.031 Renewal.
- 20.17.040 City manager interpretation authority.

20.17.010 Purpose.

The purpose of these regulations is to provide a credit to low-income seniors and low-income disabled persons on their basic storm drain charges. (Ord. 1587 § 2, 2016).

20.17.020 Applicability.

To city of Fircrest storm drain customers living in one-family or individually billed two-family or multifamily units who have been certified eligible for a low-income senior or low-income disabled person discount by Tacoma Power; and:

(a) Are a single occupant or the head of a household or the spouse of the head of the household; and

(b) Reside in the dwelling unit; and

(c) Are billed or are the spouse of a person billed by the city of Fircrest for stormwater service; and

(d) Customers who have been certified eligible by Tacoma Power for a low-income senior or low-income disabled person discount must provide the city of Fircrest evidence that they are receiving such a discount by Tacoma Power. The discounted rate will begin the first day of the ~~following current~~ bimonthly billing cycle ~~after the date in which~~ the aforementioned evidence is received by the city of Fircrest. If a customer closes the active account and establishes a new account or if a customer has never applied for the discount rate, then the customer must apply in accordance with the hereinabove criteria. (Ord. 1587 § 2, 2016).

20.17.030 Bimonthly rate.

Seventy-five percent of the minimum bimonthly charge calculated under FMC 20.16.030. (Ord. 1587 § 2, 2016).

20.17.031 Renewal.

During the month of January of each year, in order to continue to receive the stormwater utility credit in the ensuing year, any person receiving a stormwater utility credit from the city of Fircrest, as a low-income senior or a low-income disabled person, shall provide evidence to the city manager or his/her designee that they are still receiving a low-income senior or a low-income disabled person discount from Tacoma Power. (Ord. 1587 § 2, 2016).

20.17.040 City manager interpretation authority.

The city manager or his/her designee shall have the authority to decide any questions which may arise pertinent to the interpretation and/or the application of the regulations of this chapter. (Ord. 1587 § 2, 2016).

NEW BUSINESS: Housekeeping Amendments – Title 17.04
ITEM 10H.

FROM: Jerry Wakefield, Public Works Director

RECOMMENDED MOTION: I move to adopt Ordinance No. ____, amending Ordinance No. 1594 Section 1 and FMC 17.04.005 Creation of Accounts – Deposits on Renter-Occupied Premises; amending Ordinance No. 1352 Section 1 and FMC 17.04.007 Account Set-Up Fees; amending Ordinance No. 1307 and FMC Section 2 and FMC 17.04.027 Leak Adjustments; amending Ordinance No. 1307 Section 3 and FMC 17.04.030 Bills Delinquent; amending Ordinance No. 1307 Section 4 and FMC 17.04.045 Notice of Delinquent Account; amending Ordinance No. 1591 Section 5 and FMC 17.04.057 Service Charge for Unpaid or Dishonored Payments; and amending Ordinance No. 1591 Section 6 and FMC 17.04.070 Disconnection/Reconnection of Utility Services.

PROPOSAL: The Council is being asked to consider amending the Fircrest Municipal Code Title 17 regarding Uniform Utility Billing and Collection System that affects the deposits on renter-occupied premises (FMC 17.04.005), account set-up fees (FMC 17.04.007), leak adjustments (FMC 17.04.027), bills delinquent (FMC 17.04.030), service charge for unpaid or dishonored payments (FMC 17.04.057), and disconnection/reconnection of utility services (FMC 17.04.070).

FISCAL IMPACT: The fiscal impact will be to add a small amount of revenue to the water fund to offset the costs of the existing fees.

ADVANTAGE: The advantage is to keep our fee structure current with the times and help cover the cost of this service.

DISADVANTAGES: Customers will see a slight increase in fees.

ALTERNATIVE: Not to increase the fees and subsidize the cost of the costs with the remaining water fund.

HISTORY: The fees were original set in 2001. There has not been a fee adjustment since. A study was done by the public works staff to see what the actual costs would be to provide the services. The staff also evaluated other utilities costs in comparison of these fees. Adjustment to the fees are recommended as a result of this work.

ATTACHMENTS: [Ordinance Title 17.04 redlined changes](#)

**CITY OF FIRCREST
ORDINANCE NO. ____**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON, AMENDING ORDINANCE NO. 1594 SECTION 1 AND FMC 17.04.005 CREATION OF ACCOUNTS – DEPOSITS ON RENTER-OCCUPIED PREMISES; AMENDING ORDINANCE NO. 1352 SECTION 1 AND FMC 17.04.007 ACCOUNT SET-UP FEES; AMENDING ORDINANCE NO. 1307 AND FMC SECTION 2 AND FMC 17.04.027 LEAK ADJUSTMENTS; AMENDING ORDINANCE NO. 1307 SECTION 3 AND FMC 17.04.030 BILLS DELINQUENT; AMENDING ORDINANCE NO. 1307 SECTION 4 AND FMC 17.04.045 NOTICE OF DELINQUENT ACCOUNT; AMENDING ORDINANCE NO. 1591 SECTION 5 AND FMC 17.04.057 SERVICE CHARGE FOR UNPAID OR DISHONORED PAYMENTS; AND AMENDING ORDINANCE NO. 1591 SECTION 6 AND FMC 17.04.070 DISCONNECTION/RECONNECTION OF UTILITY SERVICES.

WHEREAS, the City Council of the City of Fircrest determined to increase the general fees associated with account set up fees, leak adjustment fees, delinquent account fees, and dishonored payments to more closely cover the cost of those services, based on present day values. Now, Therefore,

THE CITY COUNCIL OF THE CITY OF FIRCREST DO ORDAIN AS FOLLOWS:

Section 1. Section 1 of Ordinance No. 1594 and FMC 17.04.005 are hereby amended to read as follows:

“17.04.005 Creation of accounts – Deposits on renter-occupied premises. At the time an account for either residential or commercial renter-occupied premises is requested and before it is authorized, the city manager or his/her designee shall require that the person requesting services deposit with the city a sum of money, for each service provided, as follows:

Water	\$50.00
Sewer	\$180.00
Stormwater	\$45.00

This provision does not in any way affect the property owner’s liability for charges or the lien rights of the city against the premises to which the services are furnished as provided in FMC 17.04.080. Nothing in this chapter shall prevent the city from requiring additional or new deposits, when the conditions so warrant.”

1 **Section 2.** Section 1 of Ordinance No. 1352 and FMC 17.04.007 are hereby amended to
2 read as follows:

3 “17.04.007 Account set-up fees. At the time a new account is requested to be
4 established, there shall be an additional assessment to the account holder for recovering
the costs of establishing said account for each requested utility as follows:

5	Water Service	\$8.00
6	Stormwater Service	\$3.00
7	Sewer Service	\$3.00”

8
9 **Section 3.** Section 2 of Ordinance No. 1307 and FMC 17.04.027 are hereby amended
to read as follows:

10 “17.04.027 Leak adjustments. When excessive water meter registration is caused by a
11 water leak within or abutting upon the premises without the knowledge of the customer,
12 an adjustment may be made upon written application for one billing cycle during a 12-
13 month period and after repairs have been made. The basis for adjustment shall be the
normal consumption under similar operating conditions.

14 (a) If the dollar amount of the adjustment for water is equal to or greater than \$25.00
15 the customer shall be eligible for an adjustment; if it is less than \$25.00, the customer
will not be eligible for an adjustment.

16 (b) A billing adjustment as a result of a leak will be made for one billing period, if a
17 leak adversely affects two billing cycles and the customer showed due diligence in
18 fixing the leak in a timely manner, a customer can request consideration for an
additional adjustment to be considered under extreme extenuating circumstances.

19 (c) Payment of the bill, which includes the leak, is due on the date stated on the bill.”

20 **Section 4.** Section 3 of Ordinance No. 1307 and FMC 17.04.030 are hereby amended
21 to read as follows:

22 “17.04.030 Bills delinquent. If the bill rendered as provided in FMC 17.04.020 is not
23 paid when due, it shall be considered delinquent and a penalty fee of 10 percent of the
24 outstanding balance on all accounts with an outstanding balance greater than \$10.00
shall be added to the delinquent account not less than 10 days after the due date.”

25 **Section 5.** Section 4 of Ordinance No. 1307 and FMC 17.04.045 are hereby amended
26 to read as follows:

27 “17.04.045 Notice of delinquent account.

28 (a) Notice. If an account for utility service remains delinquent beyond seven days, the
29 city shall notify the customer that service will be disconnected without further notice
30 unless the delinquent account and all penalties are immediately paid in full, or
31 special arrangements are made in accordance with FMC 17.04.050. Delivery of the
notice shall occur in a way reasonably calculated to apprise the customer of the
notice’s contents. Written notice shall be conspicuously attached to the premises to
which service is furnished, and an additional fee of \$15.00 shall be assessed to the

1 account holder for providing personal service of this notice. The notice shall also
2 inform the customer of the date on which service may be disconnected, which shall
3 be not less than 48 hours following delivery of the notice. The notice of delinquent
4 account shall further state that if the consumer has questions or disputes concerning
5 the amount of payment due, he or she may appeal to the city manager, or authorized
6 designee, whose address and telephone number shall be stated on the notice of
7 delinquent account.

8 (b) Disconnection of Service. If no notice is made to the city that the bill is disputed
9 prior to the time indicated in the customer's notice as the date on which service may
10 be disconnected, the city shall proceed by disconnecting water service to the
11 delinquent customer's premises. All reconnections of service shall be subject to the
12 provisions and fees outlined in FMC 17.04.070."

13 **Section 6.** Section 5 of Ordinance No. 1591 and FMC 17.04.057 are hereby amended
14 to read as follows:

15 "17.04.057 Service charge for unpaid or dishonored payments. A service charge of
16 \$40.00 shall be imposed upon any customer who, in full or partial payment of a city
17 utility bill, tenders a payment drawn on or processed by a bank or other financial entity,
18 which is thereafter returned to the city, for any reason, resulting in a dishonored payment
19 to cover the additional costs to the city thereby entailed."

20 **Section 7.** Section 6 of Ordinance No. 1591 and FMC 17.04.070 are hereby amended
21 to read as follows:

22 17.04.070 Disconnection/reconnection of utility services. Should a customer fail to pay
23 a delinquent bill pursuant to FMC 17.04.030, the city manager, or his/her designee, shall
24 immediately cause the particular utility's services to be cut off from the premises. Such
25 services shall be reconnected to the premises only upon full payment of all delinquent
26 utility charges, and correction of any fraudulent, illegal or unauthorized use or abuse of
27 any utility service, applicable to the particular premises, irrespective of who may have
28 incurred the charges or who may have been responsible for the fraudulent, illegal or
29 unauthorized use or abuse of utility services. In addition, one single reconnection fee of
30 \$30.00 shall be charged and paid prior to the reconnection of any utility service that was
31 actually shut off and discontinued and that will require such reconnection to be made
32 during regular working hours.

An additional charge of \$130.00 shall be assessed for reconnections made at a
customer's request outside of regular working hours. After-hours reconnections shall
only be performed after authorization is received from the city manager, or his/her
designee. Failure to comply with any and all provisions made will result in termination
of water services without further notice."

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

Section 9. Publication and Effective Date: A summary of this ordinance consisting of
its title shall be published in the official newspaper of the city. This ordinance shall be
effective five (5) days after such publication.

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**PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST,
WASHINGTON**, at a regular meeting thereof this 25th day of September 2018.

APPROVED:

Hunter T. George, Mayor

ATTEST:

Jessica Nappi, City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney

**DATE OF PUBLICATIONS:
EFFECTIVE DATE:**

Chapter 17.04

UNIFORM UTILITY BILLING AND COLLECTION SYSTEM

17.04.003 Authorized officers designated.

(a) The city manager, or authorized designee, shall keep an account for water, sewer and stormwater service used by any person, business, or other entity within the city service area. Such services shall be paid for by every utility account within the city's service area.

(b) The city manager, or authorized designee, shall place against these accounts all charges for water, sewer and stormwater service that are to be paid by every utility account, when these services are used by such person, business or other entity. Any service charges or other charges that are connected with the provision of utility services shall likewise be placed against these accounts. All charges shall be made in accordance with the terms of those ordinances of the city establishing the rates and fees for such services. (Ord. 1591 § 1, 2016; Ord. 1299 § 1, 2001; Ord. 1225 § 1, 1999; Ord. 966 § 1, 1990).

17.04.005 Creation of accounts – Deposits on renter-occupied premises.

At the time an account for either residential or commercial renter-occupied premises is requested and before it is authorized, the city manager or his/her designee shall require that the person requesting services deposit with the city a sum of money, for each service provided, as follows:

Water	\$45.00 \$50.00
Sewer	\$175.00 \$180.00
Stormwater	\$40.00 \$45.00

This provision does not in any way affect the property ~~owner~~ owners liability for charges or the lien rights of the city against the premises to which the services are furnished as provided in FMC 17.04.080. Nothing in this chapter shall prevent the city from requiring additional or new deposits, when the conditions so warrant. (Ord. 1594 § 1, 2017; Ord. 1307 § 1, 2002; Ord. 1070 § 1, 1994; Ord. 966 § 2, 1990).

17.04.007 Account set-up fees.

At the time a new account is requested to be established, there shall be an additional assessment to the account holder for recovering the costs of establishing said account for each requested utility as follows:

- ~~\$6.50 for water~~ Water service Service: \$8.00
- ~~\$2.50 \$3.00 for stormwater~~ Stormwater service Service: \$3.00
- ~~\$2.50 \$3.00 for sewer~~ Sewer service Service: \$3.00 (Ord. 1352 § 1, 2004).

17.04.010 Billing generally.

There shall be one uniform billing and collection procedure for all city utility services, including but not limited to water, sewer, and stormwater. (Ord. 1591 § 2, 2016; Ord. 1299 § 2, 2001; Ord. 1225 § 2, 1999; Ord. 966 § 3, 1990; Ord. 643 § 1, 1972).

17.04.020 Bills – Preparation, delivery.

(a) The city shall cause a single utility bill, covering all utility services that are furnished by or through the city during the preceding month or accounting period, to be prepared and rendered on a bimonthly basis to each customer of utility service either within or outside the city limits.

(b) Such bill shall be due and payable by the last day of the month from and after the date of mailing.

(c) Once prepared, this bill shall be delivered to the customer by either depositing it in the United States mail and/or by electronic means, addressed either to the address shown on the application for utility service or to any change of address that has been submitted by the customer to the city.

(d) Deposit in the United States mail or electronically made available pursuant to subsection (c) of this section shall be deemed full and complete notice to the customer of the nature and amount of any particular utility billing. (Ord. 1591 § 3, 2016; Ord. 1299 § 3, 2001; Ord. 1194 § 1, 1998; Ord. 966 § 4, 1990; Ord. 643 § 2, 1972).

17.04.025 Budget payment plan.

The city manager, or authorized designee, is hereby authorized to create and implement a budget payment plan in accordance with state law. Such a plan shall permit the authorized customer to make payments of utility charges on an annual averaged basis rather than on a bimonthly basis, with at least one annual adjustment to ensure that the amount paid on an annual basis reflects the actual charges incurred. (Ord. 1299 § 4, 2001; Ord. 966 § 5, 1990).

17.04.027 Leak adjustments.

When excessive water meter registration is caused by ~~broken or leaking~~ a water ~~leak service pipes~~ within or abutting upon the premises without the knowledge of the customer, an adjustment may be made upon written application for one billing cycle month ~~only in the case of monthly billing and for two months in the case of bimonthly billing~~ during a 12-month period and after repairs have been made. The basis for adjustment shall be the normal consumption under similar operating conditions.

(b) If the dollar amount of the adjustment for water is equal to or greater than \$25.00 the customer shall be eligible for an adjustment, if it is less than \$25.00 the customer will not be eligible for an adjustment.

(c) A billing adjustment as a result of a leak will be made for one billing period, if a leak adversely affects two billing cycles and the customer showed due diligence in fixing the leak in a timely manner, a customer can request consideration for an additional adjustment to be considered under extreme extenuating circumstances.

(d) Payment of the bill which includes the leak is due on the date stated on the bill.(Ord. 1307 § 2, 2002).

17.04.030 Bills delinquent.

If the bill rendered as provided in FMC 17.04.020 is not paid when due, it shall be considered delinquent ~~10 days after the due date~~ and a penalty fee of 10 percent of the outstanding balance on all accounts with an outstanding balance greater than \$10.00 shall be added to the delinquent account not less than 10 days after the due date. (Ord. 1307 § 3, 2002; Ord. 1299 § 5, 2001; Ord. 966 § 6, 1990; Ord. 643 § 3, 1972).

17.04.040 Payment delinquent – Service discontinued.

In the absence of any special arrangement or agreement with the city concerning payment, if a utility bill or any part thereof remains delinquent and unpaid a special notice to the effect that if the delinquent utility charges, together with the prior delinquent charges, are not paid in full within seven days from the date of mailing of the special notice, the city shall, within 48 hours thereafter, proceed to shut off and discontinue utility services to the premises until all utility charges are paid in full. (Ord. 1299 § 6, 2001; Ord. 966 § 7, 1990; Ord. 643 § 4, 1972).

17.04.045 Notice of delinquent account.

(a) Notice. If an account for utility service remains delinquent beyond seven days, the city shall notify the customer that service will be disconnected without further notice unless the delinquent account and all penalties are immediately paid in full, or special arrangements are made in accordance with FMC 17.04.050. Delivery of the notice shall occur in a way reasonably calculated to apprise the customer of the notice's contents. Written notice shall be conspicuously attached to the premises to which service is furnished, and an additional fee of ~~\$9.00~~ \$15.00 shall be assessed to the account holder for providing personal service of this notice. The notice shall also inform the customer of the date on which service may be disconnected, which shall be not less than 48 hours following delivery of the notice. The notice of delinquent account shall further state that if the consumer has questions or disputes concerning the amount of payment due, he or she may appeal to the city manager, or authorized designee, whose address and telephone number shall be stated on the notice of delinquent account.

(b) Disconnection of Service. If no notice is made to the city that the bill is disputed prior to the time indicated in the customer's notice as the date on which service may be disconnected, the city shall proceed by disconnecting water service to the delinquent customer's premises. All reconnections of service shall be subject to the provisions and fees outlined in FMC 17.04.070. (Ord. 1307 § 4, 2002; Ord. 1225 § 3, 1999; Ord. 966 § 8, 1990).

17.04.050 Payment delinquency – Enforcement actions.

(a) The city manager, or his designee, is hereby authorized and directed to promulgate administrative policies and procedures for the implementation of this chapter.

(b) If the customer is unable to pay the full amount of utility charges because of temporary financial difficulties or other hardship, the city manager, or his designee, may permit the customer to make deferred payment arrangements upon written application; provided, however, that the city will be under no obligation to enter into any deferred payment agreement with any customer who has not fully and satisfactorily complied with terms of any previous agreement.

(c) Failure to abide by the terms of the arrangement shall be cause for shut-off and discontinuance of utility services until the total utility charges that are due are paid in full. (Ord. 1307 § 5, 2002; Ord. 966 § 9, 1990; Ord. 643 § 5, 1972).

17.04.053 Deferred payments arrangements – Penalty, assessed.

If arrangements for deferred payments have been made, the city manager, or authorized designee, shall assess against such accounts the same penalty fees as set forth in FMC 17.04.030. (Ord. 1299 § 7, 2001; Ord. 966 § 10, 1990).

17.04.055 Delinquent account – Refusal of other city services.

If a bill becomes delinquent, no officer, agent, or employee of the city may authorize or permit any further city service or process any application for a permit from the city, when such application has been requested by the person in whose name an account stands delinquent; this requirement shall remain in effect until the delinquent account is paid in full. This section, however, shall not apply to the provision of water, sewer and stormwater service, but shall apply to connections, inspections, engineering and other like services furnished by the water, sewer and stormwater utilities. (Ord. 1591 § 4, 2016; Ord. 1299 § 8, 2001; Ord. 1225 § 4, 1999; Ord. 966 § 11, 1990).

17.04.057 Service charge for unpaid or dishonored payments.

A service charge of ~~\$35.00~~ \$40.00 shall be imposed upon any customer who, in full or partial payment of a city utility bill, tenders a payment drawn on or processed by a bank or other financial entity, which is thereafter returned to the city, for any reason, resulting in a dishonored payment to cover the additional costs to the city thereby entailed. (Ord. 1591 § 5, 2016; Ord. 1328 § 1, 2003; Ord. 1307 § 6, 2002; Ord. 966 § 12, 1990).

17.04.060 Service discontinuance – For other than payment failure.

In addition to nonpayment of a utility bill, the city may shut off and discontinue any or all utility services to a customer for failure to pay connection charges for any utility service furnished to such customer, or for the fraudulent, illegal or unauthorized use or abuse of any utility service, or the failure or refusal of the customer to comply with all rules, regulations or ordinances pertaining to the receipt and use of utility services furnished by the city. (Ord. 966 § 14, 1990; Ord. 643 § 6, 1972).

17.04.070 Disconnection/reconnection of utility services.

Should a customer fail to pay a delinquent bill pursuant to FMC 17.04.030, the city manager, or his/her designee, shall immediately cause the particular utility's services to be cut off from the premises. Such services shall be reconnected to the premises only upon full payment of all delinquent utility charges, and correction of any fraudulent, illegal or unauthorized use or abuse of any utility service, applicable to the particular premises, irrespective of who may have incurred the charges or who may have been responsible for the fraudulent, illegal or unauthorized use or abuse of utility services. In addition, one single reconnection fee of ~~\$25.00~~ \$30.00 shall be charged and paid prior to the reconnection of any utility service that was actually shut off and discontinued and that will require such reconnection to be made during regular working hours.

An additional charge of ~~\$155.00~~ \$130.00 shall be assessed for reconnections made at a customer's request outside of regular working hours. After-hours reconnections shall only be performed after authorization is received from the city manager, or his/her designee. Failure to comply with any and all provisions made will result in termination of water services without further notice. (Ord. 1591 § 6, 2016; Ord. 1514 § 1, 2011; Ord. 1307 § 7, 2002; Ord. 966 § 13, 1990; Ord. 643 § 7, 1972).

17.04.080 Liability for charges.

All owners of property shall remain ultimately and legally liable for the payment of any and all utility charges to the premises, regardless of whether such property is used for single-family, multiple dwelling or commercial purposes and regardless of the fact that the billings are made in the name of a tenant or other occupant of the premises. Such billings are for personal convenience only and shall not in any way affect the lien rights of the city against the premises to which the services are furnished. (Ord. 1225 § 5, 1999; Ord. 966 § 15, 1990; Ord. 643 § 8, 1972).

17.04.090 Right of lien.

(a) In addition to the right herein provided to shut off and discontinue utility service, the city shall have a lien for delinquent and unpaid utility charges, including late charges, against the premises to which such utility service has been furnished or is available. The lien shall be effective for a total of not to exceed six months' delinquent charges without the necessity of any writing or recording. In order to make such lien effective for more than six months, the city manager shall cause to be filed for record in the office of the county auditor of Pierce County a notice in substantially the following form:

Utility Lien Notice

City of
Fircrest,)

)

v.)

)

)

Reputed
Owner.)

)

NOTICE IS HEREBY GIVEN that the City of Fircrest has and claims a lien for _____ charges against the following described premises situated in Pierce County, Washington, to wit:

(Here insert legal description of premises.)

Said lien is claimed for not exceeding six months charges and interest now delinquent, amounting to \$ _____, and is also claimed for future utility charges against said premises.

DATED this ____ day of ____, 20__.

CITY OF FIRCREST

By _____.

(b) The lien notice shall be signed by the city manager. The lien notice shall be recorded as prescribed by law for the recording of mechanics' liens. (Ord. 1307 § 8, 2002; Ord. 966 § 16, 1990; Ord. 733 § 1, 1979; Ord. 643 § 9, 1972).

17.04.100 Out-of-city service – Billing.

Repealed by Ord. 1591. (Ord. 1299 § 9, 2001; Ord. 1225 § 6, 1999; Ord. 966 § 17, 1990; Ord. 643 § 10, 1972).

17.04.110 Out-of-city service – Charge payment failure – Service discontinuance.

Repealed by Ord. 1591. (Ord. 1299 § 10, 2001; Ord. 966 § 18, 1990; Ord. 643 § 11, 1972).

17.04.120 Out-of-city service – Right of lien.

Repealed by Ord. 1591. (Ord. 966 § 19, 1990; Ord. 643 § 12, 1972).

17.04.130 Utility lien foreclosure – Authorized when.

The city may foreclose its utility lien in an action in the superior court. All or any of the tracts subject to the lien may be proceeded against in the same action, and all parties appearing of record as owning or claiming to own, having or claiming to have any interest in or lien upon the tracts involved in the action shall be impleaded in the action as parties defendant. An action to foreclose a utility lien pursuant to a lien notice filed as required by this chapter must be commenced within two years from the date of filing thereof. An action to foreclose a six months' lien may be commenced at any time after six months subsequent to the furnishing of the utility service for which payment has not been made. The service of summons and all other proceedings except as provided specifically under this chapter, including appeal, order of sale, sale, redemption and issuance of deed shall be governed by the statutes of the state of Washington now or hereafter in force relating to the foreclosure of mortgages on real property. The terms "judgment debtor" or "successor in interest" in the statutes of the state of Washington governing redemption when applied under this chapter shall include an owner or a vendee. All sales shall be subject to the right of redemption within one year from date of sale. At any time after deed is issued to it pursuant to a foreclosure of a lien, the city may lease or sell or convey the property conveyed thereunder at public or private sale for such price and on such terms as may be determined by the resolution of the city council. (Ord. 1307 § 9, 2002; Ord. 966 § 20, 1990; Ord. 733 § 2, 1979).

17.04.140 Utility lien foreclosure – Trial.

A utility lien foreclosure action shall be tried before the court without a jury. The court may allow, in addition to the delinquent charges, interest on the service charges at a rate not exceeding 12 percent per year from date of delinquency, costs and disbursements as provided by the statutes of the state of Washington and such attorneys' fees as the court may adjudge reasonable. If the owners and parties interested in any particular tract default, the court may enter judgment of foreclosure and sale as to such parties and tracts and the action may proceed as to the remaining defendants and tracts. The judgment shall specify separately the amount of the utility charges, with interest, penalty and costs chargeable to each tract. The judgment shall have the effect of a separate judgment as to each tract described in the judgment and any appeal should not invalidate or delay the judgment except as to the property concerning which the appeal is taken. The judgment of the court shall order the tracts therein described sold at one general sale, and an order of sale shall issue pursuant thereto for the enforcement of the judgment. Judgment may be entered as to any one or more separate tracts involved in the action and the court shall retain jurisdiction of other properties. (Ord. 1307 § 10, 2002; Ord. 1299 § 11, 2001; Ord. 733 § 3, 1979).

17.04.150 Utility lien – Enforcement – Alternative method.

As an additional and concurrent method of enforcing the lien authorized under this chapter, the city of Fircrest may shut off and discontinue any or all utility services to the premises to which such utility service was furnished after the charges become delinquent and unpaid, and until the charges are paid. The right to enforce the lien by cutting off and refusing utility services shall not be exercised after two years from the date of the recording of the utility lien notice provided under this chapter except to enforce the payment of six months' charges for which no lien notice is required to be recorded. (Ord. 1307 § 11, 2002; Ord. 966 § 21, 1990; Ord. 733 § 4, 1979).

17.04.160 Statutes adopted by reference.

(a) RCW 9A.61.010, 9A.61.020, 9A.61.050, 9A.61.060, and 9A.61.070 are hereby adopted by reference.

(b) RCW 80.28.240 is hereby adopted by reference. (Ord. 960 §§ 1, 2, 1990).

17.04.170 Amendments to statutes adopted.

The amendment, addition or repeal by the Washington State Legislature of any section of any of the adopted statutes shall be deemed to amend the ordinance codified in this chapter and the statutes contained herein which are adopted by reference in conformity with the amendment, addition or repeal, and it shall not be necessary for the legislative authority of this city to take any action with respect to such addition, amendment or repeal as provided by RCW 35.21.180. (Ord. 960 § 3, 1990).

NEW BUSINESS: Housekeeping Amendment Affecting Titles 17 and 18
ITEM 10I.

FROM: Jerry Wakefield, Public Works Director

RECOMMENDED MOTION: I move to adopt Ordinance No. ____, adding a new chapter to FMC Title 17 and relocating FMC Title 18.10 Utilities Services, Permits and Inspection to new chapter Title 17.10.

PROPOSAL: This is a proposal to relocate the content from FMC from Title 18 Electric Utility Chapter 18.10 Utilities Services, Permits and Inspection to a new chapter under Title 17 Utilities.

FISCAL IMPACT: None

ADVANTAGE: To better locate the information for the Water, Sewer and Storm information regarding permits and inspections.

DISADVANTAGES: none

ALTERNATIVE: Leave the information where it is at.

HISTORY: In 2001, the City sold the electrical utility to the City of Tacoma, making this chapter of the FMC not needed. The section title 18.10 Utilities Services, Permits and Inspection pertain to the water, sewer and storm utilities. It would be better to locate this information in Chapter 17 rather than in Chapter 18 Electrical Utility that the City does not have anymore.

ATTACHMENTS: [Ordinance](#)
[Title 17 redlined changes](#)
[Title 18 redlined changes](#)

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**CITY OF FIRCREST
ORDINANCE NO. ____**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON, ADDING A NEW CHAPTER TO FMC
TITLE 17 AND RELOCATING FMC TITLE 18.10 UTILITIES
SERVICES, PERMITS AND INSPECTION TO NEW CHAPTER
TITLE 17.10.**

WHEREAS, Chapter 18.10 Utility Services, Permits and Inspections of Title is located under Fircrest Municipal Code Title 18 Electric Utility; and

WHEREAS, the City sold the electrical utility to the City of Tacoma in 2001; and

WHEREAS, Chapter 18.10 Utility Services, Permits and Inspection of Title 18 pertains to the water, sewer and storm utilities; and

WHEREAS, the City Council of the City of Fircrest desires to appropriately locate the information for the Water, Sewer and Storm information regarding permits and inspections under Title 17 Utilities. Now, Therefore,

**THE CITY COUNCIL OF THE CITY OF FIRCREST DO ORDAIN AS
FOLLOWS:**

Section 1. Title 17 of the Fircrest Municipal Code is hereby amended by adding a new section (17.10) to read as follows:

- Chapter 17.10
- UTILITY SERVICES, PERMITS AND INSPECTIONS
- Sections:
 - 17.10.010 Title.
 - 17.10.020 Applicability.
 - 17.10.030 Plan review fee amount.
 - 17.10.040 Calculation of total fees.
 - 17.10.050 Cancellation, withdrawal or denial of application.
 - 17.10.060 Plan review.
 - 17.10.070 Utilities building permit fees payment.
 - 17.10.080 Utility connection and inspection notices.
 - 17.10.010 Title.

This chapter shall be known and may be cited or referred to as the public works plan review, building permit issuance, and connections and inspections notices policy for utility services of the city of Fircrest. (Ord. 1278 § 1, 2001).

17.10.020 Applicability.
Prior to issuance of any building permit for new construction in the city of Fircrest, an applicant for said permit shall submit an application to the building department for review of utility services with a scaled site plan showing the nature, size and location of the water (including size and location of the meter, and underground sprinkler systems if applicable), sewer, and storm water lines, the location of the building(s), existing curbs and adjacent streets and a set of drawings for each utility for which service will be required. Such application shall be accompanied by the sewerage system plan review

1 fee, the water system plan review fee, and the storm water drainage system plan review
2 fee as provided in FMC 18.10.030 or 18.10.040. (Ord. 1278 § 2, 2001).

3 17.10.030 Plan review fee amount.

4 (a) Single-Family Residence. An applicant for a single-family and duplex residence
5 shall pay a nonrefundable fee of \$35.00 per utility for review of each of the utility
6 services for which review is required: water connection (including underground
7 sprinkler system), sanitary sewer connection, and erosion control and storm water
8 drainage.

9 (b) Other than a Single-Family Residence. An application for other than a single-family
10 residence shall be accompanied by an intake fee of \$50.00 per utility and a deposit
11 fee of \$100.00 per utility for review of each of the utility services for which review
12 is required: water connection, sanitary sewer connection, erosion control and storm
13 water drainage, and underground sprinkler system. The intake fee, to cover the cost
14 of processing, is non-refundable. If the deposit fee exceeds the city's total cost of
15 review, the balance shall be promptly refunded to the applicant. If the deposit fee
16 is insufficient to cover the city's total cost of review, the applicant shall pay the
17 balance prior to issuance of any building permit. (Ord. 1278 § 3, 2001).

18 17.10.040 Calculation of total fees.

19 The total fee for which any applicant shall be responsible shall include the actual costs
20 incurred by the city in processing the application, calculated as follows:

- 21 (a) All services provided by city staff shall be charged at a rate equal to current hourly
22 wages and benefits plus 15 percent overhead.
23 (b) All services provided by the city engineer or other consultants and agents of the
24 city shall be charged as the same are charged to the city for said services.
25 (c) The actual cost of all other costs incurred by the city. (Ord. 1278 § 4, 2001).

26 17.10.050 Cancellation, withdrawal or denial of application.

27 If any application is withdrawn or canceled, the applicant shall remain responsible for
28 payment of the city's actual costs incurred prior to the city's receipt of a written
29 cancellation or withdrawal notification. If the city approval of any such application is
30 denied, the applicant shall remain responsible for payment of the city's actual costs
31 incurred prior to the denial. If an application or request is withdrawn, canceled or denied,
32 the actual costs incurred by the city for which the applicant is responsible shall be
calculated as enumerated in FMC 18.10.040. (Ord. 1278 § 5, 2001).

17.10.060 Plan review.

The public works department, its employees or authorized agents, shall inspect the
premises and review said plans for conformity with city standards and return a written
report to the building permit application file containing all information pertinent to such
connection, including, but not limited to, a certificate of water and/or sewer availability,
the location of the building and property on which it is situated with reference to the
nearest main lines, shall mark on the plans any changes that are required, and shall sign
and date the plans. (Ord. 1278 § 6, 2001).

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17.10.070 Utilities building permit fees payment.
The connection fees as provided in FMC 20.04.030 and 21.04.130 and other charges as now enacted or hereafter amended by the city shall be paid at time of building permit issuance.

The general facilities charges as provided by FMC 20.04.025 and 21.01.030 shall be paid at any time prior to building permit issuance and shall be nonrefundable. All associated sewer and water connections shall be completed within four years of payment of the general facilities charges. After four years, if the water and sewer connections are not made, all general facilities charges which have been paid shall be credited toward the current general facilities charges. The current general facilities charges shall be imposed and the applicant shall pay all required general facilities charges. (Ord. 1288 § 1, 2001; Ord. 1278 § 7, 2001).

17.10.080 Utility connection and inspection notices.
The city will inspect all connections and extensions to its water, sewer, and storm water systems prior to any of the work being covered.

The applicant must provide 48 hours' notice to the public works department for the city to do location, inspections, or connections.

If re-inspections of the work are required by the city, the applicant shall pay the city's additional costs prior to issuance of a final inspection or certificate of occupancy and additional costs will be calculated as enumerated in FMC 17.10.040. (Ord. 1278 § 8, 2001).

Section 2. Chapter 18.10 Utility Services, Permits and Inspections of Title located under Fircrest Municipal Code Title 18 Electric Utility is hereby amended to remove the entire contents of this section and relocated to the newly added Chapter 17.10.

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

Section 4. Publication and Effective Date: A summary of this ordinance consisting of its title shall be published in the official newspaper of the city. This ordinance shall be effective five (5) days after such publication.

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**PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST,
WASHINGTON**, at a regular meeting thereof this 25th day of September 2018.

APPROVED:

Hunter T. George, Mayor

ATTEST:

Jessica Nappi, City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney

**DATE OF PUBLICATIONS:
EFFECTIVE DATE:**

Chapter 17.10

UTILITY SERVICES, PERMITS AND INSPECTIONS

Sections:

- 17.10.010 Title.
- 17.10.020 Applicability.
- 17.10.030 Plan review fee amount.
- 17.10.040 Calculation of total fees.
- 17.10.050 Cancellation, withdrawal or denial of application.
- 17.10.060 Plan review.
- 17.10.070 Utilities building permit fees payment.
- 17.10.080 Utility connection and inspection notices.

17.10.010 Title.

This chapter shall be known and may be cited or referred to as the public works plan review, building permit issuance, and connections and inspections notices policy for utility services of the city of Fircrest. (Ord. 1278 § 1, 2001).

17.10.020 Applicability.

Prior to issuance of any building permit for new construction in the city of Fircrest, an applicant for said permit shall submit an application to the building department for review of utility services with a scaled site plan showing the nature, size and location of the water (including size and location of the meter, and underground sprinkler systems if applicable), sewer, and storm water lines, the location of the building(s), existing curbs and adjacent streets and a set of drawings for each utility for which service will be required. Such application shall be accompanied by the sewerage system plan review fee, the water system plan review fee, and the storm water drainage system plan review fee as provided in FMC 18.10.030 or 18.10.040. (Ord. 1278 § 2, 2001).

17.10.030 Plan review fee amount.

(a) Single-Family Residence. An applicant for a single-family and duplex residence shall pay a nonrefundable fee of \$35.00 per utility for review of each of the utility services for which review is required: water connection (including underground sprinkler system), sanitary sewer connection, and erosion control and storm water drainage.

(b) Other than a Single-Family Residence. An application for other than a single-family residence shall be accompanied by an intake fee of \$50.00 per utility and a deposit fee of \$100.00 per utility for review of each of the utility services for which review is required: water connection, sanitary sewer connection, erosion control and storm water drainage, and underground sprinkler system. The intake fee, to cover the cost of processing, is non-refundable. If the deposit fee exceeds the city's total cost of review, the balance shall be promptly refunded to the applicant. If the deposit fee is insufficient to cover the city's total cost of review, the applicant shall pay the balance prior to issuance of any building permit. (Ord. 1278 § 3, 2001).

17.10.040 Calculation of total fees.

The total fee for which any applicant shall be responsible shall include the actual costs incurred by the city in processing the application, calculated as follows:

(a) All services provided by city staff shall be charged at a rate equal to current hourly wages and benefits plus 15 percent overhead.

(b) All services provided by the city engineer or other consultants and agents of the city shall be charged as the same are charged to the city for said services.

(c) The actual cost of all other costs incurred by the city. (Ord. 1278 § 4, 2001).

17.10.050 Cancellation, withdrawal or denial of application.

If any application is withdrawn or canceled, the applicant shall remain responsible for payment of the city's actual costs incurred prior to the city's receipt of a written cancellation or withdrawal notification. If the city approval of

any such application is denied, the applicant shall remain responsible for payment of the city's actual costs incurred prior to the denial. If an application or request is withdrawn, canceled or denied, the actual costs incurred by the city for which the applicant is responsible shall be calculated as enumerated in FMC 18.10.040. (Ord. 1278 § 5, 2001).

17.10.060 Plan review.

The public works department, its employees or authorized agents, shall inspect the premises and review said plans for conformity with city standards and return a written report to the building permit application file containing all information pertinent to such connection, including, but not limited to, a certificate of water and/or sewer availability, the location of the building and property on which it is situated with reference to the nearest main lines, shall mark on the plans any changes that are required, and shall sign and date the plans. (Ord. 1278 § 6, 2001).

17.10.070 Utilities building permit fees payment.

The connection fees as provided in FMC 20.04.030 and 21.04.130 and other charges as now enacted or hereafter amended by the city shall be paid at time of building permit issuance.

The general facilities charges as provided by FMC 20.04.025 and 21.01.030 shall be paid at any time prior to building permit issuance and shall be nonrefundable. All associated sewer and water connections shall be completed within four years of payment of the general facilities charges. After four years, if the water and sewer connections are not made, all general facilities charges which have been paid shall be credited toward the current general facilities charges. The current general facilities charges shall be imposed and the applicant shall pay all required general facilities charges. (Ord. 1288 § 1, 2001; Ord. 1278 § 7, 2001).

17.10.080 Utility connection and inspection notices.

The city will inspect all connections and extensions to its water, sewer, and storm water systems prior to any of the work being covered.

The applicant must provide 48 hours' notice to the public works department for the city to do location, inspections, or connections.

If re-inspections of the work are required by the city, the applicant shall pay the city's additional costs prior to issuance of a final inspection or certificate of occupancy and additional costs will be calculated as enumerated in FMC 17.10.040. (Ord. 1278 § 8, 2001).

Chapter 18.10

UTILITY SERVICES, PERMITS AND INSPECTIONS

Sections:

- ~~18.10.010 — Title.~~
- ~~18.10.020 — Applicability.~~
- ~~18.10.030 — Plan review fee amount.~~
- ~~18.10.040 — Calculation of total fees.~~
- ~~18.10.050 — Cancellation, withdrawal or denial of application.~~
- ~~18.10.060 — Plan review.~~
- ~~18.10.070 — Utilities building permit fees payment.~~
- ~~18.10.080 — Utility connection and inspection notices.~~

~~18.10.010 Title.~~

~~This chapter shall be known and may be cited or referred to as the public works plan review, building permit issuance, and connections and inspections notices policy for utility services of the city of Fircrest. (Ord. 1278 § 1, 2001).~~

~~18.10.020 Applicability.~~

~~Prior to issuance of any building permit for new construction in the city of Fircrest, an applicant for said permit shall submit an application to the building department for review of utility services with a scaled site plan showing the nature, size and location of the water (including size and location of the meter, and underground sprinkler systems if applicable), sewer, and storm water lines, the location of the building(s), existing curbs and adjacent streets and a set of drawings for each utility for which service will be required. Such application shall be accompanied by the sewerage system plan review fee, the water system plan review fee, and the storm water drainage system plan review fee as provided in FMC 18.10.030 or 18.10.040. (Ord. 1278 § 2, 2001).~~

~~18.10.030 Plan review fee amount.~~

~~(a) Single Family Residence. An applicant for a single family and duplex residence shall pay a nonrefundable fee of \$35.00 per utility for review of each of the utility services for which review is required: water connection (including underground sprinkler system), sanitary sewer connection, and erosion control and storm water drainage.~~

~~(b) Other than a Single Family Residence. An application for other than a single family residence shall be accompanied by an intake fee of \$50.00 per utility and a deposit fee of \$100.00 per utility for review of each of the utility services for which review is required: water connection, sanitary sewer connection, erosion control and storm water drainage, and underground sprinkler system. The intake fee, to cover the cost of processing, is non-refundable. If the deposit fee exceeds the city's total cost of review, the balance shall be promptly refunded to the applicant. If the deposit fee is insufficient to cover the city's total cost of review, the applicant shall pay the balance prior to issuance of any building permit. (Ord. 1278 § 3, 2001).~~

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- ~~(c) The actual cost of all other costs incurred by the city. (Ord. 1278 § 4, 2001).~~

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~~If any application is withdrawn or canceled, the applicant shall remain responsible for payment of the city's actual costs incurred prior to the city's receipt of a written cancellation or withdrawal notification. If the city approval of any such application is denied, the applicant shall remain responsible for payment of the city's actual costs incurred prior to the denial. If an application or request is withdrawn, canceled or denied, the actual costs incurred by the city for which the applicant is responsible shall be calculated as enumerated in FMC 18.10.040. (Ord. 1278 § 5, 2001).~~

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~~The public works department, its employees or authorized agents, shall inspect the premises and review said plans for conformity with city standards and return a written report to the building permit application file containing all information pertinent~~

~~to such connection, including, but not limited to, a certificate of water and/or sewer availability, the location of the building and property on which it is situated with reference to the nearest main lines, shall mark on the plans any changes that are required, and shall sign and date the plans. (Ord. 1278 § 6, 2001).~~

~~18.10.070 Utilities building permit fees payment.~~

~~The connection fees as provided in FMC 20.04.030 and 21.04.130 and other charges as now enacted or hereafter amended by the city shall be paid at time of building permit issuance.~~

~~The general facilities charges as provided by FMC 20.04.025 and 21.01.030 shall be paid at any time prior to building permit issuance and shall be nonrefundable. All associated sewer and water connections shall be completed within four years of payment of the general facilities charges. After four years, if the water and sewer connections are not made, all general facilities charges which have been paid shall be credited toward the current general facilities charges. The current general facilities charges shall be imposed and the applicant shall pay all required general facilities charges. (Ord. 1288 § 1, 2001; Ord. 1278 § 7, 2001).~~

~~18.10.080 Utility connection and inspection notices.~~

~~The city will inspect all connections and extensions to its water, sewer, and storm water systems prior to any of the work being covered.~~

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