CITY OF EDGEWOOD
REGULAR COUNCIL MEETING AGENDA
Tues., January 24, 2017 – 7:00 pm. ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

1. **CALL TO ORDER**
   Pledge of Allegiance, Roll Call, Additions/Deletions

2. **AUDIENCE COMMENT**

3. **MAYOR'S REPORT**

4. **CONSENT AGENDA** ***(pg. 2)*****:** *The consent agenda includes items that are routine in nature and are adopted by one motion. Should Council wish to discuss a consent agenda item, the item would be removed from the consent agenda and discussed under Council Business.*
   The following items are presented for Council approval:
   A. Regular City Council Meeting Minutes of January 10, 2017
   B. Study Session Meeting Minutes of January 17, 2017
   C. **AB 17-003,** a motion approving December 2016 (Period 13) and January 2017 Budgeted Expenditures as follows: Nationwide Retirement Solutions Check Numbers 10590-10591 in the amount of $4,454.78; IRS 941 ACHs; Deferred Compensation Program; Dept. of Retirement Systems and Payroll Direct Deposit in the amount of $46,362.37; and Vendor Check Numbers 21773-21807 with EFT Payments in the amount of $576,391.86. Total distributions submitted for review & authorization in the amount of $627,209.01.

5. **COUNCIL BUSINESS**
   A. **AB 17-0488** ***(pg. 22)***, a motion to accept second reading and adoption of Ordinance No. 17-0488, regulating the use of the Right-of-Way, for Public and Private Utilities; adding an alternative, annual permitting process for work within the City right of way; adding cost reimbursement provisions; clarifying when application for right of way permits are required; referencing the city's fee resolution as established by the City Council, amending Sections 12.06.010, 12.06.020, 12.06.070, 12.06.070, 12.06.080, 12.06.090, 12.06.095, 12.06.100, 12.06.110 and 12.06.120 of the Edgewood Municipal Code and establishing an effective date

6. **COUNCIL COMMENTS**

7. **EXECUTIVE SESSION**

8. **ADJOURN**

This meeting is accessible to persons with disabilities. For individuals who may require special accommodations, please contact City Hall at (253) 952.3299, 24 hours in advance.

CITY OF EDGEWOOD
REGULAR COUNCIL MEETING SUMMARY
Tues., January 10, 2017 – 7:00 p.m. ♦ City Hall – 2224 104th Avenue East ♦ Edgewood, WA

1. CALL TO ORDER

Mayor Eidinger called the meeting to order at 7:00pm. Student, Brittany Carey from Puyallup High School led the attendees in the Pledge of Allegiance.

ROLL CALL

Present: Mayor Daryl Eidinger (Not voting), Councilmember Donna O'Ravez, Councilmember Mark Creley, Councilmember Luke Meyers, Deputy Mayor Tyron Christopherson, Councilmember Stephanie Shook, Councilmember Rosanne Tomyn, Councilmember Nate Lowry.
Staff Present: Assistant City Administrator Dave Gray, Assistant City Administrator Aaron Nix, City Clerk Rachel Pitzel, Community Development Director Kevin Stender, Police Chief Micah Lundborg, Carol Morris, City Attorney.

Additions/Deletions to the Agenda
There were no additions or deletions to the agenda.

2. PRESENTATION

Prosecuting Attorney, Mark Lindquist
Mr. Lindquist briefed Council on the following: High Offender Priority Program; Elder Abuse Unit; Gang Unit and Human Trafficking.

3. PUBLIC HEARING

Chapter 12.06 Right of Way Franchises and Permits for public and private utilities; adding an alternative, annual permitting process for work within the City right of way; cost reimbursement provisions; when application of right of way permits are required
Mayor Eidinger briefed read the rules for the hearing.
Mayor Eidinger opened the public hearing at 7:14pm.
Assistant City Administrator Aaron Nix gave an update on Chapter 12.06 Right of Way Franchises and permits for public and private utilities and noted the revisions. Noted there are limitations as far as permitting process and turn-around time for telecommunications franchises.
Mayor Eidinger asked for public comments. There were no comments made. There were no additional staff comments.
Mayor Eidinger closed the public hearing at 7:17pm.

4. AUDIENCE COMMENT

There were no audience comments.

5. MAYOR'S REPORT

Mayor Eidinger spoke about the following:

- Staffing changes;
- Chief Micah Lundborg has started on January 2nd;

- Carol Morris introduction;
- Outdoor Movie Night dates: July 21st and August 11th;
- Recap on work on Jovita;
- Attended South Sound Chamber breakfast;
- Chief and Mayor met with local school principals to talk about school safety;
- Thanked Old Coots on Scoots for helping to take down the Christmas decorations.

ACA Nix discussed Phase I of Westridge; noted Phase II to begin early summer. He also stated that there will be a lot of code updates coming Council's way in the near future.

Community Development Director discussed a code enforcement issue.

Chief Lundborg briefed on the following:

- Discussed learning his new role and expectations;
- Meeting with business owners and the public;
- Crime incidents.

CM Meyers asked for an update on the IED incident at Good Samaritan Hospital.

6. CONSENT AGENDA

The consent agenda includes items that are routine in nature and are adopted by one motion. Should Council wish to discuss a consent agenda item, the item would be removed from the consent agenda and discussed under Council Business.

The following items are presented for Council approval:

A. Regular City Council Meeting Minutes of December 13, 2016
B. Study Session Meeting Minutes of December 20, 2016
C. Study Session Meeting Minutes of January 3, 2017
D. **AB17-002,** a motion approving December 2016 (Period 13) and January 2017 Budgeted Expenditures as follows: Nationwide Retirement Solutions Check Numbers 10586-10589 in the amount of $8,607.08; IRS 941 ACHs; AWC Employee Benefit Trust; Deferred Compensations Program; Dept. of Retirement Systems; Employment Security Department; Dept. of Labor & Industry and Payroll Direct Deposit in the amount of $112,919.89; and Vendor Check Numbers 21731-21772 with EFT Payments in the amount of $394,347.77. Total distributions submitted for review & authorization in the amount of $515,874.74.

Motion: As Read, **Action:** Approve, **Moved by** Councilmember Rosanne Tomyn, **Seconded by** Deputy Mayor Tyron Christopherson. **Motion passed unanimously (7-0).**

7. COUNCIL BUSINESS

A. **AB 17-0354**, a motion to approve Resolution No. 17-0354, authorizing the Mayor to execute an agreement for City Attorney Services with Carol Morris of Morris Law, P.C. as City Attorney

Assistant City Administrator Gray briefed on the agenda item.

Motion: As Read, **Action:** Approve, **Moved by** Councilmember Stephanie Shook, **Seconded by** Councilmember Rosanne Tomyn. **Motion passed unanimously (7-0).**

B. AB 17-0355, a motion to approve Resolution No. 17-0355, authorizing the Mayor to declare the Sharp MX6240N Color MFP Copier as surplus, and administer the donation or sale of the item

Assistant City Administrator Gray briefed on this agenda item.

Motion: As Read, **Action:** Approve, **Moved by** Councilmember Donna O'Ravez, **Seconded by** Councilmember Stephanie Shook. **Motion passed unanimously (7-0).**

C. AB 16-0485, a motion to adopt (Version A or Version B) of Ordinance No. 16-0485, granting unto Mt. View-Edgewood Water Company, a non-profit corporation of the State of Washington, its successors and assigns, the right, privilege, authority and nonexclusive franchise, to construct, maintain, operate, replace and repair water system infrastructure, in, across, over, along, under, through and below the public rights-of-way of the City of Edgewood, providing for severability; and establishing an effective date

Councilmember Meyers recused himself from the meeting:

"For the record, I am an official/employee of the Mt. View- Edgewood Water Co. as a Board Member. My compensation for this position is comprised exclusively of a fixed salary; I receive no bonus or any other contingent payment from this organization. I understand further that the total amount received by MTVE for the City under the franchise does not exceed $1,500/month or $18,000/year.

Based upon these facts, and my consultation with the City Attorney, I am recusing myself from any participation in the Council's discussions and vote on this subject, and I will leave the Council Chamber for the duration of the Council's deliberations. I would ask the City Clerk to note this disclosure in the minutes, as required by law. For the record, I have refrained - and will continue to refrain - from attempting to influence the votes of other Councilmembers."

Assistant City Administrator Nix briefed on this agenda item.

Public comment from Don Nelson who is the President of MTVE and noted they are okay with either version of the franchise agreement.

Motion: Adopt Version A Franchise agreement, **Action:** Approve, **Moved by** Deputy Mayor Tyron Christopherson, **Seconded by** Councilmember Rosanne Tomyn. **Motion passed unanimously (6-0).**

8. COUNCIL COMMENTS

Mayor Eidinger asked if the Council if they would like to cancel the 31st study session.

9. EXECUTIVE SESSION

There was no executive session.

10. ADJOURN

Mayor Eidinger adjourned the meeting at 7:55 pm.

Rachel Pitzel, City Clerk	Daryl Eidinger, Mayor

1. CALL TO ORDER

Mayor Eidinger called the meeting to order at 7:00pm and Councilmember O'Ravez led attendees in the Pledge of Allegiance.

ROLL CALL

Present: Mayor Daryl Eidinger (Not voting), Councilmember Donna O'Ravez, Councilmember Mark Creley, Councilmember Luke Meyers, Deputy Mayor Tyron Christopherson, Councilmember Rosanne Tomyn, Councilmember Nate Lowry. **Excused:** Councilmember Stephanie Shook.
Staff Present: Assistant City Administrator Dave Gray, Assistant City Administrator Aaron Nix, City Clerk Rachel Pitzel, Community Development Director Kevin Stender.

2. COUNCIL BUSINESS

A. ***Presentation / Discussion*** – Puyallup School District, Brian Devereux

Community Development Director Kevin Stender noted he did not ask Mr. Devereux to bring a presentation, but to be here to be able to answer any questions that Council may have on the project of Northwood Elementary School. Mr. Devereux explained the project and the materials that were in the packet for Council.

Discussion followed between staff and the Council.

B. ***Review/Discussion*** – School Impact Fees

Community Development Director Kevin Stender and Assistant City Administrator Aaron Nix briefed Council on this agenda item and discussed the breakdown of the current and proposed fees for single family and multi-family development.
Discussion followed between staff and the Council.
Council action: Council recommended staff to keep the single family residential fee at the current MFO (Maximum Fee Obligation) rate of $3,500 per unit, which is consistent with surrounding jurisdictions set fee and the County's CPI determination; and raise the multi-family residential MFO to $2,000 per unit, which is consistent with the request of the various jurisdictions from their Capital Facilities Plans; and to set a public hearing on this issue.

C. ***Review/Discussion*** – Traffic Impact Fees

Assistant City Administrator Aaron Nix and Community Development Director Kevin Stender briefed Council on this agenda item.
Discussion followed between staff and the Council.
Council action: Council recommended staff to look at the Traffic Impact Fee Schedule at the next Study Session.

D. ***Review/Discussion*** – Chapter 12.06 ROW Franchises and Permits for public private utilities

Assistant City Administrator Aaron Nix briefed Council on this agenda item.
Discussion followed between staff and the Council.

Councilmember Lowry asked if section 12.06.095(D) Notice, could reflect two (2) business days during business hours - instead of the 48 hour notice.

3. OTHER COUNCIL ISSUES

Mayor Eidinger reminded Deputy Mayor Christopherson and the rest of Council that Saturday, January 21st will be our very first "Connect over Coffee" here at City Hall 9:30am-11:30am.

Mayor Eidinger recapped the Social Media Seminar that was held last Friday, January 13.

Councilmember Meyers discussed a Lidar portal link from the Department of Natural Resources Division; he noted it would be beneficial to add to the website: http://lidarportal.dnr.wa.gov/ .

4. ADJOURN

Mayor Eidinger adjourned the meeting at 8:35pm.

______________________________	______________________________
Rachel Pitzel, City Clerk	Daryl Eidinger, Mayor

CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-003

Date Action Requested: January 24, 2017

Title: AB 17-003, a motion approving December 2016 (Period 13) and January 2017 Budgeted Expenditures as follows: Nationwide Retirement Solutions Check Numbers 10590-10591 in the amount of $4,454.78; IRS 941 ACHs; Deferred Compensation Program; Dept. of Retirement Systems and Payroll Direct Deposit in the amount of $46,362.37; and Vendor Check Numbers 21773-21807 with EFT Payments in the amount of $576,391.86. Total distributions submitted for review & authorization in the amount of $627,209.01.

Attachments: Payment Distribution Review & Authorization, Voucher Directory

Submitted By: Dave Gray, Assistant City Administrator, Finance

Approved For Agenda By: Mayor Daryl Eidinger

Prepared For Agenda By: Rachel Pitzel, City Clerk

Recommendation: Move to Approve AB17-003

Discussion: Approval of Claims and Payroll Expenditures.

Alternatives: **1)** Do not approve. **2)** Refer to Council Study Session for Further Review.

Fiscal Impact: An increase in the sum of $627,209.01 to authorized Budgeted Expenditures.

Number	Name	Print Date	Amount
US Bank	**PAYROLL ACCOUNT DISTRIBUTION**		
10589	**Last Number Issued Previous Authorization**		
10590	Nationwide Retirement Solutions-401	1/13/2017	$4,417.28
10591	Nationwide Retirement Solutions-Council	1/13/2017	$37.50
		Total	**$4,454.78**
DCP 1/15/17	Deferred Compensation Program	1/13/2017	$1,158.78
Direct Deposit Run -	Payroll Vendor	1/13/2017	$33,253.54
DRS 1/15/17	Dept of Retirement Systems	1/13/2017	$6,453.44
IRS 941 1/15/17	IRS 941	1/13/2017	$5,496.61
		Total	**$46,362.37**
		Grand Total	**$50,817.15**

Number	Name	Print Date	Amount
	CLAIM VOUCHER ACCOUNT DISTRIBUTION		
21772	**Last Number Issued Previous Authorization**		
21773	City of Fife	1/24/2017	$8,939.22
21774	City of Sumner	1/24/2017	$992.00
21775	Copiers Northwest	1/24/2017	$68.78
21776	East Pierce Fire & Rescue	1/24/2017	$6,437.60
21777	Foster Pepper PLLC	1/24/2017	$995.00
21778	Gray & Osborne, Inc	1/24/2017	$15,811.10
21779	Lakehaven Water & Sewer District	1/24/2017	$82.56
21780	Landau Associates	1/24/2017	$17,708.48
21781	McCarthy & Causseaux	1/24/2017	$1,618.83
21782	PanGEO, Inc.	1/24/2017	$3,438.48
21783	Philips Publishing Group	1/24/2017	$4,887.83
21784	Pierce County Budget & Finance PW	1/24/2017	$70,167.04
21785	Puget Sound Energy	1/24/2017	$1,444.73
21786	Reimer, Michael	1/24/2017	$70.00
21787	RW Scott	1/24/2017	$373,183.83
21788	Sewall Wetland Consulting, Inc.	1/24/2017	$1,400.00
21789	Shred-it	1/24/2017	$586.96
21790	Smarsh, Inc.	1/24/2017	$171.55
21791	State Auditor's Office	1/24/2017	$2,420.60
21792	State Treasurer's Office	1/24/2017	$428.00
21793	Walter Ann Designs	1/24/2017	$1,444.08
EFT Payment 1/18/2017	Shell	1/24/2017	$278.67
EFT Payment 1/18/2017	US Bank Corporate Payment System	1/24/2017	$9,878.31
21794	A & R Services dba Angela Rojo	1/24/2017	$785.00
21795	All Purpose Door Repair, Inc.	1/24/2017	$248.34
21796	Century Link	1/24/2017	$209.55
21797	City of Edgewood	1/24/2017	$6,500.00
21798	Code Publishing Inc.	1/24/2017	$430.41
21799	DLT Solutions LLC	1/24/2017	$7,549.23
21800	Flags A' Flying & Banners Too!	1/24/2017	$199.23
21801	Form Source, Inc.	1/24/2017	$288.93
21802	Int'l Inst.of Municipal Clerks	1/24/2017	$185.00
21803	Outdoor Escapes LLC	1/24/2017	$82.05
21804	Pierce County Budget & Finance PW	1/24/2017	$29,716.90
21805	Puget Sound Clean Air Agency	1/24/2017	$6,734.00
21806	Puget Sound Regional Council	1/24/2017	$387.55
21807	Wa. Assoc. of Bldg. Officials	1/24/2017	$95.00
EFT Payment 1/18/2017	Wells Fargo Financial Leasing	1/24/2017	$85.53
EFT Payment 1/18/2017	Wells Fargo Vendor Fin Serv	1/24/2017	$441.49
		Grand Total	**$576,391.86**

Total Claims Voucher Distribution	**$576,391.86**
Total Distribution Submitted for Review & Authorization	$627,209.01
Authorization Adjustments:	$0.00
Total Distribution Net of Prior Authorized Adjustments	**$627,209.01**

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

________________________________Mayor, Daryl Eidinger

________________________________Council Member

Voucher Directory

Vendor	Number	Reference	Account Number	Description	Amount
A & R Services dba Angela Rojo					
	21794			**2017 - January - 2nd Council Meeting**	
		413			
			January Services		
			001-018-000-518-30-41-01	Professional Services	$785.00
				Monthly Janitorial Svs. for Jan 2017	
		Total 413			**$785.00**
	Total 21794				**$785.00**
Total A & R Services dba Angela Rojo					**$785.00**
All Purpose Door Repair, Inc.					
	21795			**2017 - January - 2nd Council Meeting**	
		23131			
			January Services		
			001-018-000-518-30-48-03	Maintenance/Repairs - Buildings	$248.34
				Basement Door Repair	
		Total 23131			**$248.34**
	Total 21795				**$248.34**
Total All Purpose Door Repair, Inc.					**$248.34**
Century Link					
	21796			**2017 - January - 2nd Council Meeting**	
		253-952-3537 889B 12/22-1/22/17			
			12/22/16-1/22/17 Services		
			001-018-000-518-30-42-01	Telecommunications Charges	$107.97
				Fax and Fire Alarm Line	
		Total 253-952-3537 889B 12/22-1/22/17			**$107.97**
		253927-2018 680B 12/25-1/25/17			
			12/25/16-1/25/17 Services		
			001-018-000-518-30-42-01	Telecommunications Charges	$101.58
				Elevator Alarm Line	
		Total 253927-2018 680B 12/25-1/25/17			**$101.58**
	Total 21796				**$209.55**
Total Century Link					**$209.55**
City of Edgewood					
	21797			**2017 - January - 2nd Council Meeting**	
		011017-COE			
			SEPA Review-Flood Code Update		
			410-000-000-531-38-41-01	Professional Service	$3,250.00
		Total 011017-COE			**$3,250.00**

Vendor	Number	Reference	Account Number	Description	Amount
		011217-COE			
			SEPA Checklist-Traffic Impact Fee Study		
			001-058-000-558-60-41-23	Professional Serv-GMA	$3,250.00
		Total 011217-COE			$3,250.00
	Total 21797				$6,500.00
Total City of Edgewood					$6,500.00
Code Publishing Inc.					
	21798		2017 - January - 2nd Council Meeting		
		55193			
			2017 Web Hosting		
			001-014-000-514-30-42-06	Website Services	$350.00
			EMC Web Hosting		
		Total 55193			$350.00
		55225			
			January Services		
			001-014-000-514-30-41-01	Professional Services	$80.41
			EMC Updates		
		Total 55225			$80.41
	Total 21798				$430.41
Total Code Publishing Inc.					$430.41
DLT Solutions LLC					
	21799		2017 - January - 2nd Council Meeting		
		S1346851			
			January Purchases		
			001-014-000-518-80-49-03	Computer Subscriptions	$7,549.23
			AutoCAD		
		Total S1346851			$7,549.23
	Total 21799				$7,549.23
Total DLT Solutions LLC					$7,549.23
Flags A' Flying & Banners Too!					
	21800		2017 - January - 2nd Council Meeting		
		74682			
			January Purchases		
			001-018-000-518-30-31-01	Office & Operational Supplies	$199.23
			US Flag		
		Total 74682			$199.23
	Total 21800				$199.23
Total Flags A' Flying & Banners Too!					$199.23
Form Source, Inc.					
	21801		2017 - January - 2nd Council Meeting		
		850917			
			January Purchases		
			001-021-000-521-20-31-01	Office & Operational Supplies	$60.61

Vendor	Number	Reference	Account Number	Description	Amount
				Police Chief Business Cards	
		Total 850917			**$60.61**
		850923			
			January Purchases		
			001-018-000-518-30-31-01	Office & Operational Supplies	$228.32
				Receipt Pages	
		Total 850923			**$228.32**
	Total 21801				**$288.93**
Total Form Source, Inc.					**$288.93**
Int'l Inst.of Municipal Clerks					
	21802			**2017 - January - 2nd Council Meeting**	
		121216-IIMC			
			2017 Dues-Rachel Pitzel		
			001-014-000-518-10-49-01	Memberships	$185.00
		Total 121216-IIMC			**$185.00**
	Total 21802				**$185.00**
Total Int'l Inst.of Municipal Clerks					**$185.00**
Outdoor Escapes LLC					
	21803			**2017 - January - 2nd Council Meeting**	
		11019			
			January Services		
			001-076-000-576-80-48-01	Equipment Repair & Maintenance	$82.05
				Re-Winterize Parks Irrigation System	
		Total 11019			**$82.05**
	Total 21803				**$82.05**
Total Outdoor Escapes LLC					**$82.05**
Pierce County Budget & Finance PW					
	21804			**2017 - January - 2nd Council Meeting**	
		CI226230			
			2017 SWM Interlocal		
			410-000-000-531-38-51-01	Ditch Maint (Intergov)	$29,716.90
				Surface Water Mgmt Interlocal	
		Total CI226230			**$29,716.90**
	Total 21804				**$29,716.90**
Total Pierce County Budget & Finance PW					**$29,716.90**

Vendor	Number	Reference	Account Number	Description	Amount
Puget Sound Clean Air Agency					
	21805		**2017 - January - 2nd Council Meeting**		
		17-035S			
			2017 Clean Air Assessment		
			001-018-000-518-90-49-51	Puget Sound Clean Air Dues	$6,734.00
			2017 Annual Fees		
		Total 17-035S			**$6,734.00**
	Total 21805				**$6,734.00**
Total Puget Sound Clean Air Agency					**$6,734.00**
Puget Sound Regional Council					
	21806		**2017 - January - 2nd Council Meeting**		
		CI-226326			
			2017 PCRC Dues		
			001-018-000-518-90-49-52	Puget Sound Regional Council	$387.55
		Total CI-226326			**$387.55**
	Total 21806				**$387.55**
Total Puget Sound Regional Council					**$387.55**
Wa. Assoc. of Bldg. Officials					
	21807		**2017 - January - 2nd Council Meeting**		
		WABO2017			
			2017 Dues		
			001-058-000-558-50-49-01	Memberships	$95.00
		Total WABO2017			**$95.00**
	Total 21807				**$95.00**
Total Wa. Assoc. of Bldg. Officials					**$95.00**
Wells Fargo Financial Leasing					
	EFT Payment 1/18/2017 6:40:51 PM - 1		**2017 - January - 2nd Council Meeting**		
		5003654598			
			2/4-3/3/17 Lease Payment		
			001-018-000-518-30-45-06	Copier Lease	$85.53
			Lexmark Printers		
		Total 5003654598			**$85.53**
	Total EFT Payment 1/18/2017 6:40:51 PM - 1				**$85.53**
Total Wells Fargo Financial Leasing					**$85.53**
Wells Fargo Vendor Fin Serv					
	EFT Payment 1/18/2017 6:40:51 PM - 2		**2017 - January - 2nd Council Meeting**		
		66198367			
			January Lease Pmt		
			001-018-000-518-30-45-06	Copier Lease	$441.49
			Kyocera		
		Total 66198367			**$441.49**
	Total EFT Payment 1/18/2017 6:40:51 PM - 2				**$441.49**
Total Wells Fargo Vendor Fin Serv					**$441.49**
Grand Total		**Vendor Count**	**16**		**$53,938.21**

Voucher Directory

Vendor	Number	Reference	Account Number	Description	Amount
City of Fife					
	21773			**2016 - December - Period 13-2**	
		0144709			
			4th Qtr 2016 Services		
			001-014-000-518-80-41-01	Contracted IT Services	$3,854.62
		Total 0144709			**$3,854.62**
		0144710			
			4th Qtr 2016 Equipment Reimbursement		
			001-014-000-518-80-49-03	Computer Subscriptions	$4,251.81
				Microsoft Licensing Fee	
			001-018-000-594-18-64-02	Hardware - Computer	$832.79
				Laptop, Server, Hard Drives, Liquid Files	
		Total 0144710			**$5,084.60**
	Total 21773				**$8,939.22**
Total City of Fife					**$8,939.22**
City of Sumner					
	21774			**2016 - December - Period 13-2**	
		123116-COS			
			4th Qtr 2016 Animal Licenses		
			650-000-000-586-10-00-05	Animal Licenses	$992.00
				4th Qtr 2016	
		Total 123116-COS			**$992.00**
	Total 21774				**$992.00**
Total City of Sumner					**$992.00**
Copiers Northwest					
	21775			**2016 - December - Period 13-2**	
		INV1503987			
			12/14/16-1/13/17 Overage Charges		
			001-018-000-518-30-45-06	Copier Lease	$68.78
				Lexmark Overage Charges	
		Total INV1503987			**$68.78**
	Total 21775				**$68.78**
Total Copiers Northwest					**$68.78**

Vendor	Number	Reference	Account Number	Description	Amount
East Pierce Fire & Rescue					
	21776		**2016 - December - Period 13-2**		
		123116-EPFR			
			4th Qtr 2016 Fire Plan Review Fees		
			650-000-000-586-10-00-06	Fire Plan Review	$6,437.60
			4th Qtr 2016		
		Total 123116-EPFR			**$6,437.60**
	Total 21776				**$6,437.60**
Total East Pierce Fire & Rescue					**$6,437.60**
Foster Pepper PLLC					
	21777		**2016 - December - Period 13-2**		
		1156174			
			Dec Services-Matter No. 4		
			411-000-000-535-10-41-02	Legal Services	$451.50
			Docken		
		Total 1156174			**$451.50**
		1156176			
			Dec Services-Matter No. 5		
			411-000-000-535-10-41-02	Legal Services	$543.50
			2014 LID Appeal		
		Total 1156176			**$543.50**
	Total 21777				**$995.00**
Total Foster Pepper PLLC					**$995.00**
Gray & Osborne, Inc					
	21778		**2016 - December - Period 13-2**		
		1-G&O prj 16463.05			
			Dec Svcs-Prj 16463.05		
			001-058-000-558-60-41-03	Prof. Services (Non-reimbursable)	$222.18
			Wampold Short Plat		
		Total 1-G&O prj 16463.05			**$222.18**
		3-G&O prj 16463.02			
			Dec Svcs-Prj 16463.02		
			410-000-000-531-38-41-01	Professional Service	$3,271.55
			108th Ave E Hydrologic Report		
		Total 3-G&O prj 16463.02			**$3,271.55**
		30-G&O prj 14590.00			
			Dec Svcs-Prj 14590.00		
			340-000-000-595-80-41-02	STPUL HLP 3290(010) Jovita Seismic Walls Construction Mgmt	$12,317.37
		Total 30-G&O prj 14590.00			**$12,317.37**
	Total 21778				**$15,811.10**
Total Gray & Osborne, Inc					**$15,811.10**

Vendor	Number	Reference	Account Number	Description	Amount
Lakehaven Water & Sewer District					
	21779			**2016 - December - Period 13-2**	
		3574701 9/29-12/1/16			
			9/29/16-12/1/16 Services		
			001-018-000-518-30-47-04	Sewer Charges	$82.56
				City Hall	
		Total 3574701 9/29-12/1/16			**$82.56**
	Total 21779				**$82.56**
Total Lakehaven Water & Sewer District					**$82.56**
Landau Associates					
	21780			**2016 - December - Period 13-2**	
		0038572			
			Dec Svcs-Prj 0495075.010		
			001-058-000-558-60-41-01	Reim.Engineering - Prof. Serv	$17,708.48
				Westridge/Connor Homes Plat	
		Total 0038572			**$17,708.48**
	Total 21780				**$17,708.48**
Total Landau Associates					**$17,708.48**
McCarthy & Causseaux					
	21781			**2016 - December - Period 13-2**	
		182			
			December Services Acct 9018-00M		
			001-015-000-515-32-41-14	Hearing Examiner Legal Fees	$1,618.83
				Hearing Examiner Svcs	
		Total 182			**$1,618.83**
	Total 21781				**$1,618.83**
Total McCarthy & Causseaux					**$1,618.83**
PanGEO, Inc.					
	21782			**2016 - December - Period 13-2**	
		10997			
			6/24-11/26/16 Svcs-Prj 16-183		
			001-058-000-558-60-41-01	Reim.Engineering - Prof. Serv	$3,438.48
				Westridge Geotech Review	
		Total 10997			**$3,438.48**
	Total 21782				**$3,438.48**
Total PanGEO, Inc.					**$3,438.48**
Philips Publishing Group					
	21783			**2016 - December - Period 13-2**	
		25743			
			Winter2017 Magazine		
			001-018-000-518-20-49-05	Printing & Binding	$4,887.83
		Total 25743			**$4,887.83**
	Total 21783				**$4,887.83**
Total Philips Publishing Group					**$4,887.83**

Vendor	Number	Reference	Account Number	Description	Amount
Pierce County Budget & Finance PW					
	21784			**2016 - December - Period 13-2**	
		CI-226453			
			December Services		
			101-000-000-542-66-51-03	Road Maint Snow & Ice (Intergov)	$33,250.19
			101-000-000-542-70-51-04	ROW Veg Maint (Intergov)	$1,613.54
			410-000-000-531-38-51-01	Ditch Maint (Intergov)	$5,108.54
			410-000-000-531-38-51-02	Drain Maint (Intergov)	$24,328.84
			410-000-000-531-38-51-03	Structure Maint (Intergov)	$3,305.75
			410-000-000-531-38-51-03	Structure Maint (Intergov)	$1,819.27
			410-000-000-531-78-51-07	Polution Control (Intergov)	$740.91
		Total CI-226453			**$70,167.04**
	Total 21784				**$70,167.04**
Total Pierce County Budget & Finance PW					**$70,167.04**
Puget Sound Energy					
	21785			**2016 - December - Period 13-2**	
		010517-PSE			
			Dec 2016 Statement		
			101-000-000-542-63-47-01	Electricity	$1,444.73
				Street Lights	
		Total 010517-PSE			**$1,444.73**
	Total 21785				**$1,444.73**
Total Puget Sound Energy					**$1,444.73**
Refund Deposit Vendor					
	21786			**2016 - December - Period 13-2**	
		123116-MR		**Michael Reimer**	
			Wetland Review Refund		
			001-000-000-345-89-00-01	Other/Environmental Review Fees & Services	$70.00
				Rec# 2331-Wetland Review Refund	
		Total 123116-MR			**$70.00**
	Total 21786				**$70.00**
Total Refund Deposit Vendor					**$70.00**
RW Scott					
	21787			**2016 - December - Period 13-2**	
		PE #3			
			11/26-12/23/16 Services		
			340-000-000-595-80-63-01	STPUL HLP 3290(010) Jovita Seismic Walls Construction	$392,825.08
			642-000-000-386-10-00-02	Retainage-Contractor	($19,641.25)
		Total PE #3			**$373,183.83**
	Total 21787				**$373,183.83**
Total RW Scott					**$373,183.83**

Vendor	Number	Reference	Account Number	Description	Amount
Sewall Wetland Consulting, Inc.					
	21788			**2016 - December - Period 13-2**	
		42035			
			Dec Svcs-Job 16-225		
			001-058-000-558-60-41-01	Reim.Engineering - Prof. Serv	$700.00
				16-225 Domus	
		Total 42035			**$700.00**
		42036			
			Dec Svcs-Job 16-226		
			001-058-000-558-60-41-01	Reim.Engineering - Prof. Serv	$700.00
				16-226 Daffodil	
		Total 42036			**$700.00**
	Total 21788				**$1,400.00**
Total Sewall Wetland Consulting, Inc.					**$1,400.00**
Shell					
	EFT Payment 1/18/2017 5:54:48 PM - 1			**2016 - December - Period 13-2**	
		80000093974701			
			December Purchases		
			001-018-000-518-30-32-01	Fuel	$10.45
				PW Truck Lawn Equipment 15%	
			001-018-000-518-30-32-01	Fuel	$18.34
				City Hall Car	
			001-058-000-558-50-32-01	Fuel	$137.80
				Building Truck	
			001-076-000-576-80-32-01	Fuel	$17.42
				PW Truck Lawn Equipment 25%	
			101-000-000-542-30-32-01	Fuel	$20.90
				PW Truck Lawn Equipment 30%	
			410-000-000-531-38-32-01	Fuel	$28.85
				Skid Steer	
			410-000-000-531-38-32-01	Fuel	$24.01
				Chevy S-10	
			410-000-000-531-38-32-01	Fuel	$20.90
				PW Truck Lawn Equiipment 30%	
		Total 80000093974701			**$278.67**
	Total EFT Payment 1/18/2017 5:54:48 PM - 1				**$278.67**
Total Shell					**$278.67**

Vendor	Number	Reference	Account Number	Description	Amount
Shred-it					
	21789			**2016 - December - Period 13-2**	
		8121476997			
			December Services		
			001-018-000-518-30-41-01	Professional Services	$586.96
		Total 8121476997			**$586.96**
	Total 21789				**$586.96**
Total Shred-it					**$586.96**
Smarsh, Inc.					
	21790			**2016 - December - Period 13-2**	
		INV00204679			
			December Services		
			001-014-000-518-80-49-03	Computer Subscriptions	$171.55
		Total INV00204679			**$171.55**
	Total 21790				**$171.55**
Total Smarsh, Inc.					**$171.55**
State Auditor's Office					
	21791			**2016 - December - Period 13-2**	
		L118311			
			Audit 41769; 2014-2015		
			001-014-000-514-23-41-01	Accounting & Auditing Services	$1,675.80
				2014-2015 Audit	
		Total L118311			**$1,675.80**
		L118614			
			Audit 44516; 2014-2015		
			001-014-000-514-23-41-01	Accounting & Auditing Services	$744.80
				TBD Audit 2014-2015	
		Total L118614			**$744.80**
	Total 21791				**$2,420.60**
Total State Auditor's Office					**$2,420.60**
State Treasurer's Office					
	21792			**2016 - December - Period 13-2**	
		Q42016-State Treasurer			
			4th Qtr 2016 Building Code Fees		
			650-000-000-586-10-00-04	State Bldg Code Fee	$428.00
				4th Qtr 2016	
		Total Q42016-State Treasurer			**$428.00**
	Total 21792				**$428.00**
Total State Treasurer's Office					**$428.00**
US Bank Corporate Payment System					
	EFT Payment 1/18/2017 5:54:48 PM - 2			**2016 - December - Period 13-2**	
		122616-USBank			
			Dec 2016 Statement		
			001-014-000-514-20-31-05	Meeting Meals Expense	$507.42

Vendor	Number	Reference	Account Number	Description	Amount
				R.Pitzel-Branks-Retirement Luncheon	
			001-018-000-518-30-31-01	Office & Operational Supplies	$1,737.20
				D.Eidinger-Home Depot-Shelving Supplies	
			001-018-000-518-30-31-01	Office & Operational Supplies	$11.85
				D.Eidinger-Home Depot-Shelving Supplies	
			001-018-000-518-30-31-01	Office & Operational Supplies	$58.66
				A.Nix-Water Delivery	
			001-018-000-518-30-31-01	Office & Operational Supplies	$87.45
				D.Eidinger-Lowes-Wood for Storage area /Shelving	
			001-018-000-518-30-31-01	Office & Operational Supplies	$127.48
				D.Eidinger-Xtreme Graphics-Vinyl Decals	
			001-018-000-518-30-31-01	Office & Operational Supplies	$486.90
				J.Curbow-Staples/Office Depot-Misc Supplies	
			001-018-000-518-30-35-01	Small Tools/Minor Equip.	$1,505.79
				R.Pederson-Ferguson-City Hall Water Meter	
			001-058-000-558-50-31-01	Office & Operational Supplies	$62.97
				J.Curbow-Building Dept Rubber Stamps	
			001-058-000-558-50-31-01	Office & Operational Supplies	$233.84
				D.Mundy-WABO-Code Books-OJT Expense Josh K	
			001-058-000-558-50-32-01	Fuel	$27.79
				A.Nix-Shell-White Chevy-Fuel	
			001-058-000-558-50-35-01	Small Tools/Minor Equipment	$67.95
				A.Nix-Parts Geek-Dodge Dakota Floor Mats	
			001-058-000-558-50-43-01	Training/Travel Costs	$100.00
				D.Mundy-ICC-Seminar-OJT exp Josh K	
			001-058-000-558-50-43-01	Training/Travel Costs	$200.00
				D.Mundy-ICC-Training Class	
			001-058-000-558-50-43-04	Conference Meals	$23.96
				D.Mundy-Training Class-Meals	
			001-058-000-558-60-31-01	Office & Operational Supplies	$442.86
				K.Stender-Amazon-Shelving for Planning/PW	
			001-058-000-558-60-31-01	Office & Operational Supplies	$3.99
				K.Rappe-Amazon-Headphones	
			001-076-000-576-80-41-01	Professional Services	$575.00
				D.Eidinger-MPLC-Movie Licensing	
			001-076-000-576-80-41-01	Professional Services	$664.52
				D.Eidinger-FunFlicks-Movie Night	
			001-076-000-576-80-41-01	Professional Services	$564.52
				D.Eidinger-FunFlicks-Movie Night	
			410-000-000-531-38-31-01	Operational Supplies	$99.50
				A.Nix-FastCycle-Chevy S10 Tire Jack	
			410-000-000-531-38-31-01	Operational Supplies	$274.81
				A.Nix-Lowes-Engineering Tech Tools	

Vendor	Number	Reference	Account Number	Description	Amount
			410-000-000-531-38-31-01	Operational Supplies	$771.73
				A.Nix-Les Schwab-Chevy S10 Tires	
			410-000-000-531-38-31-01	Operational Supplies	$24.69
				A.Nix-OReilly-Chevy S10 Items	
			410-000-000-531-38-31-01	Operational Supplies	$54.49
				A.Nix-Real Truck-Chevy S10 Floor Mats	
			410-000-000-531-38-31-01	Operational Supplies	$436.91
				A.Nix-Canopy Kingdom-Chevy S10 Canopy	
			410-000-000-531-38-32-01	Fuel	$47.20
				A.Nix-Shell-Chevy S10 Fuel	
			501-000-000-591-59-75-02	Principal - City Vehicle	$174.03
				D.Eidinger-DOL-Chevy S10 Licensing	
			650-000-000-586-10-00-09	Suspense	$504.80
				R.Pitzel-Fraud Charges on City Card	
		Total 122616-USBank			**$9,878.31**
	Total EFT Payment 1/18/2017 5:54:48 PM - 2				**$9,878.31**
Total US Bank Corporate Payment System					**$9,878.31**
Walter Ann Designs					
	21793			**2016 - December - Period 13-2**	
		92634			
			December Services		
			001-018-000-518-30-48-03	Maintenance/Repairs - Buildings	$1,444.08
				Storage Room Shelving	
		Total 92634			**$1,444.08**
	Total 21793				**$1,444.08**
Total Walter Ann Designs					**$1,444.08**
Grand Total		**Vendor Count**	**23**		**$522,453.65**

CITY OF EDGEWOOD
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 17-0488

Date Action Requested: January 24, 2017

Title: Ordinance 17-0488, Right of Way Code Permitting/Franchising Revisions

Attachments: Ordinance #17-0488 and Study Session Staff Report January 17, 2017

Submitted By: Aaron C. Nix, ACA – Municipal Services

Approved For Agenda By: Daryl Eidinger, Mayor

Prepared For Agenda By: Aaron C. Nix, ACA – Municipal Services

Recommendation: Move to adopt Ordinance No. 17-0488, an Ordinance of the City of Edgewood amending sections of Edgewood Municipal Code Chapter 12.06, Right of Way Franchises and Permits for Public and Private Utilities, adding an alternative annual permitting process for work within the city right of way, cost reimbursement provisions, when application for right of way permits are required and establishing an effective date.

Discussion: Staff have outlined pathways to the City Council on previous occasions, their desire of creating a modified, streamlined permitting process as it pertains to less intrusive work by Utilities within non-critical areas within the City's Right of Way in order to cut down on the amount of work required by these Utilities and the amount of oversight required on the part of the City. In meeting these desires, City Staff, in collaboration with the City Attorney have attempted to draft language that meets the intent of the City Council and provides a mechanism for cost recovery, with minimal fiscal impact to the Applicant and the City. The City Council held a Public Hearing on the Draft Ordinance at their January 10, 2017 Council meeting and received no written or verbal comment on the proposed changes to EMC 12.06 – Right of Way Franchises and Permits for Public and Private Utilities. A subsequent Study session was held on January 17, 2017 in order for the Council to do additional work on the Ordinance and prepare it for adoption at a subsequent Council meeting. One modification was made in regard to noticing timing, as requested by Councilor Lowry, the issue of telecommunication/cable franchise agreements addressed and a final review completed by City Attorney Carol Morris completed.

Alternatives: 1) Do not adopt. **2)** Forward to Study Session for further review

<u>Fiscal Impact</u>: The alternative permitting process allows a mechanism in which the City will be able to collect fees on a cost recovery basis, as hours are allocated in order to provide services to this alternative form of permitting. A cash reserve balance will be established and drawn upon as services are rendered and replenished as dictated by code.

ORDINANCE NO. 17-0488

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, REGULATING THE USE OF THE RIGHT-OF-WAY, FOR PUBLIC AND PRIVATE UTILITIES; ADDING AN ALTERNATIVE, ANNUAL PERMITTING PROCESS FOR WORK WITHIN THE CITY RIGHT OF WAY; ADDING COST REIMBURSMENT PROVISIONS; CLARIFYING WHEN APPLICATION FOR RIGHT OF WAY PERMITS ARE REQUIRED; REFERENCING THE CITY'S FEE RESOLUTION AS ESTABLISHED BY THE CITY COUNCIL, AMENDING SECTIONS 12.06.010, 12.06.020, 12.06.070, 12.06.070, 12.06.080, 12.06.090, 12.06.095, 12.06.100, 12.06.110 AND 12.06.120 OF THE EDGEWOOD MUNICIPAL CODE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, current City of Edgewood municipal code regulates permits for public and private utilities within the City's right of way in Chapter 12.06 of Edgewood Municipal Code; and

WHEREAS, this City Council has been made aware of the potential time/cost burden placed on a local water purveyor as it pertains to the traditional right of way permitting process, as it pertains to routine, maintenance of service related infrastructure, outside areas of significant public use within the right of way within the City of Edgewood; and

WHEREAS, it is the Council's desire to continue to regulate activities within the City's right of way, in the protection of health and life safety in the public interest, but to do so for less critical items in a more streamlined, effective manner, that otherwise are not being reported, observed or recorded due to the limitations associated with the current permitting system; and

WHEREAS, the Council of the City of Edgewood desires to provide this flexibility, protect the City's infrastructure, report all activities/work within the City's right of way and provide a cost recovery mechanism in order to help the City meet these objectives, and

WHEREAS, this Ordinance was presented to the City Council for first reading on January 10, 2017; and

WHEREAS, this Ordinance was presented to the City Council for second reading on January 17, 2016; and

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

Section 1. Findings. The recitals above are hereby adopted as legislative findings in support of this ordinance. The City Council further adopts by reference previously held study session staff reports and the agenda bill dated January 17th, 2017 as additional findings.

Section 2. Section 12.06.010 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

12.06.010 Purpose.

The purpose of this chapter is to regulate the use of the public right of way, to establish standards for the granting of city right-of-way franchises for public and private utilities, and to ensure consistency of such franchises with the city comprehensive plan, sound engineering and design standards, health and sanitation regulations, and the public interest. The provisions of this chapter shall apply to all franchisees unless otherwise specified; provided, that, should the provisions of a specific franchise conflict with the provisions of this chapter, the provisions of the franchise shall control.

Section 3. Section 12.06.020 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

12.06.020 Franchises required.

Persons and private or municipal corporations are required to obtain a right-of-way franchise approved by the Edgewood city council in order to use the right-of-way for the construction and maintenance of waterworks, gas pipes, telephone, telegraph, and electric lines, sewers, ~~cable TV,~~ petroleum products, and any other such public and private utilities, except that:

A. The Edgewood department of public works and any entity under contract with Edgewood shall be exempt from this requirement.

B. The waterworks, specifically including without limitation any pipelines owned and/or operated by any municipal utility for which a valid recorded easement or use right has been granted by the city council, shall be exempt from this requirement.

C. A service provider of “cable television service,” “personal wireless services,” and “telecommunications service”, as these services are defined in chapter 35.99 RCW, shall be required to follow the procedures adopted by the City for franchises, master use permits and/or the issuance of use permits for these services in the City’s right-of-way, as required by chapter 35.99 RCW.

~~C~~ D. In lieu of a franchise, site-specific facilities may be authorized through a right of way use agreement approved by the City Council.

Section 4. Section 12.06.060 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

12.06.060 Application.

Applications for right-of-way franchises shall be submitted in the form approved by the Public Works Director ~~city engineer~~ to the Edgewood department of public works.

Section 5. Section 12.06.070 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

12.06.070 Franchise fees.

There is established a ~~$500 nonrefundable~~ fee for each franchise application, as established by resolution within the fee schedule, described in EMC 3.35.010. Said fee will provide reimbursement to the city of Edgewood for the administrative costs and expenses associated with processing the application. The fee shall be payable in its entirety at the time each separate application for a new franchise or franchise renewal, amendment, supplement, or assignment is filed with the department of public works. Each applicant shall reimburse the city for public notice advertising and publication costs incurred in respect to each application in addition to the established ~~$500.00~~ fee. Further, to the fullest extent allowed by law, all grantees shall reimburse the city for all direct and indirect costs and expenses over and above the established ~~$500.00~~ fee incurred by the city in connection with any grant, modification, amendment, renewal, or transfer of any franchise, within 30 days after written demand thereof.

Section 6. Section 12.06.080 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

12.06.080 Review of applications.

The Edgewood department of public works shall be responsible for the administration and enforcement of franchises, ~~and~~ right-of-way permits and alternative annual utility right-of-way permits.

Section 7. Section 12.06.090 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

12.06.090 Utility right-of-way permit <u>or alternative annual utility right of way permit</u> required.

Persons and private or municipal corporations are required to obtain a utility right-of-way permit <u>or an alternative annual utility right of way permit</u>, approved by the Edgewood <u>Public Works Director</u> ~~engineer~~ for construction and maintenance of utility facilities in the public right-of-way of city roads, as outlined in EMC <u>12.06.020</u>, except as noted in EMC <u>12.06.~~130~~ 120</u> and <u>12.06.160</u>.

Section 8. A new section 12.06.095 is hereby added to the Edgewood Municipal Code, which shall read as follows:

<u>**12.06.095 Alternative, annual utility right-of-way-permit.**</u>

<u>A. PURPOSE. It is the intent of this section to establish an alternative, streamlined permitting process under which franchisee may obtain a single, annual permit collectively authorizing repetitive, marginally intrusive activities by utilities within the city right-of-way that individually are of very short duration, do not entail disruption to traffic or pedestrian flows, and are objectively minor in nature. Such activities include:</u>

<u>1. Minor utility service adjustments or repair located within the right of way, but outside the paved roadway, shoulder, sidewalk and/or ditchlines.</u>

<u>2. Other, similarly minor and marginally-intrusive activities within the right of way, as may be approved by the Public Works Director.</u>

<u>B. DURATION. An alternative annual utility right of way permit will be valid for a maximum of one calendar year and will serve as a blanket, collective authorization for all of the activities referenced above and as further approved by the Public Works Director.</u>

<u>C. COST REIMBURSEMENT. The permittee shall reimburse the city for all of the City's direct and indirect costs and expenses in review, inspection and documentation of activities with this permit, establishing an initial cash reserve balance in the amount of $1,000, to be drawn upon as staff, consultant and/or legal expenses are for these activities, at hourly rates established</u>

within the city of Edgewood's adopted Fee Schedule. Said cash reserve balance shall be replenished when the balance reaches a level below $200, within 30 days after written notice thereof by the Finance Director.

D. NOTICE. The permittee shall provide no less than two (2) business working days written notice to the Public Works Director before performing any of the activities authorized under an alternative annual utility right of way permit. Said notice shall include the nature, commencement date, location, duration and anticipated completion date of the activities. Once the activity is completed, the permittee shall notify the City of work completion and readiness for final inspection by the City.

E. REQUIREMENTS; CONDITIONS. Except as otherwise provided under this section, all other applicable requirements of this chapter shall apply with respect to alternative annual utility right of way permits. Without limitation of the foregoing, the Public Works Director may impose such reasonable conditions of approval upon any such permit as deemed necessary or appropriate by the Director in order to protect the public health, safety and welfare.

Section 9. Section 12.06.100 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

12.06.100 Application.

Applications for utility right-of-way permits and alternative annual utility right of-way-permits shall be submitted to the Edgewood department of public works in the form approved by the ~~engineer~~ Public Works Director.

Section 10. Section 12.06.110 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

12.06.110 Utility right-of-way permit fees.

All permit applications to perform work on any city-owned and maintained public road surface shall be accompanied by an ~~$50.00~~ application fee, as indicated within the most current version of the City's Fee Schedule. In addition, any excavation work on any city-owned and maintained public road surface shall be accompanied with a cash deposit as identified below:

On chip sealed surfaces where estimated pavement cuts are less than 180 square feet, a cash deposit toward the final fee of a sum equal to $4.60 per square foot, times the estimated paved surface on each excavation to be made is required. For estimated pavement cuts greater than 180 square feet on chip sealed surfaces, the cash deposit shall be the sum equal to $828.00, plus an additional $828.00 per 100 lineal feet, or portion of trench length exceeding the first 100 feet.

On full depth asphalt or concrete surfaces where estimated pavement cuts are less than 960 square feet, a cash deposit is required toward the final fee of a sum equal to $4.00 per square foot, times the estimated paved surface on each excavation to be made. For estimated pavement cuts greater than 960 square feet, the cash deposit shall be the sum equal to $3,840 per 100 lineal feet or portion of the trench length exceeding the first 100 feet.

Section 11. Section 12.06.120 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

12.06.120 Permit Exception. ~~Exemption from all permit fees.~~

A. Any utility performing work as a result of a city construction or maintenance shall be exempt from any applicable permit fee.~~ Any utility performing emergency work shall be exempt from any applicable permit fee.~~

B. A right-of-way use permit shall not be required of utilities or franchised utilities when responding to emergencies that require work in the right-of-way, including without limitation water or sewer main breaks, gas leaks, downed power lines or similar emergencies; provided, that the department shall be notified by the responding utility or city contractor verbally or in writing, as soon as practicable following onset of an emergency. Nothing herein shall relieve a responding utility or city contractor from the requirement to apply for a right-of-way use permit within 48 hours after beginning emergency work in the right-of-way.

Section 12. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 13. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL ON JANUARY 24th, 2017

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Mayor Daryl Eidinger

ATTEST/AUTHENTICATED:

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City Clerk Rachel Pitzel

APPROVED AS TO FORM:

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Carol Morris, City Attorney

Date of Publication: *January 26, 2017*
Effective Date: *January 31, 2017*

CITY OF EDGEWOOD
STAFF REPORT
STUDY SESSION AGENDA ITEM: ROW CODE REVISIONS (EMC 12.06)

Date: January 17, 2017

Title: DRAFT Right of Way Code Ordinance 17-0488

Attachments: Proposed, Draft Revisions

Submitted By: Aaron C. Nix, Assistant City Administrator, Municipal Services

Approved For Agenda By: Daryl Eidinger, Mayor

Discussion: Staff have expressed to the City Council on previous occasions the desire to meet the Council's intention of creating a modified, streamlined permitting process as it pertains to less intrusive work by Utilities within non-critical areas within the City's Right of Way in order to cut down on the amount of work required by these Utilities and the amount of oversight required on the part of the City. In meeting these desires, City Staff, in collaboration with the City Attorney have attempted to draft language that we believe meets the intent of the City Council and provides a mechanism for cost recovery, with minimal fiscal impact to the Applicant and the City. The City Council held a Public Hearing on the Draft Ordinance at their January 10, 2017 Council meeting and received no written or verbal comment on the proposed changes to EMC 12.06 – Right of Way Franchises and Permits for Public and Private Utilities.

Recommendation: No formal recommendation at this point as this is a City Council Study Session item. The Mayor and Staff are looking towards the City Council to discuss these proposed modifications, receive input and guidance on next steps in ensuring equity and fairness to all utilities that utilize the City's Right of Way in providing services to the residents of Edgewood.

Fiscal Impact: Under the City's current code, any work within the City's Right of Way by a Utility is required to obtain a Right of Way Permit. This can be after the fact in an emergency situation, but in these cases, permittees are exempt from having to pay permit fees for under these circumstances. In the case of the City's past Franchise Agreement with MTVE, Right of Way permits were not required to be obtained by MTVE in cases in which work occurred outside the asphalt roadway section, but within the City's Right of Way. In cases in which work did occur within the asphalt section of the road, permits were required for paper trail purposes only. In order to ensure better tracking of the activities within the City's right of way, maintain public safety and infrastructure and ensure adequate financial tracking, as mandated by best accounting practices, code modifications are necessary, as requested by the, Mayor, City Council and Staff in order to provide for a streamlined permitting process and provide adequate cost recovery for services provided.