

CITY COUNCIL AGENDA

15728 Main Street, Mill Creek, WA 98012 (425) 745-1891



Pam Pruitt, Mayor • Brian Holtzclaw, Mayor Pro Tem • Mark Bond
Mike Todd • Vince Cavaleri • John Steckler • Stephanie Vignal

Regular meetings of the Mill Creek City Council shall be held on the first, second and fourth Tuesdays of each month commencing at 6:00 p.m. in the Mill Creek Council Chambers located at 15728 Main Street, Mill Creek, Washington. Your participation and interest in these meetings are encouraged and very much appreciated. We are trying to make our public meetings accessible to all members of the public. If you require special accommodations, please call the office of the City Clerk at (425) 921-5725 three days prior to the meeting.

The City Council may consider and act on any matter called to its attention at such meetings, whether or not specified on the agenda for said meeting. Participation by members of the audience will be allowed as set forth on the meeting agenda or as determined by the Mayor or the City Council.

To comment on subjects listed on or not on the agenda, ask to be recognized during the Audience Communication portion of the agenda. Please stand at the podium and state your name and residency for the official record. Please limit your comments to the specific item under discussion. Time limitations shall be at the discretion of the Mayor or City Council.

Study sessions of the Mill Creek City Council may be held as part of any regular or special meeting. Study sessions are informal, and are typically used by the City Council to receive reports and presentations, review and evaluate complex matters, and/or engage in preliminary analysis of City issues or City Council business.

Next Ordinance No. 2019-850

Next Resolution No. 2019-579

May 28, 2019
City Council Meeting
6:00 PM

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

AUDIENCE COMMUNICATION

- A. Public comment on items on or not on the agenda

OLD BUSINESS

- B. Settlement Agreement Between the City of Mill Creek and Comcast Regarding Franchise Fee Audit/Review
(Peggy Lauerman, Director of Finance & Administration)

NEW BUSINESS

- C. Snohomish County Housing Task Force
(Michael Ciaravino, City Manager)

- D. Ordinance Adopting Proposed Mill Creek Municipal Code Amendments Regulating Wireless Communication Facilities
(Elana Zana, Attorney with Ogden Murphy Wallace P.L.L.C.)

STUDY SESSION

- E. Grant Funding Application Criteria and Process
(Michael Ciaravino, City Manager and Peggy Lauerman, Director of Finance & Administration)

CONSENT AGENDA

- F. Approval of Checks #60283 through #60358 and ACH Wire Transfers in the Amount of \$313,447.12
(Audit Committee: Mayor Pruitt and Councilmember Bond)
- G. Payroll and Benefit ACH Payments in the Amount of \$205,773.60
(Audit Committee: Mayor Pruitt and Councilmember Bond)
- H. City Council Meeting Minutes of February 19, 2019

REPORTS

- I. Mayor/Council
- J. City Manager
- Council Planning Schedule
- K. Staff
- Neighborhood Focus Group Meeting Minutes of April 18, 2019

AUDIENCE COMMUNICATION

- L. Public comment on items on or not on the agenda

RECESS TO EXECUTIVE SESSION

(Confidential session of the Council)

- M. To discuss real estate matters pursuant to RCW 42.30.110(1)(b)

Action may or may not be taken.

ADJOURNMENT



Agenda Item # B
Meeting Date: May 28, 2019

CITY COUNCIL AGENDA SUMMARY

City of Mill Creek, Washington

AGENDA ITEM: SETTLEMENT AGREEMENT BETWEEN THE CITY OF MILL CREEK AND COMCAST REGARDING FRANCHISE FEE AUDIT/REVIEW

PROPOSED MOTION:

Authorize the City Manager to execute the agreement with Comcast Cable Communications, LLC ("Comcast"), in full settlement of all Franchise Fee payment obligations for the period from January 1, 2011 through December 31, 2017 ("Settlement Period").

KEY FACTS AND INFORMATION SUMMARY:

As discussed in previous meetings with Council, The Cohen Law Group ("CLG") was engaged by the City of Mill Creek (the "City") to complete a franchise fee review of Comcast, pursuant to Section 3.5 of the Cable Franchise Agreement ("Agreement") between the two parties. The review period corresponds to a six-year period beginning January 1, 2011 and ending December 31, 2017.

After an in-depth review, CLG has found Comcast to be non-compliant with respect to the following areas of inquiry.

Fee-On-Fee Revenues

Pursuant to the audit, CLG discovered that Comcast did not include "franchise fees" in its franchise fee payment calculations in violation of the Agreement. In the definition of "gross revenues" as set forth in Section 1.27 of the Agreement, "franchise fees" are specifically listed as a revenue source that is required to be included in franchise fee calculations.

TV Guide Revenues

CLG also discovered that for the month of November 2014, Comcast omitted TV guide revenues from its franchise fee calculations.

Cost of the Audit

Section 3.5, *Audits*, of the Agreement states, "If the audit shows that Franchise Fee payments have been underpaid by three percent (3%) or more, Grantee shall pay the total cost of the audit, such audit cost not to exceed five thousand dollars (\$5,000) times each year covered by the audit period."

The total underpayment of \$87,297.17, exceeds three percent, and thus Comcast is also responsible for reimbursing the City for the cost of the audit of \$5,310 bringing the total due to the City of \$92,607.17. Additional language was added to the contract that specifies Comcast is only entitled to pass through the underpayment of \$87,297.17. In addition, the adjustment will not begin until May, 2020.

CITY MANAGER RECOMMENDATION:

Authorize the proposed settlement agreement with Comcast for the settlement period.

ATTACHMENTS:

- Attachment A: Settlement Agreement between the City of Mill Creek and Comcast regarding franchise fee audit/review.
- Attachment B: Redlined version of the Settlement Agreement between the City of Mill Creek and Comcast regarding franchise fee audit/review

Respectfully Submitted:

Michael G. Ciaravino
City Manager

**SETTLEMENT AGREEMENT BETWEEN THE
CITY OF MILL CREEK AND COMCAST REGARDING
FRANCHISE FEE AUDIT/REVIEW**

This Settlement Agreement (“Settlement Agreement”) is dated this ____ day of May, 2019, by and between Comcast Cable Communications, LLC (“Comcast”), and the City of Mill Creek, a Washington municipal corporation (“City”). Comcast and the City may be individually referred to hereafter as a “Party” or jointly as the “Parties.”

RECITALS

WHEREAS, Section 3.1 of Mill Creek Ordinance No. 2006-652 permits the City to receive from Comcast a franchise fee in the amount of five percent of Comcast’s gross revenues (“Franchise Fee”);

WHEREAS, the City engaged the firm of Cohen Law Group to conduct a review of Comcast’s Franchise Fee payments for the period from January 1, 2011 through December 31, 2017 (“Audit Period”);

WHEREAS, Comcast received a letter prepared by Cohen Law Group dated May 22, 2018 regarding its audit (“Audit Report”), and Comcast agrees that additional franchise fees are owed to the City for the Audit Period;

WHEREAS, the Parties deem it to be to their mutual benefit to settle their differences for all Franchise Fee payment issues for the period from January 1, 2011 through December 31, 2017 (“Settlement Period”) by this Settlement Agreement, and to resolve all such disputes and specify the terms under which Comcast will pay the City the sum of \$92,607.17 (“Settlement Payment”) in full settlement of all Franchise Fee payment obligations for the Settlement Period.

NOW THEREFORE, in consideration of and exchange for the mutual benefits and undertakings described herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. PAYMENT BY COMCAST

Within thirty (30) days of delivery to Comcast of a counterpart original of this Settlement Agreement executed by the City, Comcast shall deliver to the City Finance Director a check made payable to the City of Mill Creek in the amount of \$92,607.17. Comcast reserves the right to pass through \$87,297.17 to customers for underpayments which have not previously been collected as franchise fees; provided that under no circumstances shall Comcast charge more than 6.99% of gross revenues in any one month as franchise fees and adjustments. Such pass through adjustment may begin in May 2020.

2. RELEASE OF ALL CLAIMS AND FINAL SATISFACTION AND RELEASE OF PAYMENT OBLIGATIONS

Upon negotiation of the Settlement Payment check and confirmation by the City

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that the Settlement Payment proceeds have been deposited in the City's bank account, the Parties hereby release and discharge each other from all claims related to Franchise Fee payments for the Settlement Period. Payment by Comcast to the City pursuant to Section 1 and Section 2 hereof shall be deemed full and final satisfaction and release of Comcast's Franchise Fee payment obligations for the Settlement Period.

3. NO WAIVER OR CONCESSION OF THE METHOD OF CALCULATION OF GROSS REVENUES

The Parties mutually agree that this Settlement Agreement controls only the Settlement Period and is neither precedent nor waiver by either Party of any claim, methodology or interpretation of the Franchisee's gross revenues for any future audit of periods not within the Settlement Period.

4. GENERAL PROVISIONS

(a) Each Party covenants and agrees that it will not make, assert or maintain any claim, demand, action or cause of action that is discharged by this Settlement Agreement against the other Party; provided, however, that either Party may bring an action against the other Party to enforce this Settlement Agreement.

(b) Each Party represents that it has not conveyed or assigned any claims released by this Settlement Agreement to any third parties. Each Party represents and warrants that it has the power and authority to enter into this Settlement Agreement. Any breach of this Settlement Agreement shall be subject to all remedies available to the Parties at law or in equity. In addition, any breach of this Settlement Agreement shall be deemed a breach of the Franchise Agreement, and shall be subject to all of the remedies available under the Franchise Agreement.

(c) The Settlement Agreement sets forth the entire agreement of the Parties with respect to its subject matter, there being no other promise or inducement to or for the execution of this Settlement Agreement other than the consideration cited above. There are no contingencies, conditions precedent, representations, warranties, or other agreement, oral or otherwise, regarding settlement between the Parties not stated herein.

(d) The Parties acknowledge that this Settlement Agreement is the product of negotiations between the Parties and does not constitute, and shall not be construed as, an admission of liability on the part of any Party.

(e) This Settlement Agreement shall inure to the benefit of, and shall be binding on, the Parties' respective successors and assigns. There are no third party beneficiaries of this Settlement Agreement.

(f) This Settlement Agreement may not be modified or amended, nor any of its terms waived, except by an amendment signed by duly authorized representatives of the Parties.

(g) This Settlement Agreement shall be construed and enforced in accordance with the laws of the State of Washington without regard to conflicts of law principles. All

actions or suits brought hereunder or arising out of this Settlement Agreement shall be brought in the appropriate State or Federal courts in Washington, and in no other courts.

(h) This Settlement Agreement shall be effective upon the last date it is executed on behalf of Comcast and the City. The last Party to sign this Settlement Agreement shall promptly transmit a color pdf or hard copy of this Settlement Agreement to the other Party.

(i) All time frames expressed in terms of days shall mean calendar days, and if the time allowed for action required hereunder shall expire on a Saturday, Sunday, or holiday as defined, and if the time allowed for action required hereunder shall expire on a Saturday, Sunday, or holiday as defined by the laws of the State of Washington, then the expiration shall automatically be the next calendar day that is not a Saturday, Sunday, or holiday. All time frames are agreed to be of the essence.

IN WITNESS WHEREOF, the Parties have caused this Settlement Agreement to be executed by duly authorized representatives of each Party on the dates written below.

CITY OF MILL CREEK, Washington

By: _____
Michael G. Ciaravino, City Manager Date

ATTEST:

By: _____
Gina Pfister, City Clerk

APPROVED AS TO FORM

By: _____
Scott Missall, City Attorney

COMCAST CABLE COMMUNICATIONS, LLC

By: _____
Name: _____
Title: _____
Date: _____

**SETTLEMENT AGREEMENT BETWEEN THE
CITY OF MILL CREEK AND COMCAST REGARDING
FRANCHISE FEE AUDIT/REVIEW**

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2. RELEASE OF ALL CLAIMS AND FINAL SATISFACTION AND RELEASE OF PAYMENT OBLIGATIONS

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(c) The Settlement Agreement sets forth the entire agreement of the Parties with respect to its subject matter, there being no other promise or inducement to or for the execution of this Settlement Agreement other than the consideration cited above. There are no contingencies, conditions precedent, representations, warranties, or other agreement, oral or otherwise, regarding settlement between the Parties not stated herein.

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IN WITNESS WHEREOF, the Parties have caused this Settlement Agreement to be executed by duly authorized representatives of each Party on the dates written below.

CITY OF MILL CREEK, Washington

By: _____
Robert S. Stowe, Interim City Manager Date

ATTEST:

By: _____
Gina Pfister, Acting City Clerk

APPROVED AS TO FORM

By: _____
Scott Missall, City Attorney

COMCAST CABLE COMMUNICATIONS, LLC

By: _____

Name: _____

Title: _____



Agenda Item # D
Meeting Date: May 28, 2019

CITY COUNCIL AGENDA SUMMARY

City of Mill Creek, Washington

**AGENDA ITEM: ORDINANCE ADOPTING PROPOSED MILL CREEK
MUNICIPAL CODE AMENDMENTS REGULATING WIRELESS
COMMUNICATION FACILITIES**

PROPOSED MOTION:

Adopt Council Ordinance 2019-_____ regulating wireless communication facilities.

KEY FACTS AND INFORMATION SUMMARY:

Small cell wireless communication facilities (WCF) will be deployed throughout the nation over the next several years. This new technology will result in much faster data transmission to wireless communication/data devices (cell phones, tablets, and computers). These facilities are different than the macro cell facilities that are currently deployed throughout the City, which are placed on high poles or buildings, mostly in commercial areas. The goal of small cell facilities is to increase capacity for the 4G network and prepare for the future 5G network. Small cell facilities are typically between 25 and 35 feet in height and have a range limited to 300 to 1000 feet. Thus, a lot more of the antenna locations are needed, and to provide service in residential areas, the antennas will be deployed in those residential areas.

To facilitate the deployment of small cell WCF, the Federal Communications Commission (FCC) adopted new rules that went into effect on January 14, 2019. These new rules affect how the City can regulate and process applications for small cell WCF. In brief, the new rules:

- limit discretion on where small cell facilities can be placed (for example, cannot prohibit the use of the right-of-way or placement in residential zones),
- limit discretion on aesthetic requirements;
- limit the fees the City can charge for processing applications, and
- require quicker turnaround times for project approvals.

As a result of the new FCC rules, the MCMC needs to be revised to fully be in compliance. To assist staff in making revisions to the City's code, the City retained Elana Zana, an attorney with Ogden Murphy Wallace and a recognized expert in the WCF field. Over the past several months, Ms. Zana and staff have prepared code amendments to be compliant with the new rules. The focus of the revisions is to ensure that the new code facilitates the deployment of small cell WCF technology with the least impact to the community as practical. The Planning Commission has participated in this code preparation process by reviewing the new regulations and providing feedback at their regular monthly meetings. The Council's Planning Commission liaison Mayor Pro Tem Holtzclaw was present at one of these Planning Commission meetings.

City Council Agenda Summary

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Proposed Regulations Highlights

The City currently processes WCF applications through the Conditional Use Permit process, followed by the review and issuance of building and right-of-way permits. Given the new time constraints imposed by the FCC (90 days to completely permit a new facility, including approval of design and issuance of building and right-of-way permits), using the current Conditional Use Permit process, would make it challenging to complete within 90 days. As a result, the proposed Code amendments remove WCF regulations from MCMC Chapter 17.28 (Conditional Use) and establish a new Chapter 17.29 (Wireless Communication Facilities) regulating both Marco and Small Cell Wireless facilities. The proposed Chapter 17.29 establishes a consolidated application process with administrative review and action, detailed review criteria, timeframes for review, design and concealment standards, and an appeals process.

The Planning Commission conducted a public hearing on April 18, 2019, to take public testimony on the proposed amendments. Representatives from Verizon and CrownCastle both testified and were supportive of the process and the proposed amendments. Two members of the public testified and their primary concerns were regarding the health aspects of wireless facilities and they urged the Planning Commission to delay recommending the proposed amendments and take a wait and see approach.

In response to the health concerns, staff researched the FCC website and found out that the FCC has adopted and used recognized safety guidelines for evaluating RF environmental exposure since 1985. Federal health and safety agencies, such as the EPA, FDA, the National Institute for Occupational Safety and Health (NIOSH) and the Occupational Safety and Health Administration (OSHA) have also been involved in monitoring and investigating issues related to RF exposure. Regardless, because the FCC has adopted guidelines, the City cannot consider RF exposure in our permitting process.

In response to the comment regarding delaying adoption of the WCF amendments, delaying amending the City's Code would not prohibit a wireless company from applying for a wireless facility permit. The FCC ruling that was effective in January 2019 gives the wireless carriers the right to apply for WCF permits. The proposed amendments contain aesthetic guidelines for small cell facilities, which gives the City additional tools that we don't have with our existing Code to ensure that small cell facilities have the least impact on the City as possible.

Following the testimony, the Planning Commission unanimously voted to adopt Planning Commission Resolution 2019-166 recommending that the City Council adopt the proposed amendments. The minutes from the April 18 meeting are attached.

CITY MANAGER RECOMMENDATION:

Adopt Council Ordinance 2019-_____ adopting the proposed MCMC amendments.

City Council Agenda Summary
Page 3

ATTACHMENTS:

- Attachment 1: Draft Council Ordinance
- Attachment 2: Planning Commission Resolution 2019-166, with attached staff report
- Attachment 3: Planning Commission minutes from April 18, 2019

Respectfully Submitted:

Michael G. Ciaravino
City Manager

ORDINANCE NO. 2019-_____

AN ORDINANCE OF THE CITY OF MILL CREEK, WASHINGTON, AMENDING MILL CREEK MUNICIPAL CODE (MCMC) SECTION 3.42.180 FEES UNDER MCMC 17.42.010 (ZONING AND LAND USE), MCMC SECTION 14.09.010 ADMINISTRATIVE DECISIONS WITHOUT NOTICE, MCMC SECTION 14.11.090 APPEAL MATRIX, TITLE 17.28 OF THE MILL CREEK MUNICIPAL CODE BY REPEALING MCMC SECTION 17.28.080 AND REPLACING IT WITH NEW MCMC CHAPTER 17.29 AUTHORIZING AND ESTABLISHING STANDARDS FOR THE DEPLOYMENT OF ALL WIRELESS COMMUNICATION FACILITIES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, RCW 36.70A.040 and 36.70A.120 require the City of Mill Creek (“City”) to adopt development regulations, including zoning regulations, to implement the City's Comprehensive Plan; and

WHEREAS, the Federal Communications Commission (FCC) recently adopted a Declaratory Ruling, Order and Regulation (FCC Order), which imposes limitations on local municipalities including the City of Mill Creek (City) regarding processing and review of all permits associated with the deployment of small wireless facilities; and

WHEREAS, the City Council deems it to be in the public interest to revise its municipal code requirements to deal with small wireless facilities as well as macro facilities;

WHEREAS, the permitting procedures as well as the aesthetic design and concealment standards that govern deployment of wireless facilities will become MCMC Chapter 17.29;

WHEREAS, separately, federal law and regulation also sets time limits on the processing of applications for eligible facility requests to expand existing structures which do not substantially change the height or profile of the structures used to collocate wireless communications facilities and which regulations will also become part of MCMC Chapter 17.29; and

WHEREAS, the FCC Order allows the City to adopt aesthetic standards for deployment of small wireless facilities that will require utilization of a consolidated process emphasizing administrative review in order to comply with federal presumptively reasonable time limits for review; and

WHEREAS, the City Council finds that the existence of federal regulations requires the enactment of administrative procedures and processes which can comply with the FCC Order; and

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WHEREAS, on March 26, 2019, the City issued a SEPA threshold Determination of Non-Significance for the Proposed Amendments to the Development Code; and

WHEREAS, on April 9, 2019, the comment period for the Determination of Non-Significance expired and no comments were received; and

WHEREAS, on March 26, 2019, the Proposed Amendments were submitted to the Washington State Department of Commerce for review, as required by RCW 36.70A.106; and

WHEREAS, notice of a public hearing before the Planning Commission on the Proposed Amendments was duly posted at City Hall on April 4, 2019, and advertised in the Everett Herald on April 6, 2019, pursuant to MCMC Section 14.07.030(A); and

WHEREAS, on April 18, 2019, the Planning Commission duly held a public hearing on the Proposed Amendments; and

WHEREAS, all persons desiring to comment on the Proposed Amendments were given a full and complete opportunity to be heard; and

WHEREAS, following the public hearing, the Planning Commission adopted Resolution 2018-166 recommending approval of the Proposed Amendments to the City Council; and

WHEREAS, the City Council has determined that adoption of the Proposed Amendments related to wireless communication facilities imposes restrictions necessary to protect public health and safety, while not unreasonably discriminating among providers of functionally equivalent services nor having an effect of prohibiting personal wireless services within the City;

NOW THEREFORE BE IT ordained by the City Council of the City of Mill Creek, Washington as follows:

Section 1. Amendment to MCMC 3.42.180. The Mill Creek Municipal Code Section 3.42.180 – Fees under MCMC 17.42.010 (Zoning and land use) is hereby amended as follows:

A. The following application or permit fees shall be payable in full, in advance, for the identified action. All such fees are nonrefundable unless otherwise stated. These fees cover the review by the departments of community development and public works.

1. Comprehensive plan amendment (text or map) and associated rezone:
 - (a) Zero to 10 acres: \$2,500.
 - (b) Over 10 acres: \$5,000.
2. Zone text amendment: \$2,500.
3. Subdivision:
 - (a) Preliminary plat (long, five more lots): \$2,500 plus \$35.00 per lot.

- (b) Final plat (long): \$1,500 plus \$20.00 per lot.
- (c) Plat (short, one to four lots): \$1,500.
- (d) Final plat (short): \$500.00.
- 4. Binding site plan:
 - (a) Application: \$5,000.
 - (b) Final binding site plan: \$1,000.
- 5. Modifications to approved land use permits/decisions:
 - (a) Major modification: \$2,500.
 - (b) Minor modification: \$250.00.
- 6. Administrative reviews:
 - (a) Zoning certification letter: \$150.00.
 - (b) Administrative interpretations/decisions: \$200.00.
- 7. Conditional use permit:
 - (a) All other conditional uses: \$1,500.
- 8. Variance: \$500.00.
- 9. Grading permit: see MCMC [3.42.210](#) for fee formula.
- 10. Tree removal permit: \$0.00.
- 11. Demolition permit: \$50.00.
- 12. Lot line adjustment or lot line consolidation: \$500.00.
- 13. Home occupation permit:
 - (a) Group A permit: \$50.00.
 - (b) Group B permit: \$100.00.
- 14. Appeal of land use or administrative interpretations as follows:
 - (a) Administrative determinations: \$100.00.
 - (b) Administrative decisions: \$250.00.

- (c) SEPA determination of significance: \$250.00.
 - (d) Design review board decisions: \$500.00.
 - (e) SEPA determination of nonsignificance/mitigated determination of nonsignificance: \$500.00.
 - (f) Hearing examiner decision, which is appealable to the city council: \$500.00.
 - (g) Initial appeal of notice of violation or civil fine: \$0.00.
 - (h) Administrative decision regarding a macro wireless communication facility application: \$500.
 - (i) Administrative decision regarding small wireless facility permit application: \$500.
15. Real estate/directional sign permit:
- (a) Homeowner: \$25.00.
 - (b) All other: \$100.00.
16. Temporary construction sign permit: \$25.00.
17. Commercial, shopping center and noncommercial banner or temporary sign display: \$25.00.
18. Commercial wall sign: fee is based on construction cost and assessed pursuant to the fee schedule set forth in MCMC 15.04.020.
19. Fence permit: \$55.00 (includes base building permit fee).
20. Wireless Communications Facilities: The total fee for which the applicant is responsible shall be the amount of the actual costs incurred by the City during the preparation and review process. The below fees are initial deposits. Upon issuance of the permit the applicant shall pay the City any remaining balance of the permit costs based on the review time of the City.
- (a) Wireless Communication Facility Macro Cell Permit: \$1,500
 - (b) Small Wireless Facility Permit (includes up to five small cell facilities on existing poles): \$500.
 - (c) Small Wireless Facility Permit, beyond initial five on existing poles (per pole): \$100.
 - (d) Small Wireless Facility Permit, new or replacement pole: \$1,000 per pole.

(e) Eligible Facilities Request: \$500.

Section 2. Amendment to MCMC 14.09.010. The Mill Creek Municipal Code Section 14.09.010 – Administrative Decisions without Notice is hereby amended as follows:

B. Scope. The director shall review and decide the following matters pursuant to applicable criteria without the need for public notice:

1. Lot line adjustments.
2. Extensions of time for administrative actions or applicant submissions.
3. Minor amendments or modifications to approved developments or permits. For purposes of this subsection, minor amendments are those that may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not: (a) negatively affect the overall project character, (b) increase the number of dwelling units, or intensity of use, or (c) decrease the quality or amount of required landscaping or open space.
4. Group A home occupations.
5. Yard requirements set forth in MCMC 17.22.030.
6. Joint parking facilities and related agreements under MCMC 17.27.020(H).
7. Administrative interpretations permitted or required in the administration or enforcement of the development code.
8. Administrative decisions permitted or required under the development code.
9. Wireless communications facility applications as set forth in MCMC 17.29.

C. Decisions. The director may issue, approve, approve with conditions, or deny any of the foregoing matters based on his evaluation and assessment in light of the applicable review criteria or development code provisions. Upon completing the review specified above, the director shall issue a decision in accordance with the applicable provisions of MCMC 14.09.080. Decisions under this section shall be final for all purposes, including appeal, on the date issued.

D. Appeal. Appeals of final decisions under this section shall be made to the hearing examiner in accordance with Chapter 14.11 MCMC, except as described in MCMC 17.29.280.

Section 3. Amendment to MCMC 14.11.090. The Mill Creek Municipal Code Section 14.11.090 – Appeal matrix (Administrative) is hereby amended as follows:

Administrative		
Administrative interpretations under MCMC 14.03.020(B)(1)	Assigned directors	Hearing Examiner*
Administrative decisions under MCMC 14.03.020(B)(2)	Assigned directors	Hearing Examiner*
Amortization periods under Chapter 17.32 MCMC	Assigned directors	Hearing Examiner*
Administrative enforcement actions under Chapter 14.13 MCMC	Assigned directors	Hearing Examiner*
Other administrative decisions as specified in MCMC Titles 14 – 18, <u>except as described in MCMC 17.29.280.</u>	Assigned directors	Hearing Examiner*
Business license denials, suspensions, and revocations under Chapters 5.04 and 5.26 MCMC	City Manager	Hearing Examiner*
Administrative decisions on an adjustment request arising under Chapter 8.12 MCMC	Assigned directors	Hearing Examiner*
Cabaret dance license denials, suspensions, and revocations under Chapter 5.18 MCMC	City Manager	Hearing Examiner*
Administrative decisions and enforcement actions under MCMC Title 6	Police Chief	Hearing Examiner*
SEPA threshold determinations on project actions	SEPA Responsible Official	Hearing Examiner*
SEPA threshold determinations on nonproject actions	SEPA Responsible Official	Superior Court or GHB

Section 4. Amendment to MCMC 17.28.030. The Mill Creek Municipal Code Section 17.28.030 – Procedure for conditional uses other than adult businesses and wireless facilities is hereby amended as follows:

17.28.030 – Procedure for conditional uses other than adult businesses ~~and wireless facilities~~

The following standards shall apply to applications for conditional uses that do not involve adult businesses ~~and wireless facilities~~:

- A. Application. Upon receipt of a complete application for a conditional use permit, the application shall be processed pursuant to MCMC Title 14.
- B. Review. The director shall review the application for conformance with MCMC 17.28.060; provided, that the director may waive one or more of those standards if the proposed use is determined to be a public necessity.
- C. Decision. A permit may be granted, granted with any conditions deemed necessary by the director to meet the terms of this chapter and this code, or denied. If no reasonable condition(s) can be imposed to ensure that the proposed use meets the terms of this chapter and this code, then the application shall be denied. Each decision granting or denying a conditional use permit shall be supported by written findings of fact specifically addressing the applicable criteria.
- D. Conditions. Conditions imposed under this chapter shall constitute permanent regulations on the exercise of the approved use.
- E. Timing of Actions. A final decision regarding a conditional use application shall be made as provided in MCMC Title 14. Appeals of such decisions shall be as provided in MCMC Title 14.

Section 5. MCMC 17.28.080 and MCMC 17.28.050 are hereby repealed in their entirety and replaced with MCMC Chapter 17.29, which is enacted as follows:

**Chapter 17.29
Wireless Communications Facilities**

Sections:

- Article I. GENERAL**
 - 17.29.010 Purpose.
 - 17.29.020 Applicability.
 - 17.29.030 Definitions.
 - 17.29.040 General Provisions.
- Article II. MACRO FACILITIES**
 - 17.29.050 Application requirements for macro facilities.
 - 17.29.060 Procedure for macro facilities permit.
 - 17.29.070 Review criteria for macro facilities.
 - 17.29.080 Prioritized locations for macro facilities.
 - 17.29.090 Design and concealment standards for macro facilities.
 - 17.29.100 Expiration of macro facility permit.
 - 17.29.110 Appeals.
- Article III. ELIGIBLE FACILITIES REQUEST**
 - 17.29.120 Definitions.
 - 17.29.130 Application.
 - 17.29.140 Qualification as an Eligible Facilities Request.

- 17.29.150 Timeframe for review.
- 17.29.160 Tolling of the time frame for review.
- 17.29.170 Determination that application is not an Eligible Facilities Request.
- 17.29.180 Failure to act.

Article IV. SMALL WIRELESS FACILITIES

- 17.29.190 Application requirements for small wireless facilities.
- 17.29.200 Review criteria.
- 17.29.210 Permit requirements.
- 17.29.220 Modifications to small wireless facilities.
- 17.29.230 Consolidated permit.
- 17.29.240 Hierarchy for small wireless facilities.
- 17.29.250 Decorative Poles for small wireless facilities.
- 17.29.260 Design and concealment standards for small wireless facilities.
- 17.29.270 New poles in the right-of-way for small wireless facilities and installations on Decorative Poles.
- 17.29.280 Appeals.

Article I. GENERAL

17.29.010 Purpose.

The purpose of this chapter is to regulate the placement, construction and modification of wireless communication facilities, in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the development of the competitive wireless telecommunication marketplace in the City. Among the purposes included are to:

- A. Minimize potential adverse visual, aesthetic, and safety impacts of all wireless communication facilities.
- B. Establish objective standards for the placement of wireless communication facilities.
- C. Ensure that such standards allow competition and do not unreasonably discriminate among providers of functionally equivalent services.
- D. Encourage the design of such wireless communication facilities to be aesthetically and architecturally compatible with the surrounding built and natural environments where possible.
- E. Encourage the collocation or attachment of wireless communication facilities on existing support structures to help minimize the total number and impact of such structures throughout the community.

17.29.020 Applicability.

- A. Applicability. The placement of any wireless communication facility in any location within the city is subject to the provisions of this chapter.
- B. Permit Required. Any person holding a license from the FCC to provide wireless communications services who desires to place any wireless communication facility within the boundaries of the city must apply to the city for the appropriate wireless communication facility permit.
- C. Lease Required. In addition to the requirement of obtaining the appropriate wireless communication facility permit, if all or a portion of the wireless communication facility will be located upon a city-owned structure, or upon non-right-of-way property, which is either city-owned or city-leased, the applicant shall be required to enter into a lease agreement with the city for the use of the city property.
- D. Franchise Required. In addition to the requirement of obtaining the appropriate wireless communication facility permit, if all or a portion of the wireless communication facility will be located within the city's right-of-way, the applicant shall be required to enter into a franchise agreement, consistent with MCMC Chapter 12.14, with the city for the use of the city's right-of-way.

17.29.030 Definitions.

For the purpose of this Chapter, the following terms, phrases, words, and abbreviations shall have the meanings given herein, unless otherwise expressly stated. Words not defined herein shall be given the meaning set forth in Title 47 of the United States Code, as amended. Words not otherwise defined shall have their common and ordinary meaning:

- A. "Antenna" means an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 CFR Part 15.
- B. "Collocation" means (1) mounting or installing an antenna facility on a pre-existing structure, and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure. Provided that, for purposes of Eligible Facilities Requests, "collocation" means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- C. "Director" means the Public Works and Development Services Director or his/her designee.
- D. "FCC" or "Federal Communications Commission" means the federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.

- E. “Light Pole” means a pole used primarily for lighting streets, parking areas, parks or pedestrian paths.
- F. “Macro facility” means a large wireless communication facility that provides radio frequency coverage for a personal wireless service. Generally, macro cell antennas are mounted on ground-based towers, rooftops and other existing structures, at a height that provides a clear view over the surrounding buildings and terrain. Macro cell facilities typically contain antennas that are greater than three cubic feet per antenna and typically cover large geographic areas with relatively high capacity and may be capable of hosting multiple wireless service providers.
- G. “Overhead facilities” means utility facilities and telecommunications facilities located above the surface of the ground, including the underground supports and foundations for such facilities.
- H. “Personal wireless services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.
- I. “Service provider” is defined consistently with RCW 35.99.010(6). Service provider shall include those infrastructure companies that provide telecommunications services or equipment to enable the deployment of personal wireless services.
- J. “Small wireless facility” has the same meaning as defined in 47 CFR 1.6002.
- K. “Structure” means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of telecommunication service (whether on its own or comingled with other types of services).
- L. “Telecommunications facilities” means the plant, equipment and property including, but not limited to, cables, wires, conduits, ducts, pedestals, electronics, and other appurtenances used or to be used to transmit, receive, distribute, provide or offer wireline or wireless telecommunications service.
- M. “Telecommunications service” means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means for hire, sale, or resale to the general public. For the purpose of this subsection, “information” means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. For the purpose of this Chapter, telecommunications service excludes the over-the-air transmission of broadcast television or broadcast radio signals.
- N. “Traffic Signal Poles” means a pole that supports equipment used for controlling traffic, including but not limited to traffic lights, rapid flashing beacons, speed radar, and school zone flashers.
- O. “Transmission equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not

limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

P. “Unified enclosure” means a small wireless facility providing concealment of antennas and equipment within a single enclosure.

Q. “Utility pole” means a structure designed and used primarily for the support of electrical wires, telephone wires, television cable, traffic signals, or lighting for streets, parking areas, or pedestrian paths.

R. “Wireless communication facilities” means facilities used for personal wireless services.

S. “Wireline” means services provided using a physically tangible means of transmission, including without limitation wire or cable, and the apparatus used for such transmission.

17.29.040 General Provisions.

A. Wireless communication facilities shall not be considered nor regulated as essential public facilities.

B. Wireless communication facilities located outside the public right-of-way may be either a primary or secondary use. A different use of an existing structure on the same lot shall not preclude the installation of a wireless communication facility.

C. A small wireless facility, as defined in MCMC 17.29.030, located within the public right-of-way pursuant to a valid franchise are outright permitted uses in every zone of the City but still require a small wireless facility permit pursuant to MCMC Article IV.17.29.190.

D. Macro facilities, as defined in MCMC 17.29.030 are permitted uses in every zone of the City, but still require a macro facility permit pursuant to MCMC 17.29.050.

E. The following wireless communication facilities shall be exempt from the requirement to obtain land use permits:

1. Small Satellite Dish Antenna(s): Small dish antenna(s) in all zones shall be exempt from obtaining land use permit approval. Such antennas shall not be required to obtain building permit approval, but installation must comply with any applicable provisions of the City building code.
2. Routine maintenance or repair of wireless communication facilities and related equipment (excluding structural work or changes in height or dimensions of antennas, support structures or buildings); provided, that compliance with the standards of this code is maintained and a right-of-way use permit is obtained if the wireless communication facility is located in the right-of-way.
3. Temporary WCF for emergency communications equipment in anticipation of and during a declared public emergency or emergency exercise.

4. Wireless communication facilities which legally existed or had a vested application on or prior to the effective date of the ordinance codified in this section; except, that this exemption does not apply to modifications of such facilities.

5. Governmentally operated wireless communication devices for public safety radio systems, Ham radio and business radio systems, excluding new facilities, which are required to obtain land use permits.

Article II. MACRO FACILITIES

17.29.050 Application requirements for macro facilities.

A. A pre-application meeting is encouraged prior to submitting an application for a wireless communications facility permit.

B. Applications for a macro facility shall be filed with the Director on forms prescribed by the City. All applications shall be accompanied by a filing fee and other applicable fees as required by Chapter 3.42 MCMC. Each application shall contain the following:

1. The name, address, phone number and authorized signature on behalf of the applicant;
2. If the proposed site is not owned by the City, the name and address of the owner and documentation establishing the lease or easement right and permission of the property owner to locate the macro facility on the private property;
3. A statement identifying the nature and operation of the macro facility;
4. A vicinity sketch showing the relationship of the proposed use to existing streets, structures and surrounding land uses, and the location of any nearby bodies of water, wetlands, critical areas or other significant natural or manmade features;
5. A plan of the proposed use showing proposed streets, structures, land uses, open spaces, parking areas, fencing, pedestrian paths and trails, buffers, and landscaping, along with text identifying the proposed use(s) of each structure or area included on the plan;
6. Information necessary to demonstrate the applicant's compliance with FCC rules, regulations and requirements which are applicable to the proposed macro facility;
7. An explanation of the technical need for the macro facility, this may include but is not limited to capacity or coverage requirements;
8. If not proposing a co-location, then documentation showing that the applicant has made a reasonable attempt to find a co-location site acceptable to engineering standards and that co-locating was not technically feasible or that it posed a physical problem; and

9. Such additional information as deemed necessary by the Director for proper review of the application, and which is sufficient to enable the Director to make a fully informed decision pursuant to the requirements of this chapter.

17.29.060 Procedure for macro facilities permit.

- A. Application. Upon receipt of a complete application for a macro facility, the application shall be processed administratively pursuant to MCMC Title 14.09.010.
- B. Review. The Director shall review the application for conformance with the application requirements and review criteria to determine whether the application is consistent with this chapter.
- C. Decision. A permit may be granted, granted with conditions pursuant to this chapter and the code, or denied. Any condition reasonably required to enable the proposed use to meet the standards of this chapter and code may be imposed. If no reasonable condition(s) can be imposed that ensure the application meets such requirements, the application shall be denied.
- D. Conditions. Conditions imposed under this chapter shall constitute permanent regulations on the exercise of the approved use. Each permit issued by the City shall be conditioned to:
 - 1. Require the permittee to allow collocation of proposed macro facilities on the permittees' site, unless the permittee demonstrates that collocation will substantially impair the technical operation of the existing macro facilities to a substantial degree.
 - 2. Require the permittee to maintain the macro facility in a state of good repair and to maintain or replace, if necessary, vegetation and landscaping required as a condition of approving the permit.
 - 3. Require the permittee to notify the City of any sale, transfer, assignment of a site or a macro facility within 60 days of such event.
 - 4. Require the permittee to comply with the provisions of this title and all other applicable city ordinances and rules and regulations.

17.29.070 Review criteria for macro facilities.

No application for a macro facility may be approved unless all of the following criteria are satisfied:

- A. The proposed use will be served by adequate public facilities including roads, water, and fire protection.
- B. The proposed use will not be materially detrimental to uses or property in the immediate vicinity of the subject property, and will not materially disturb persons in the use and enjoyment of their property.

- C. The proposed use will not be materially detrimental to the public health, safety and welfare.
- D. The proposed use is in accord with the comprehensive plan.
- E. The proposed use complies with this chapter and all other provisions of this code.
- F. The Director shall review the application for conformance with the following criteria:
 - 1. Compliance with prioritized locations pursuant to MCMC 17.29.080.
 - 2. Compliance with design standards pursuant to MCMC 17.29.090.

17.29.080 Prioritized locations for macro facilities.

Wireless communication facilities shall be located in the following prioritized order of preference:

- A. Collocation with existing macro facility(ies) or another existing public facility/utility facility (i.e., existing or replacement PUD pole or an existing monopole/tower).
- B. Collocation on existing buildings and structures located in nonresidential zones.
- C. Collocation on existing buildings and structures in residential zones not used for residential use (e.g., religious facility or public facility).
- D. New monopole structure proposed in a commercial or business zone district, where the sole purpose is for wireless communication facilities. Said monopole structure shall be the minimum height necessary to serve the target area; however, the structure shall be designed to allow extensions to accommodate the future collocation of additional antennas and support equipment. Further, the monopole structure shall comply with the setback requirements of the commercial or business zone districts, as applicable. In no case shall the antenna be of a height that requires illumination by the Federal Aviation Administration (FAA).
- E. New monopole structure proposed in a residential zone district, where the sole purpose is for wireless communication facilities, but only if the proposed WCF structure meets all of the following criteria:
 - 1. The structure shall be set back from residential structures and public right-of-way a minimum of 150 feet.
 - 2. The structure must be no higher than the minimum height necessary to serve the target area; however, the structure shall be designed to allow extensions to accommodate the future collocation of additional antennas and support equipment. In no case shall the antenna be of a height that requires illumination by the FAA.

17.29.090 Design and concealment standards for macro facilities.

All macro facilities shall be constructed or installed according to the following standards:

- A. Macro facilities must comply with applicable Federal Communications Commission (FCC), Federal Aviation Administration (FAA), state, and city regulations and standards.
- B. Antennas shall be located, mounted and designed so that visual and aesthetic impacts upon surrounding land uses and structures are minimized, and so that they blend into the existing environment. Panel and parabolic antennas shall be screened from residential views and city right-of-way.
- C. Macro facilities must be screened or camouflaged employing the best available technology, such as compatible materials, location, color, artificial trees and hollow flagpoles, and other tactics to minimize visibility of the facility from public streets and residential properties.
 - 1. Macro facilities shall be designed and placed or installed on a site in a manner that takes maximum advantage of existing trees, mature vegetation, and structures by:
 - (a) Using existing site features to screen the macro facility from prevalent views; and
 - (b) Using existing or new site features as a background in a way that the macro facility blends into the background;
 - 2. As a condition of permit approval, the City may require the applicant to supplement existing trees and mature vegetation to screen the facility.
 - 3. A macro facility shall be painted either in a nonreflective color or in a color scheme appropriate to the background against which the macro facility would be viewed from a majority of points within its viewshed, and in either case the color must be approved by the City as part of permit approval.
 - 4. Macro facilities may be subject to additional screening requirements by the Director to mitigate visual impacts to adjoining properties or public right-of-way as determined by site-specific conditions.
- D. Equipment facilities shall be placed underground if applicable, or, if above ground, shall:
 - 1. Be screened from any street and adjacent property with fencing, walls, landscaping, structures or topography or a combination thereof; and
 - 2. Not be located within required building setback areas.
- E. If a security barrier is installed that includes a fence, wall or similar freestanding structure, the following shall apply:
 - 1. The height of the barrier shall not exceed six and a half (6.5) feet if located in a setback area, unless the Director determines additional height is necessary and then it can be up to 8 feet. In all other areas the height shall be restricted by the height limitations in

the zoning district. The height is measured from the point of existing or finished grade, whichever is lower at the exterior side of the barrier to the highest point of the barrier.

2. Be screened from adjoining properties and city right-of-way through the use of appropriate landscaping materials including:

(a) Placement of landscape vegetation shall include areas outside of the barrier and shall obscure the site within 3 years; and

(b) Landscaping and the design of the barrier shall be compatible with other nearby landscaping, fencing and freestanding walls; and

3. If a chain link fence is allowed in the zone district it shall be black vinyl.

F. Macro facilities may not (i) produce noise in excess of the limitation set forth in MCMC Chapter 9.14; and (ii) not be used for mounting signs, billboards or message displays of any kind.

G. The Director shall consider the cumulative visual effects of macro facilities mounted on existing structures and/or located on a given permitted site in determining whether the additional permits can be granted so as to not adversely affect the visual character of the city.

17.29.100 Expiration of macro facility permit.

A. A macro facility permit issued under this chapter must be substantially implemented within three (3) years from the date of final approval or the permit shall expire. The holder of the permit may request one (1) extension to be limited to twelve (12) months, if the applicant cannot construct the macro facility within the original three (3) year period.

17.29.110 Appeals – Macro Facilities.

A. Appeals related to macro facilities shall be filed and processed pursuant to MCMC Chapter 14.11.

Article III. ELIGIBLE FACILITIES REQUEST

17.29.120 Definitions.

A. Definitions. The following definitions shall apply to Eligible Facilities Requests only as described in this Section 17.29.120.

1. “Base Station”: A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein nor any equipment associated with a tower. Base Station includes, without limitation:

- a. Equipment associated with wireless communications services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small wireless networks).
 - c. Any structure other than a tower that, at the time the relevant application is filed (with jurisdiction) under this section, supports or houses equipment described in subparagraph (a) and (b) above that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.
 - d. The term does not include any structure that, at the time the Eligible Facilities Request application is filed with the City, does not support or house equipment described in subparagraph (1)(a) and (1)(b) above.
2. “Collocation”: The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.
 3. “Eligible Facilities Request”: Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
 - a. Collocation of new transmission equipment;
 - b. Removal of transmission equipment; or
 - c. Replacement of transmission equipment.
 4. “Eligible support structure”: Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the City.
 5. “Existing”: A constructed tower or base station is existing if it has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.
 6. “Substantial Change”: A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
 - a. For towers other than towers in the public right-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna

array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten (10) feet, whichever is greater;

b. For towers other than towers in the public right-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;

c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public right-of-way and Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

d. It entails any excavation or deployment outside the current site;

e. It would defeat the concealment elements of the eligible support structure;
or

f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided, however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified above.

7. “Tower”: Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul and the associated site.

8. “Transmission equipment”: Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

17.29.130 Application.

The City shall prepare and make publicly available an application form used to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.

17.29.140 Qualification as an Eligible Facilities Request.

Upon receipt of an application for an Eligible Facilities Request, the Director shall review such application to determine whether the application qualifies as an Eligible Facilities Request.

17.29.150 Timeframe for review.

Applications for an Eligible Facilities Request are reviewed by the Director or his/her designee, who will approve the application within sixty (60) days of the date an applicant submits an Eligible Facilities Request application, unless the Director or designee determines that the application does not qualify under MCMC Section 1. Article III.17.29.120A.3

17.29.160 Tolling of the time frame for review.

The sixty (60) day review period begins to run when the application is filed and may be tolled only by mutual agreement by the City and the applicant or in cases where the City determines that the application is incomplete. The timeframe for review of an Eligible Facilities Request is not tolled by a moratorium on the review of applications.

1. To toll the timeframe for incompleteness, the City shall provide written notice to the applicant within thirty (30) days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.
2. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the City's notice of incompleteness.
3. Following a supplemental submission, the City will notify the applicant within ten (10) days if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this sub-section. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

17.29.170 Determination that application is not an Eligible Facilities Request.

If the City determines that the applicant's request does not qualify as an Eligible Facilities Request, the City shall deny the application.

17.29.180 Failure to act.

In the event the City fails to approve or deny an Eligible Facilities Request within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant

does not become effective until the applicant notifies the City in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

Article IV. SMALL WIRELESS FACILITIES

17.29.190 Application requirements for small wireless facilities.

A. **Applicability.** Any application for a small wireless facility both inside and outside of the right-of-way shall comply with the application requirements for a small wireless facility permit described in this Chapter. For small wireless facilities inside the right-of-way, the applicant must also comply with the requirements pursuant to MCMC 12.16. The small wireless permits are issued by the Director.

B. **Consolidated Permits.** All permits, leases, and franchises necessary for the deployment of small wireless facilities shall be consolidated for review and a decision rendered to the full extent feasible within the presumptively reasonable time periods established by federal law. Applicants are allowed to apply for franchises or leases independently of an application for a small wireless permit.

C. **Pre-Application meeting.** A pre-application meeting is encouraged prior to submitting an application for a wireless communications facility permit.

D. **Application Process.** The Director is authorized to establish franchise and other application forms to gather the information required by these ordinances from applicants and to determine the completeness of the application process as provided herein.

1. **Franchise.** The process typically begins with and depends upon approval of a franchise for the use of the public right-of-way to deploy small wireless facilities if any portion of the applicant's facilities are to be located in the right-of-way, consistent with the requirements in MCMC 12.14. An applicant with a franchise for the deployment of small wireless facilities in the City may proceed to directly apply for a small wireless facility permit and related approvals. An applicant may utilize phased development.

2. **Small Wireless Facility Permits.** The application requires specification of the small wireless facility components and locations as further required in the small wireless permit application described in subsection E below. Prior to the issuance of a small wireless facility permit, the applicant shall pay a permit fee as set forth in MCMC 3.42.180.A.20.

3. **Associated Permit(s).** The applicant shall attach all associated permits such as applications or check lists required under the Critical Areas or SEPA ordinances. Applications for deployment of small wireless facilities on Decorative Poles or for new poles shall comply with the requirements in MCMC 17.29.250.

4. **Leases.** An applicant who desires to attach a small wireless facility on any utility pole or light pole owned by the City shall include an application for a lease as a component of its application. Leases for the use of utility poles, light poles, or other

public property, structures or facilities shall be submitted to the City Council for approval.

E. Small Wireless Permit Application. The following information shall be provided by all applicants for a small wireless permit.

1. The application shall provide specific locational information including GIS coordinates of all proposed small wireless facilities and specify where the small wireless facilities will utilize existing, replacement or new poles, towers, existing buildings and/or other structures. Ground mounted equipment, conduit, junction boxes and fiber and electrical connections necessary for and intended for use in the deployment shall also be specified regardless of whether the additional facilities are to be constructed by the applicant or leased from a third party. Detailed schematics and visual renderings of the small wireless facilities, including engineering and design standards, shall be provided by the applicant. The application shall have sufficient detail to identify:

- (a) The location of overhead and underground public utilities, telecommunication, cable, water, adjacent lighting, sewer drainage and other lines and equipment within 50 feet of the proposed project area (which the project area shall include the location of the fiber source and power source). Further, the applicant shall include all existing and proposed improvements related to the proposed location, including but not limited to poles, driveways, ADA ramps, equipment cabinets, street trees and structures within 50 feet of the proposed project area.
- (b) The specific trees, structures, improvements, facilities, lines and equipment, and obstructions, if any, that applicant proposes to temporarily or permanently remove or relocate and a landscape plan for protecting, trimming, removing, replacing, and restoring any trees or areas to be disturbed during construction. The applicant is discouraged from trimming, removing or replacing trees, and if any such tree modifications are proposed the applicant must comply with MCMC 12.16.1500.
- (c) The construction drawings shall also include the applicant's plan for electric and fiber utilities, all conduits, cables, wires, handholes, junctions, meters, disconnect switches and any other ancillary equipment or construction necessary to construct the small cell facility, to the extent to which the applicant is responsible for installing such electric and fiber utilities, conduits, cables, and related improvements. Where another party is responsible for installing such electric and fiber utilities, conduits, cables, and related improvements, applicant's construction drawings will include such utilities to the extent known at the time of application, but at a minimum applicant must indicate how it expects to obtain fiber and electric service to the small cell facility.

(d) If the site location includes a new replacement light pole, then the applicant must submit a photometric analysis of the roadway and sidewalk within 150 feet of the existing light.

(e) Compliance with the aesthetic requirements of MCMC 17.29.260.

2. The applicant must show written approval from the owner of any pole or structure for the installation of its small wireless facilities on such pole or structure. Such written approval shall include approval of the specific pole, engineering and design standards, as well as assurances that the specific pole can withstand wind and seismic loads, from the pole owner, unless the pole owner is the City. Submission of the lease agreement between the owner and the applicant is not required. For city-owned poles or structures, the applicant must obtain a lease from the City prior to or concurrent with the small wireless permit application and must submit as part of the application the information required in the lease for the City to evaluate the usage of a specific pole.

3. The applicant is encouraged to batch the small wireless facility sites within an application in a contiguous service area.

4. Any application for a small wireless facility located in the right-of-way adjacent to a parcel zoned for residential use shall demonstrate that the applicant has evaluated the following:

(a) Whether a small wireless facility is currently installed on an existing pole in front of the same residential parcel. If a small wireless facility exists, then the applicant must demonstrate that no technically feasible alternative location exists which is not in front of the same residential parcel.

(b) Whether the proposed small wireless facility can be screened from residential view by choosing a pole location that is not directly in front of a window or views. The applicant must demonstrate that no technically feasible alternative location exists which is not directly in front of a window or views.

5. Any application for a small wireless permit which contains an element which is not exempt from SEPA review shall simultaneously apply under Chapter 43.21C RCW and MCMC Chapter 18.04. Further, any application proposing small wireless facilities in Critical Areas (pursuant to MCMC Chapter 18.06) must indicate that the application is exempt or comply with the review processes in such codes.

6. The applicant shall submit a sworn affidavit signed by an RF engineer with knowledge of the proposed project affirming that the small wireless facilities will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the small wireless facility will operate. If facilities which generate RF radiation necessary to the small wireless facility are to be provided by a third party, then the small wireless permit shall be conditioned on an RF certification showing the cumulative impact of the RF emissions on the entire installation. The applicant may provide one emissions report for the entire

small wireless deployment if the applicant is using the same small wireless facility configuration for all installations within that batch or may submit one emissions report for each subgroup installation identified in the batch.

7. The applicant shall provide proof of FCC or other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.

8. A professional engineer licensed by the State of Washington shall certify in writing, over his or her seal, that construction plans of the small wireless facilities and structure or pole and foundation are designed to reasonably withstand wind and seismic loads as required by applicable codes.

9. A traffic control plan as required by MCMC 12.16.1400 and right-of-way work permit as required by MCMC 12.16.1370.

10. Proof of a valid Mill Creek Business License.

11. Recognizing that small wireless facility technology is rapidly evolving, the Director is authorized to adopt and publish standards for the technological and structural safety of City-owned structures and to formulate and publish application questions for use when an applicant seeks to attach to City-owned structures.

12. Such other information as the Director, in his/her discretion, shall deem appropriate to effectively evaluate the application based on technical, engineering and aesthetic considerations.

17.29.200 Review criteria.

A. Review. The following provisions relate to review of applications for a small wireless facility permit.

1. In any zone, upon application for a small wireless permit, the City will permit small wireless deployment on existing or replacement utility poles conforming to the City's generally applicable development and design and concealment standards adopted pursuant to Article IV.

2. Vertical clearance shall be reviewed by the Director to ensure that the small wireless facilities will not pose a hazard to other users of the right-of-way.

3. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), City construction and sidewalk clearance standards, traffic warrants, city ordinances, and state and federal statutes and regulations in order to provide a clear and safe passage within the right-of-way. Further, the location of any replacement pole or new pole must: be physically possible, cannot obstruct vehicular or pedestrian traffic or the clear zone, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health, or safety.

4. No equipment shall be operated so as to produce noise in violation of MCMC Chapter 9.14.

5. Small wireless facilities may not encroach onto or over private property or property outside of the right-of-way without the property owner's express written consent.

B. Public Works and Development Services Department. All small wireless facility deployment applications shall be reviewed by the Director pursuant to MCMC 14.09.010. The Director's decision shall be final and is appealable pursuant to MCMC Chapter 14.11.

C. Eligible Facilities Requests. The design approved in a small wireless facility permit shall be considered concealment elements and such facilities may only be expanded upon submittal of an Eligible Facilities Request described in MCMC 17.29.050, when the modification does not defeat the concealment elements of the small wireless facility.

D. Review of Facilities. Review of the site locations proposed by the applicant shall be governed by the provisions of 47 USC 253 and 47 USC 332 and other applicable statutes, regulations and case law. Applicants for franchises and the small wireless facility permits shall be treated in a competitively neutral and non-discriminatory manner with other service providers, utilizing supporting infrastructure which is functionally equivalent, that is, service providers whose facilities are similarly situated in terms of structure, placement, or cumulative impacts. Small wireless facility permit review under this Chapter shall neither prohibit nor have the effect of prohibiting the ability of an applicant to provide telecommunications services.

E. Withdrawal. Any applicant may withdraw an application submitted at any time, provided the withdrawal is in writing and signed by all persons who signed the original application or their successors in interest. When a withdrawal is received, the application shall be deemed null and void. If such withdrawal occurs prior to the Director's decision, then reimbursement of fees submitted in association with said application shall be prorated to withhold the amount of City costs incurred in processing the application prior to time of withdrawal. If such withdrawal is not accomplished prior to the Director's decision, there shall be no refund of all or any portion of such fee.

F. Supplemental Information. Failure of an applicant to provide supplemental information as requested by the Director within sixty (60) days of notice by the Director shall be deemed a denial of that application, unless an extension period has been approved by the Director.

17.29.210 Permit requirements.

A. The grantee of any permit shall comply with all of the requirements within the small wireless permit.

B. Post-Construction As-Built. Upon request, the grantee shall provide the City with as-builts of the small wireless facilities, within thirty (30) days after construction of the small wireless facility, demonstrating compliance with the permit and site photographs.

C. Permit Time Limit. Construction of the small wireless facility must be completed within twelve (12) months after the approval date by the City. The grantee may request one (1) extension to be limited to six (6) months, if the applicant provides an explanation as to why the small wireless facility cannot be constructed within the original twelve (12) month period.

D. Site Safety and Maintenance. The grantee must maintain the small wireless facilities in safe and working condition. The grantee shall be responsible for the removal of any graffiti or other vandalism and shall keep the site neat and orderly, including but not limited to following any maintenance or modifications on the site.

E. Operational Activity. The grantee shall commence operation of the small wireless facility no later than six (6) months after installation, the applicant may request one (1) extension for an additional six (6) month period if the applicant can show that such operational activity is delayed due to inability to connect to electrical or backhaul facilities.

17.29.220 Modifications to small wireless facilities.

A. If a grantee desires to make a modification to an existing small wireless facility, including but not limited to expanding or changing the antenna type, increasing the equipment enclosure, placing additional pole-mounted or ground-mounted equipment, or modifying the concealment elements, then the applicant shall apply for a small wireless facility permit.

B. A small wireless facility permit shall not be required for routine maintenance and repair of a small wireless facility within the right-of-way, or the replacement of an antenna or equipment of similar size, weight, and height, provided that such replacement does not defeat the concealment elements used in the original deployment of the small wireless facility, does not impact the structural integrity of the pole, and does not require pole replacement. Further, a small wireless facility permit shall not be required for replacing equipment within the equipment enclosure or reconfiguration of fiber or power to the small wireless facility. Right-of-way use permits may be required for such routine maintenance, repair or replacement consistent with MCMC 12.16.

17.29.230 Consolidated permit.

A. The issuance of a small wireless permit grants authority to construct small wireless facilities in the right-of-way in a consolidated manner to allow the applicant, in most situations, to avoid the need to seek duplicative approval by both the public works and the development services divisions. If the applicant requires a new franchise to utilize the right-of-way, the franchise approval may be consolidated with the small wireless facility permit review if requested by the applicant. As an exercise of police powers pursuant to RCW 35.99.040(2), the small wireless facility permit is not a right-of-way use permit, but instead a consolidated public works and land use permit and the issuance of a small wireless facility permit shall be governed by the time limits established by federal law for small wireless facilities.

B. To the extent they do not conflict with the requirements of this chapter, the general standards applicable to the use of the right-of-way described in MCMC 12.16 shall apply to all small wireless facility permits.

17.29.240 Hierarchy for small wireless facilities.

The City’s preference is for applicants to attach small wireless facilities to replacement light poles. If a light pole exists within 150 feet of a wooden pole, the applicant shall utilize the light pole unless the applicant can demonstrate, to the satisfaction of the Director, that the light pole has been evaluated and is not possible for either technical feasibility or aesthetic reasons. However, this requirement shall not apply if the light pole is a Decorative Pole, as designated in MCMC 17.29.250.

17.29.250 Decorative Poles for small wireless facilities.

- A. The City discourages the use of certain decorative poles for small wireless facilities due to the aesthetic impact to the city’s streetscape. Accordingly, the following types of poles (herein referred to as “Decorative Poles”) as designated in the Standard Specifications and Details are discouraged from use for small wireless facilities: (i) Architectural Lighting Commercial Street Light (LGT-4), (ii) Architectural Lighting Residential Street Light (LGT-5), and (iii) Candela Commercial Housing Street Light (LGT-6).
- B. Applications for small wireless facilities attached to Decorative Poles must comply with MCMC 17.29.270 below.

17.29.260 Design and concealment standards for small wireless facilities.

Small wireless facility deployments permitted in accordance with this chapter shall conform to the following design standards:

- A. Small wireless facilities attached to existing or replacement non-wooden light poles and other non-wooden poles in the right-of-way or non-wooden poles outside of the right-of-way shall conform to the following design criteria:
 - 1. Upon adoption of a city standard small wireless facility pole design(s) within the Standard Specifications and Details, an applicant shall first consider using or modifying the standard pole design to accommodate its small wireless facility without substantially changing the outward visual and aesthetic character of the design. The applicant, upon a showing that use or modification of the standard pole design is either technically or physically infeasible, or that the modified pole design will not comply with the city’s ADA, sidewalk clearance requirements and/or would violate electrical or other safety standards, may deviate from the adopted standard pole design and use the design standards as further described in this subsection A.
 - 2. The applicant shall minimize to the extent possible the antenna and equipment space and shall use the smallest amount of enclosure technically necessary to fit the equipment and antennas. The antennas and equipment shall be located using the following methods:
 - (a) Concealed completely within the pole or pole base. Antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) shall be fully concealed within the pole, unless such

concealment is otherwise technically infeasible, or is incompatible with the pole design. If within the pole base, the base shall meet the ADA requirements and not impact the pedestrian access route.

- (b) Located on a pole. If located on a pole, antennas and the associated equipment enclosures (including disconnect switches and other appurtenant devices) must be camouflaged to appear as an integral part of the pole.
 - i. The antenna(s) shall be placed as close to the surface of the pole as possible, but may not be more than twelve (12) inches off the surface of the pole, and only if such distance is necessary for antenna tilt and technical need. Each antenna may not exceed three (3) cubic feet in volume.
 - ii. The equipment shall be placed as close to the surface of the pole as possible, but may not be more than six (6) inches off the surface of the pole. The equipment must be placed in the smallest enclosure possible for the technical need of the small wireless facility. The equipment enclosure and all other wireless equipment associated with the utility pole, including wireless equipment associated with the antenna (including conduit) and any pre-existing associated equipment on the pole, may not exceed twenty-eight (28) cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and does not cumulatively exceed twenty-eight (28) cubic feet. The applicant is encouraged to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs, or the operation of the small wireless facility.
 - iii. A unified antenna and equipment enclosure shall be placed as close to the surface of the pole as possible, but not more than twelve (12) inches off the pole if necessary for antenna tilt and technical need. The unified equipment enclosure shall be the smallest size technically necessary, but shall not exceed the dimensional requirements of subsection (A)(2)(b)(ii) above.
 - iv. To the extent possible, the equipment enclosures shall be placed so as to appear as an integrated part of the pole or behind banners or signs, provided that such location does not interfere with the operation of the banners or signs, or the operation of the small wireless facility.
 - v. The applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than six (6) inches from the surface of the pole.

- (c) Underground in a utility vault. If located underground, the access lid to the equipment enclosure shall be located outside the footprint of any pedestrian curb ramp and shall have a nonskid surface meeting ADA requirement if located within an existing pedestrian access route.
- (d) On private property. If located on private property, the applicant shall provide documentation establishing the lease or easement right and permission of the property owner to locate the small wireless facility on the private property.

3. The furthest point of any equipment enclosure may not extend more than twenty-eight (28) inches from the face of the pole. Any equipment or antenna enclosures must meet WSDOT height clearance requirements. Applicants are encouraged to place the equipment enclosure as close to the antennas as physically and technically possible, unless such placement would cause a greater aesthetic impact.

4. All conduit, cables, wires and fiber must be routed internally in the non-wooden pole. Full concealment of all conduit, cables, wires and fiber is required within mounting brackets, shrouds, canisters or sleeves if attaching to exterior antennas or equipment.

5. An antenna on top of an existing pole may not extend more than six (6) feet above the height of the existing pole and the diameter may not exceed sixteen (16) inches, measured at the top of the pole, unless the applicant can demonstrate that more space is technically necessary. The antennas shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend with the pole. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole.

6. Any replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way.

7. The height of any replacement pole may not extend more than ten (10) feet above the height of the existing pole or the minimum additional height necessary; provided that the height of the replacement pole cannot be extended further by additional antenna height.

8. The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements and shall, to the extent technically feasible, not be more than a 25% increase of the existing non-wooden pole measured at the base of the pole, unless additional diameter is needed in order to conceal equipment within the base of the pole, and shall comply with the requirements in subsection E(4) below.

9. The use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be

retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

B. Wooden pole design standards. Small wireless facilities located on wooden poles shall conform to the following design criteria:

1. The wooden pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, that the replacement pole shall not exceed a height that is a maximum of ten (10) feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.
2. A pole extender may be used instead of replacing an existing pole but may not increase the height of the existing pole by more than ten (10) feet, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities. A “pole extender” as used herein is an object affixed between the pole and the antenna for the purpose of increasing the height of the antenna above the pole. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.
3. Replacement wooden poles must either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the City. Alternatively, the applicant may replace the wooden pole with a non-wooden pole upon the determination of the pole owner, provided that the new pole is hollow and incorporates internal power and fiber conduit for the small wireless facility.
4. Antennas, equipment enclosures, and all ancillary equipment, boxes and conduit shall be colored or painted to match the approximate color of the surface of the wooden pole on which they are attached.
5. Antennas shall not be mounted more than twelve (12) inches from the surface of the wooden pole.
6. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole provided that each antenna enclosure shall not be more than three (3) cubic feet in volume.
7. A canister antenna may be mounted on top of an existing wooden pole, which may not exceed the height requirements described in subsection B(1) above. A canister antenna mounted on the top of a wooden pole shall not exceed sixteen (16) inches, measured at the top of the pole, and shall be colored or painted to match the pole. The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than twelve (12) inches from the surface of the

wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole.

8. The furthest point of any antenna or equipment enclosure may not extend more than twenty-eight (28) inches from the face of the pole. Any equipment or antenna enclosures must meet WSDOT height clearance requirements.

9. An omni-directional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four (4) feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.

10. All related equipment, including but not limited to ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles shall not be mounted more than six (6) inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.

11. Equipment for small wireless facilities must be attached to the wooden pole, unless otherwise permitted to be ground mounted pursuant to subsection (E)(1). The equipment must be placed in the smallest enclosure possible for the intended purpose. The equipment enclosure and all other wireless equipment associated with the utility pole, including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole, may not exceed twenty-eight (28) cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and does not cumulatively exceed twenty-eight (28) cubic feet. The applicant is encouraged to place the equipment enclosure behind any banners or road signs that may be on the pole, provided that such location does not interfere with the operation of the banners or signs.

12. An applicant who desires to enclose both its antennas and equipment within one unified enclosure may do so, provided that such enclosure is the minimum size necessary for its intended purpose and the enclosure and all other wireless equipment associated with the pole, including wireless equipment associated with the antenna and any pre-existing associated equipment on the pole does not exceed twenty-eight (28) cubic feet. The unified enclosure may not be placed more than six (6) inches from the surface of the pole, unless a further distance is required and confirmed in writing by the pole owner. To the extent possible, the unified enclosure shall be placed so as to appear as an integrated part of the pole or behind banners or signs, provided that such location does not interfere with the operation of the banners or signs.

13. The visual effect of the small wireless facility on all other aspects of the appearance of the wooden pole shall be minimized to the greatest extent possible.

14. The use of the wooden pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole

shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

15. The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements.

16. All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match the pole. The number of conduits shall be minimized to the number technically necessary to accommodate the small wireless facility.

C. Small wireless facilities attached to existing buildings, shall conform to the following design criteria:

1. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.

2. The interruption of architectural lines or horizontal or vertical reveals is discouraged.

3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.

4. Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.

5. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.

6. Small wireless facilities shall be colored, painted and textured to match the adjacent building surfaces, to the extent technically feasible.

D. Small wireless facilities mounted on cables strung between existing utility poles shall conform to the following standards.

1. Each strand mounted facility shall not exceed three (3) cubic feet in volume, unless the applicant can demonstrate, to the satisfaction of the Director, that the three (3) cubic feet maximum is technically infeasible;

2. Only one strand mounted facility is permitted per cable between any two existing poles;

3. The strand mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than five (5) feet from the pole unless a greater distance is technically necessary or is required by the pole owner for safety clearance;

4. No strand mounted device shall be located in or above the portion of the roadway open to vehicular traffic;
5. Ground mounted equipment to accommodate a shared mounted facility is not permitted except when placed in pre-existing equipment cabinets; and
6. Pole mounted equipment shall comply with the requirements of subsections A and B above.
7. Such strand mounted devices must be installed to cause the least visual impact and without excess exterior cabling or wires (other than the original strand).
8. Strand mounted facilities are prohibited on non-wooden poles, unless the existing pole has pre-existing communication wirelines.

E. General requirements.

1. Ground mounted equipment in the right-of-way is prohibited, unless the applicant can demonstrate that pole mounted or undergrounded equipment is technically infeasible. If ground mounted equipment is necessary, then the applicant shall submit a concealment element plan. Generators located in the right-of-way are prohibited.
2. No equipment shall be operated so as to produce noise in violation of MCMC Chapter 9.14.
3. Small wireless facilities are not permitted on traffic signal poles unless denial of the siting could be a prohibition or effective prohibition of the applicant's ability to provide telecommunications service in violation of 47 USC §§ 253 and 332.
4. Small wireless facilities are not permitted on the following types of poles: Bollard Path Lights, Teka Pedestrian Path Lights, and Candela Pedestrian Path Lighting.
5. Replacement poles and new poles shall comply with the Americans with Disabilities Act (ADA), City construction and sidewalk clearance standards, city ordinance, and state and federal laws and regulations in order to provide a clear and safe passage within the right-of-way. Further, the location of any replacement or new pole must: be physically possible, comply with applicable traffic warrants, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect the public welfare, health or safety.
6. Replacement poles shall be located as near as possible to the existing pole with the requirement to remove the abandoned pole.
7. No signage, message or identification other than the manufacturer's identification or identification required by governing law is allowed to be portrayed on any antenna or equipment enclosure. Any permitted signage shall be located on the equipment enclosures and be of the minimum amount possible to achieve the intended purpose (no

larger than 4x6 inches); provided that, signs are permitted as concealment element techniques where appropriate.

8. Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment element plan.
9. Side arm mounts for antennas or equipment must be the minimum extension necessary and the inside edge of the antenna may be no more than twelve (12) inches from the surface of the pole.
10. The preferred location of a small wireless facility on a pole is the location with the least visual impact.
11. Antennas, equipment enclosures, and ancillary equipment, conduit and cable, shall not dominate the structure or pole upon which they are attached.
12. Except for locations in the right-of-way, small wireless facilities are not permitted on any property containing a residential use in the residential zones.
13. The City may consider the cumulative visual effects of small wireless facilities mounted on poles within the right-of-way when assessing proposed siting locations so as to not adversely affect the visual character of the City. This provision shall not be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the applicant.
14. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

17.29.270 New poles in the right-of-way for small wireless facilities and installations on Decorative Poles.

- A. New poles within the right-of-way or for installations on a Decorative Pole are only permitted if the applicant can establish that:
 1. The proposed small wireless facility cannot be located on an existing utility pole or light pole, electrical transmission tower or on a site outside of the public right-of-way such as a public park, public property, building, transmission tower or in or on a non-residential use in a residential zone whether by roof or panel-mount or separate structure;
 2. The proposed small wireless facility complies with the applicable requirements of MCMC 17.29.260(E);

3. The proposed small wireless facility receives approval for a concealment element design, as described in MCMC Section 1. Article IV.17.29.270C) below;
4. The proposed small wireless facility complies with SEPA, if applicable; and
5. No new poles shall be located in a critical area or associated buffer required by the City's Critical Areas Management ordinance (MCMC Title 18.06), except when determined to be exempt pursuant to said ordinance.

B. An application for a new pole or installation on a Decorative Pole is subject to review and approval or denial by the Director.

C. The concealment element design shall include the design of the screening, fencing or other concealment technology for a tower, pole, or equipment structure, and all related transmission equipment or facilities associated with the proposed small wireless facility, including but not limited to fiber and power connections.

1. If the applicant desires to place the small wireless facility on a Decorative Pole, and the city has created a small wireless facility standard for such type of Decorative Pole in the Standard Specification and Details, then the applicant is encouraged to first consider using the Decorative Pole design adopted for small wireless facilities from the Standard Specification and Details. The applicant, upon a showing that using the standard Decorative Pole design is either technically or physically infeasible, or that a modified pole design will not comply with the city's ADA, or sidewalk clearance requirements and/or would violate electrical or other safety standards, may deviate from the adopted standard Decorative Pole design and propose a concealment element design consistent with subsection 2 below.

2. If the Director has already approved a concealment element design either for the applicant or another small wireless facility along the same public right-of-way or for the same pole type, then the applicant shall utilize a substantially similar concealment element design, unless it can show that such concealment element design is not physically or technically feasible, or that such deployment would undermine the generally applicable design standards, in such case, the applicant shall propose a concealment element design consistent with subsection 3 below.

3. The concealment element design should seek to minimize the visual obtrusiveness of the small wireless facility. The proposed pole or structure should have similar designs to existing neighboring poles in the right-of-way, including similar height to the extent technically feasible. If the proposed small wireless facility is placed on a replacement pole, then the replacement pole shall be of the same general design as the pole it is replacing (for example if a Candela Commercial Housing Street Light, then the replacement pole should match that pole design), unless the Development Services Department otherwise approves a variation due to aesthetic or safety concerns. Any concealment element design for a small wireless facility should attempt to mimic the design of such pole and integrate the small wireless facility into the design of the pole. Other concealment methods include, but are not limited to, integrating the installation

with architectural features or building design components, utilization of coverings or concealment devices of similar material, color, and texture - or the appearance thereof - as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wirelines are installed internally in the structure.

D. Even if an alternative location is established pursuant to subsection (A)(1), the Director may determine that a new pole in the right-of-way is in fact a superior alternative based on the impact to the City, the concealment element design, the City's Comprehensive Plan and the added benefits to the community.

E. Prior to the issuance of a permit to construct a new pole or ground mounted equipment in the right-of-way, the applicant must obtain a site-specific agreement from the City to locate such new pole or ground mounted equipment. This requirement also applies to replacement poles when the replacement is necessary for the installation or attachment of small cell facilities, the replacement structure is higher than the replaced structure, and the overall height of the replacement structure and the small cell facility is more than sixty (60) feet.

F. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections of the streetscape.

17.29.280 Appeals – Small Wireless Facilities.

Appeals related to small wireless facilities located in the right-of-way shall be filed in Snohomish County Superior Court, all other appeals shall be filed and processed pursuant to MCMC Chapter 14.11.

Section 6. Amendment to MCMC 17.04.030. The Mill Creek Municipal Code Section 17.04.030– Principal uses is hereby amended as follows:

Principal uses are:

- A. Single-family residential;
- B. Multi-family residential, including townhouses;
- C. Neighborhood business of up to one acre for every 300 dwelling units within the PRD;
- D. Public and private parks and recreation facilities;
- E. Country clubs and golf courses;
- F. Schools; ~~and~~
- G. Adult family homes-; and
- H. Wireless communication facilities

Section 7. Amendment to MCMC 17.04.045. The Mill Creek Municipal Code Section 17.04.045– Conditional uses is hereby amended as follows:

Conditional uses permitted within the PRD 7200 zoning district shall be processed in accordance with Chapter 17.28 MCMC. Conditional uses are:

- A. Large satellite dishes ~~Accessory satellite signal transmitting, wireless and cellular communication facilities and receiving antennas~~ over four feet in diameter;
- B. Adult day care; and
- C. Public facilities/utilities and essential public facilities.

Section 8. Amendment to MCMC 17.06.010. The Mill Creek Municipal Code Section 17.06.010– Principal uses is hereby amended as follows:

Principal uses are:

- A. Single-family detached dwellings;
- B. Townhouses or single-family attached dwellings in planned residential developments;
- C. Foster homes;
- D. Boarding houses; ~~and~~
- E. Adult family homes; ~~and~~
- F. Wireless communication facilities

Section 9. Amendment to MCMC 17.06.030. The Mill Creek Municipal Code Section 17.06.030– Conditional uses is hereby amended as follows:

Conditional uses permitted within this zone shall be processed in accordance with Chapter 17.28 MCMC. Conditional uses are:

- A. Adult day care;
- B. Religious facilities and schools;
- C. Public facilities and essential public facilities; ~~and~~
- D. Large satellite dishes ~~Accessory satellite signal transmitting and receiving antennas~~ over four feet in diameter; ~~and~~
- E. ~~Wireless and cellular communication facilities.~~

Section 10. Amendment to MCMC 17.12.020. The Mill Creek Municipal Code Section 17.12.020– Principal uses is hereby amended as follows:

Principal uses are:

- A. Single-family detached dwellings;
- B. Single-family attached dwellings;
- C. Townhouses and condominiums;
- D. Apartments in buildings containing six or fewer units; ~~and~~
- E. Adult family homes; ~~and~~
- F. Wireless communication facilities.

Section 11. Amendment to MCMC 17.12.040. The Mill Creek Municipal Code Section 17.12.040– Conditional uses is hereby amended as follows:

Conditional uses permitted in this zoning district shall be processed in accordance with Chapter 17.28 MCMC. Conditional uses are:

- A. Religious facilities;
- B. Schools;
- C. Public facilities/utilities and essential public facilities;
- D. Accessory satellite signal transmitting and receiving antenna over four feet in diameter external to or attached to the exterior of any building;
- ~~E. Wireless and cellular facilities shall be located pursuant to Chapter 17.28 MCMC;~~
- ~~EF.~~ Retirement homes, nursing homes, and congregate care facilities;
- ~~FG.~~ Family child day care;
- ~~GH.~~ Adult day care;
- HI. Health care facilities that meet the following standards:
 - 1. The facility has direct access to a collector or arterial street;
 - 2. The maximum building height is the same as residential;
 - 3. Overnight care is not provided;
 - 4. Retail uses directly related to health care may be allowed, such as pharmacies and optical dispensaries, as a secondary use.
- IJ. Garden center facilities that meet the following standards:
 - 1. Garden center retail sales shall be limited to garden products such as soils, bark, rock, gravel, pavers, pots, plants and trees.
 - 2. Garden center and soil processing uses shall be set back a minimum of 150 feet from residential structures.

Section 12. Amendment to MCMC 17.14.010. The Mill Creek Municipal Code Section 17.14.010– Principal uses is hereby amended as follows:

Principal uses are:

- A. Multi-family dwellings;
- B. Townhouses;
- C. Foster homes;
- D. Boarding houses;
- E. Nursing homes, retirement, convalescent centers, and congregate residential; ~~and~~
- F. Adult family homes-; and
- G. Wireless communication facilities.

Section 13. Amendment to MCMC 17.14.030. The Mill Creek Municipal Code Section 17.14.030– Conditional uses is hereby amended as follows:

Conditional uses shall be processed in accordance with Chapter 17.28 MCMC.

Conditional uses are:

- A. Religious facilities;
- B. Schools;
- C. Public facilities/utilities;
- D. Health care facilities that meet the following standards:
 - 1. The facility has direct access to a collector or arterial street;
 - 2. The maximum building height is the same as residential;

- 3. Overnight care is not provided;
- 4. Retail uses directly related to health care such as pharmacies and optical dispensaries as a secondary use;
- E. Accessory satellite signal transmitting and receiving antenna over four feet in diameter external to or attached to the exterior of any building; and
- ~~F. Wireless and cellular communication facilities; and~~
- ~~F.G.~~ Adult day care.

Section 14. Amendment to MCMC 17.15.020. The Mill Creek Municipal Code Section 17.15.020– Principal uses is hereby amended as follows:

Principal uses are:

- A. Multi-family dwellings (i.e., apartment complexes, townhouses, condominiums, and duplexes);
- B. Single-family detached and attached dwellings;
- C. Nursing homes, retirement homes, convalescent centers, and congregate care residential; ~~and~~
- D. Transit facilities and stops; and
- E. Wireless communication facilities.

Section 15. Amendment to MCMC 17.15.040. The Mill Creek Municipal Code Section 17.15.040– Conditional uses is hereby amended as follows:

Conditional uses shall be processed in accordance with Chapter 17.28 MCMC.

Conditional uses are:

- A. Day care centers;
- B. Adult family home or day care;
- C. Public facilities/utilities and essential public facilities;
- D. Accessory satellite signal transmitting and receiving antenna over four feet in diameter external to or attached to the exterior of any building;
- ~~E. Wireless and cellular communication facilities;~~
- ~~E.F.~~ Religious facilities; and
- ~~F.G.~~ Schools.

Section 16. Amendment to MCMC 17.16.010. The Mill Creek Municipal Code Section 17.16.010– Principal uses is hereby amended as follows:

Principal uses are:

- A. Retail and wholesale sales;
- B. Professional services;
- C. Personal services, including self service;
- D. Offices;
- E. Health care, excluding overnight accommodations;
- F. Restaurants and taverns;
- G. Commercial recreation facilities;
- H. Hotels and motels;
- I. Accessory structures and uses;

- J. Parking facilities;
- K. Banks and similar uses;
- L. Veterinary clinics and indoor animal boarding; ~~and~~
- M. Commercial day care centers; and
- N. Wireless communication facilities.

Section 17. Amendment to MCMC 17.16.030. The Mill Creek Municipal Code Section 17.16.030– Conditional uses is hereby amended as follows:

Conditional uses permitted in this zoning district shall be processed in accordance with Chapter 17.28 MCMC. Conditional uses are:

- A. Commercial kennels;
- B. Religious facilities;
- C. Schools;
- D. Public and utility buildings and structures except transmission lines and structures;
- E. Structures other than buildings over 35 feet high;
- F. Service stations;
- G. Vehicle sales and service;
- H. Accessory satellite signal transmitting and receiving antenna over four feet in diameter external to or attached to the exterior of any building;
- ~~I. Wireless and cellular communication facilities;~~
- ~~J. Theaters;~~ and
- ~~JK. Essential public facilities.~~

Section 18. Amendment to MCMC 17.17.020. The Mill Creek Municipal Code Section 17.17.020– Principal uses is hereby amended as follows:

Principal uses are:

- A. Offices, including but not limited to government, research and development, business, personal, and professional services;
- B. Medical and dental clinics;
- C. Parking structures as an accessory to a principal use;
- D. Transit facilities/stops;
- E. Manufacturing/wholesale sales;
- F. Retail sales and services, restaurants, cafes, delicatessens, and other eating establishments primarily intended to serve the principal OP zone uses, employees and surrounding residential neighborhoods. Such uses shall occupy no more than 15 percent of the constructed floor area of individual buildings or complexes;
- G. For projects that front on the collector street, neighborhood-scale commercial and/or office uses (consistent with the commercial uses permitted in MCMC 17.18.010) are permitted. The neighborhood-scale commercial and/or office uses are not subject to the 15 percent limitation and shall be located on the ground floor, front on the collector, and shall be located no less than 300 feet from SR 527 and/or Dumas Road;
- H. Health clubs; ~~and~~
- I. Accessory buildings; and
- J. Wireless communication facilities.

Section 19. Amendment to MCMC 17.17.030. The Mill Creek Municipal Code Section 17.17.030– Conditional uses is hereby amended as follows:

Conditional uses permitted in this zoning district shall be processed in accordance with Chapter 17.28 MCMC. Conditional uses are:

- A. Day care centers;
- B. Public facilities/utilities;
- C. Accessory satellite signal transmitting and receiving antenna over four feet in diameter external to or attached to the exterior of any building;
- ~~D. Wireless and cellular communication facilities;~~
- ~~DE.~~ Schools; and
- ~~E~~F. Religious facilities.

Section 20. Amendment to MCMC 17.18.010. The Mill Creek Municipal Code Section 17.18.010– Principal uses is hereby amended as follows:

Principal uses are:

- A. Retail sales, except vehicles;
- B. Offices;
- C. Personal and professional services;
- D. Restaurants, cafes, and eating and drinking establishments;
- E. Residential above ground floor commercial and/or office; and
- F. Wireless communication facilities.

Section 21. Amendment to MCMC 17.18.030. The Mill Creek Municipal Code Section 17.18.030– Conditional uses is hereby amended as follows:

Conditional uses permitted in this zoning district shall be processed in accordance with Chapter 17.28 MCMC. Conditional uses are:

- A. Public facilities/utilities and essential public facilities; and
- B. Day care centers; ~~and~~
- ~~C. Wireless and cellular communication facilities.~~

Section 22. Amendment to MCMC 17.19.030. The Mill Creek Municipal Code Section 17.19.030– Principal uses is hereby amended as follows:

All uses shall be identified on the approved detailed master development plan. Principal uses are:

- A. Retail sales and services except automotive, boat, and recreational vehicle sales;
- B. Eating and drinking establishments (drive-through service prohibited);
- C. Banks, financial and professional services;
- D. Multi-Family Residential.
 - 1. West of the 44th Avenue SE intersection, multi-family residential is permitted only above ground floor commercial;
- E. Business and professional offices;
- F. Personal services, dry cleaners, salons, etc.;
- G. Medical and dental clinics and offices;

- H. Parking structures;
- I. Commercial day care;
- J. Craft shops and galleries;
- K. Public buildings, facilities/utilities;
- L. Transit facilities/stops;
- M. Hotel and motels;
- N. Open space, parks and plazas;
- O. Religious facilities;
- P. Theaters and performing arts uses; ~~and~~
- Q. Other uses consistent with the purposes of the district; and
- R. Wireless communication facilities.

Section 23. Amendment to MCMC 17.20.010. The Mill Creek Municipal Code Section 17.20.010– Principal uses is hereby amended as follows:

Principal uses are:

- A. Offices, including but not limited to government, research and development, trade schools and professional services;
- B. Wholesale sales;
- C. Warehousing;
- D. Manufacturing;
- E. Financial institutions;
- F. Commercial day care centers;
- G. Health clubs;
- H. Retail sales and services primarily intended to serve the principal BP zone uses. Such uses shall occupy no more than 15 percent of the constructed floor area of individual buildings. In addition to the limitation on floor area, restaurants, delis and other eating establishments are restricted to a maximum floor area of 3,000 square feet;
- I. Mini-storage facilities; ~~and~~
- J. Outdoor storage and display; and
- K. Wireless communication facilities.

Section 24. Amendment to MCMC 17.20.030. The Mill Creek Municipal Code Section 17.20.030– Conditional uses is hereby amended as follows:

Conditional uses permitted in the business park zoning district shall be processed in accordance with Chapter 17.28 MCMC. Conditional uses are:

- A. Adult businesses;
- B. Public facilities/utilities and essential public facilities;
- C. Commercial nurseries and greenhouses;
- D. Hospitals and health care facilities;
- E. Retirement homes, nursing homes, and congregate care facilities;
- F. Restaurants and eating establishments exceeding 1,500 square feet but not to exceed the 15 percent floor area restriction for retail sales and services;
- G. Accessory satellite signal transmitting and receiving antenna over four feet in diameter external to or attached to the exterior of any building; ~~and~~
- H. ~~Wireless and cellular communication facilities.~~

Section 25. Amendment to MCMC 17.21.040. The Mill Creek Municipal Code Section 17.21.040– Principal uses is hereby amended as follows:

All uses shall occur in accordance with the master development plan. Principal uses are:

- A. Retail sales and services except automotive, boat, and recreational vehicle sales;
- B. Eating and drinking establishments (drive-through service prohibited);
- C. Banks, financial and professional services;
- D. Multi-family residential;
- E. Business and professional offices;
- F. Personal services, dry cleaners, salons, etc.;
- G. Medical and dental clinics and offices;
- H. Parking structures as an accessory to a principal use;
- I. Commercial day care;
- J. Craft shops and galleries;
- K. Public facilities/utilities;
- L. Transit facilities/stops;
- M. Hotel and motels;
- N. Theaters and performing arts uses; ~~and~~
- O. Other uses consistent with the purposes of the district; and
- P. Wireless communication facilities.

Section 26. Severability. If any section, sentence, clause, or phrase of this ordinance 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 ordinance.

Section 27. Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 28. Effective Date. This ordinance shall be in full force and effective five (5) days from the passage and published in accordance with law.

Adopted this _____ day of May 2019, by a vote of _____ for, _____ against, and _____ abstaining.

APPROVED:

MAYOR PAM PRUITT

ATTEST/AUTHENTICATED:

GINA PFISTER, CITY CLERK

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY
SCOTT M. MISSALL, CITY ATTORNEY

FILED WITH THE CITY CLERK: _____

PASSED BY THE CITY COUNCIL: _____

PUBLISHED: _____

EFFECTIVE DATE: _____

ORDINANCE NO.: _____

Attachment 2

PLANNING COMMISSION RESOLUTION NO. 2019-166

A RESOLUTION OF THE CITY OF MILL CREEK)
 PLANNING COMMISSION, RECOMMENDING)
 APPROVAL TO THE MILL CREEK CITY COUNCIL)
 OF AMENDMENTS TO THE MILL CREEK)
 MUNICIPAL CODE AMENDING TITLE 17.28) FINDINGS,
 CONDITIONAL USE TO REMOVE WIRELESS) REASONS AND
 COMMUNICATION FACILITIES AND ADOPTING) RECOMMENDATIONS
 A NEW CHAPTER 17.29 AUTHORIZING AND)
 ESTABLISHING STANDARDS FOR THE)
 DEPLOYMENT OF ALL WIRELESS)
 COMMUNICATION FACILITIES.)

WHEREAS, the Planning Commission is charged with the responsibility for conducting public hearings on proposed regulations concerning the use of land in the City of Mill Creek or amendments to existing regulations and for making recommendations to the City Council for appropriate action on such proposed land use regulations, as set forth in RCW chapter 35A.63 and Mill Creek Municipal Code Chapters 4.10 and 14.03; and

WHEREAS, RCW 36.70A.040 and 36.70A.120, portions of the Growth Management Act, require the City to adopt development regulations, including zoning regulations, to implement the City's Comprehensive Plan; and

WHEREAS, the Federal Communications Commission (FCC) recently adopted a Declaratory Ruling, Order and Regulation (FCC Order), which imposes limitations on local municipalities regarding processing and review of all permits associated with the deployment of small wireless facilities; and

WHEREAS, the intent of the amendments is to adopt procedures and processes that can comply with the FCC Order; and

WHEREAS, on March 26, 2019, the City issued a SEPA threshold Determination of Non-Significance for the proposed amendments to the Development Code; and

WHEREAS, on April 9, 2019, the comment period for the Determination of Non-Significance expired. No comments were received; and

WHEREAS, notice of a public hearing before the Planning Commission on the proposed amendments was duly posted at City Hall on April 4, 2019, pursuant to MCMC Section 14.07.030(A); and

WHEREAS, notice of a public hearing before the Planning Commission on the proposed amendments was duly posted at City Hall on April 6, 2019, pursuant to MCMC Section 14.07.030(A); and

WHEREAS, on March 26, 2019, the proposed amendments were submitted to the Washington State Department of Commerce for review, as required by RCW 36.70A.106; and

WHEREAS, a staff report to the Planning Commission was prepared to present, analyze, and recommend to the Planning Commission adoption of the proposed amendments to the development code; and

WHEREAS, on April 18, 2019, the Planning Commission held a public hearing on the proposed amendments to the development code; and

WHEREAS, the Planning Commission considered the staff report, attached hereto as **Exhibit A** and incorporated in full by this reference, and the proposed amendments to the MCMC and found that the proposed amendments are consistent with the City's Comprehensive Plan, the Growth Management Act, MCMC Chapter 17.38, and other applicable state and federal law, including the Comprehensive Plan, and will benefit the public health, safety, and welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MILL CREEK AS FOLLOWS:

Section 1: The Planning Commission finds the proposed amendments as described within the Planning Commission staff report, attached and incorporated in full by this reference as **Exhibit A**, are consistent with and implement the policies of the Comprehensive Plan, the Growth Management Act, and other applicable state and federal law, and further finds that the proposed Amendments make appropriate provisions for and further the public health, safety and general welfare.

Section 2: The Planning Commission adopts the findings, conclusions, and recommendations contained in the staff report, attached as **Exhibit A**, except as may be expressly modified herein by **Exhibit B**, attached and incorporated in full by this reference.

Section 3: The Planning Commission therefore recommends to the City Council adoption of the proposed Amendments as set forth in **Exhibit A** and as may be further modified by specific action of the Planning Commission as set forth in **Exhibit B**.

Passed in open meeting this 28th day of May 2019, by a vote of _____ for, _____ against and _____ abstaining.

CITY OF MILL CREEK PLANNING COMMISSION



STAN EISNER, PLANNING COMMISSION CHAIR



TOM ROGERS, PLANNING COMMISSION SECRETARY

ATTACHMENT: Exhibit A – Staff Report
 Exhibit B – Planning Commission Motion

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**EXHIBIT A
DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT
TO THE MILL CREEK PLANNING COMMISSION**

PART I - SUMMARY INFORMATION

- PUBLIC HEARING:** April 18, 2019
- REQUESTED ACTION:** Review of proposed amendments to the Mill Creek Municipal Code (MCMC) to address Wireless Communication Facilities and to comply with the Federal Communications Commission (FCC) regulations. The amendments remove Wireless Communication Facilities from MCMC Chapter 17.28 (Conditional Use) and establish a new Chapter 17.29 (Wireless Communication Facilities) regulating both Macro and Small Cell Wireless facilities. The proposed Chapter 17.29 establishes the application process, review criteria, timeframes for review, and design and concealment standards, as well as an appeals process. The proposed regulations will apply citywide.
- SITE LOCATION:** City of Mill Creek
- PROPONENT:** City of Mill Creek
15728 Main Street
Mill Creek, Washington 98012
- COMPREHENSIVE
PLAN DESIGNATION:** Not applicable.
- ZONING DISTRICT:** Not applicable.

PART II - STATUTORY REQUIREMENTS

SEPA COMPLIANCE:

The proposed amendments to the MCMC are subject to the provisions of the State Environmental Policy Act (SEPA). The City's SEPA Official has determined that the proposed code amendments will not have a probable significant adverse impact on the environment. Thus, an Environmental Impact Statement (EIS) was not required.

On March 26, 2019, a Determination of Non-significance (DNS) was issued on the proposed code amendments. The comment period ended on April 9, 2019. No comments were received.

PUBLIC NOTICE:

Pursuant to Section 14.07.030 Mill Creek Municipal Code (MCMC), a notice of the public hearing was posted at Mill Creek City Hall on April 4, 2019, and published in the Everett Herald on April 6, 2019. All legal requirements for public notice have been satisfied. In addition to the required methods of publishing the hearing, staff worked with the Communications and Marketing Department to use their social media outlets to encourage public participation.

**PART III - DESCRIPTION OF PROPOSED AMENDMENTS
TO THE MILL CREEK MUNICIPAL CODE**

ZONING ORDINANCE AMENDMENT:

The provisions governing amendments to the text of the Development Code are found in Section 17.38.020, MCMC. This section states that text amendments may be initiated by the City Council, the Planning Commission, or City staff. The proposed amendments listed below have been initiated by City staff.

BACKGROUND

It is anticipated that small cell Wireless Communication Facilities (WCF) will be deployed throughout the nation over the next several years. This new technology will result in much faster data transmission to wireless communication/data devices (cell phones, tablets, and computers). These facilities are different than the macro cell facilities that are currently deployed throughout the City on high poles or buildings, mostly in commercial areas. The goal of small cell facilities is to increase capacity for the 4G network and prepare for the future 5G network. Small cell facilities are typically placed between 25 and 35 feet in height, and they typically have a range limited to 300 to 1000 feet. Thus, a lot more of the antenna locations are needed, and to provide service in residential areas, the antennas will be deployed in those residential areas.

To encourage and streamline the deployment of small cell WCF, the Federal Communications Commission (FCC) adopted new rules that impact how the City processes applications for these facilities. The new rules went into effect on January 14, 2019. The new rules do the following:

- limit discretion on where small cell facilities can be placed (for example, cannot prohibit the use of the right-of-way or the use of light poles),
- limit discretion on aesthetic requirements;
- limit the fees the City can charge for processing applications, and
- require quicker turnaround times for project approvals.

CODE DEVELOPMENT PROCESS

As a result of the new FCC rules, the Mill Creek Municipal Code (MCMC) needs to be revised to fully be in compliance. Elana Zana, who is an attorney with Ogden Murphy Wallace and who is an expert in this field, worked with the City staff and the Planning Commission to develop appropriate regulations to facilitate the deployment of small cell technology with the least impact to the community as possible.

The Planning Commission reviewed and discussed the proposed regulations in two study sessions and further refined the Code. In addition, staff also met with the City Attorney, Elana Zana, the PUD, and representatives from Verizon, WPG Wireless Policy Group, and Crown Castle to get their input on the proposed revisions. In general, there weren't any serious concerns expressed with regard to the proposed Code Amendments.

A public hearing was scheduled for April 18, 2019, to allow the Planning Commission the opportunity to take testimony on the proposed Code Amendments and to make a recommendation to the City Council.

PROPOSED ZONING TEXT AMENDMENTS:

The FCC order requires WCF permits to be issued within 60 days for a co-location and within 90 days for a new facility. This time restriction includes the right-of-way review and building code review. Currently the MCMC requires that WCF be reviewed as a Conditional Use, followed by a separate right-of-way permit and building permit.

In order to streamline the review process and allow staff to meet the timelines imposed by the FCC, the proposed amendments add WCF as an Administrative Decision falling under the authority of the Director of Public Works and Development Services. In addition, wireless facilities are proposed to be removed from MCMC Chapter 17.28 Conditional Uses, and designated as a Principal Use in all zone districts. (See attached draft Council Ordinance for the full text of the proposed Amendments.)

The amendments also clarify the appeal process, with Administrative Decisions appealable to the Hearing Examiner, with the exception of WCF facilities in the right-of-way, which are appealable to Superior Court.

The proposed amendments add fees for the various permit types as well as appeal fees. It is important to note that in accordance with the FCC ruling, the fees are to be based on actual time spent reviewing the permit. Thus, the proposed fees will function as a deposit, with any additional fees invoiced when the permit is issued or the remaining fee refunded, whichever is applicable.

A new MCMC Chapter 17.29 is proposed to be added, which addresses all Wireless Communication Facilities, including Macro, Small Cell and Eligible Facilities Requests. The

proposed Chapter 17.29 establishes the application process, review criteria, timeframes for review, and design and concealment standards, as well as an appeals process.

While some of the small cell facilities could be installed on an existing power pole, it is likely that many will need to be located on a street light. According to PUD most of the existing street lights in the City could not structurally accommodate a small cell facility and will need to be replaced. City staff has been working with PUD and the various carriers to select a replacement light standard that could accommodate a small cell facility and that will have the least visual impact.

The ideal is a pole where the wires and cables can be located internally. From the examples staff has seen, the light standards that can accommodate the equipment box internally have a very large base, approximately 2 feet square by 6 feet high, which has the potential for obstructing pedestrian traffic and has a more significant visual impact. After reviewing many models and manufacturers, both staff and the Planning Commission agreed that the least visual impact is created with a hollow light standard that accommodates the wires and cables internally, the equipment box externally attached to the pole as close to the antenna as technically feasible.

A specific standard has not been selected at this time but when it is, it can be adopted into the City's Standard Plans. It is unlikely that one light standard will work for all the carriers and the City may end up with two different but similar standards, but the goal would be to minimize the number of light styles to ensure a consistent streetscape appearance.

PART IV – FINDINGS, CONCLUSIONS, AND RECOMMENDATION

The proposed amendments to the City's Municipal Code have been prepared to be consistent with the Growth Management Act, applicable state and federal regulations, the City's Comprehensive Plan, and the City's development code amendment process contained in Chapter 17.38. As reflected below, the proposed amendments have been reviewed for consistency with these requirements and are found to be consistent with applicable local, state and federal regulations.

FINDINGS AND CONCLUSIONS:

1. In accordance with the Growth Management Act (GMA), specifically RCW 36.70A.040 and 36.70A.120, the City is required to adopt development regulations.
2. In accordance with the Mill Creek Municipal Code (MCMC) Chapter 17.38, the City has the authority to initiate amendments to the code.
3. The FCC adopted a Declaratory Ruling, Order and Regulation, effective January 14, 2019, that restricts many aspects of how cities can review and permit Wireless Communication Facilities. Amendments to the MCMC are necessary to ensure that the Code is fully in compliance with the FCC order.

4. In accordance to MCMC Chapter 18.04, the proposed code amendments are subject to the provisions of the State Environmental Policy Act (SEPA). The City's SEPA Official has determined that the proposed code amendments will not have a probable significant adverse impact on the environment. Therefore, an Environmental Impact Statement (EIS) was not required.
5. On March 26, 2019, a Determination of Non-significance (DNS) was issued on the proposed code amendments. The comment period ended April 9, 2019. No comments were received and the DNS is deemed final.
6. Pursuant to Section 14.07.030 Mill Creek Municipal Code (MCMC), notice of public hearing was posted at Mill Creek City Hall on April 4, 2019, and published in the Everett Herald on April 6, 2019. All legal requirements for public notice have been satisfied.
7. On March 26, 2019, the proposed amendments were submitted to the Washington State Department of Commerce for review, as required by RCW 36.70A.106.
8. In accordance with Chapter 35A.63 RCW and MCMC Chapters 2.04 and 14.03, the City Council is charged with the responsibility of making decisions on amendments to the existing Mill Creek Municipal Code (MCMC) regulations.
9. The proposed amendments are consistent with the City's Comprehensive Plan, the Growth Management Act, MCMC Chapter 17.38, and other applicable state and federal law, will implement the Comprehensive Plan, and will benefit the public health, safety, and welfare, while not unreasonably discriminating among providers of functionally equivalent services nor having an effect of prohibiting personal wireless services within the City.

STAFF RECOMMENDATION:

Notwithstanding citizen testimony and revisions made by the Planning Commission in response to said testimony, staff recommends that the Mill Creek Planning Commission adopt the preceding findings and conclusions and recommend to the Mill Creek City Council adoption of the proposed code amendments set forth herein.

Attachment: Draft Council Ordinance

G:\PLANNING\wp\Code Amendments\2018\Staff Report WCF Minimal.docx

Exhibit B

Planning Commission Motion

MOTION: Vice Chair Nolan moved, seconded by Commissioner Mills, to approve Planning Commission Resolution 2019-0166 recommending approval of WCF Amendments to the Mill Creek City Council, including the two revisions proposed by staff to address Crown Castle's comments. The motion was approved unanimously.

Attachment 3

**CITY OF MILL CREEK
PLANNING COMMISSION MEETING MINUTES
April 18, 2019**

Draft

I. CALL TO ORDER:

Chair Eisner called the meeting to order at 7:00 p.m.

II. ROLL CALL:

Chair Stan Eisner	Staff:
Vice Chair Matthew Nolan	Tom Rogers, Development Services Manager
Commissioner Steven Maloney (absent)	Sherrie Ringstad, Associate Planner
Commissioner Brian Hyatt (absent)	
Commissioner Daniel Mills	
Commissioner Jennifer Parker (absent)	
Commissioner Dennis Teschlog	

III. APPROVAL OF MINUTES

Planning Commission Meeting of March 21, 2019

MOTION: Vice Chair Nolan moved, seconded by Commission Mills, to approve the March 21, 2019 minutes as presented. The motion was approved unanimously.

IV. PUBLIC HEARING

Small Cell Wireless Facilities – Proposed Code Amendments

Associate Planner Sherrie Ringstad noted that the subject of the public hearing is proposed amendments to the Mill Creek Municipal Code relating to wireless communication facilities. She presented a brief PowerPoint presentation including a background, noting that the Commission has reviewed the proposed Code Amendments in numerous work session. She officially entered into the record the draft Planning Commission Resolution, the attached staff report, the draft Council Ordinance containing the proposed amendments, as well as any public testimony received this evening.

Ms. Ringstad stated that a Determination of Non-Significance was issued for the proposed amendments on March 26, 2019, and the appeal period expired on April 9, 2019, and no appeals were received. The public hearing was noticed in the required ways such as publishing a notice in the paper of record and posting on the City Hall and Library bulletin boards. In addition, staff worked with the Communications and Marketing Department and made an extra effort to get the word out through the City's social media outlets.

Ms. Ringstad gave a board overview of the proposed amendments noting that in addition to peripheral amendments, a new MCMC Chapter 17.29 is proposed addressing all types of wireless communication facilities. She noted that Crown Castle had three comments/requests and stated that staff was able to address two as follows:

Planning Commission Minutes
April 18, 2019
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17.29.050.B(2) If the proposed site is not owned by the City, the name, and address and phone number of the owner and a signed document or lease confirming that the applicant has the owner's permission to construct documentation establishing the lease or easement right and permission of the property owner to locate the macro facility on the private property;

17.29.260 D (1) - Each strand mounted facility shall not exceed three (3) cubic feet in volume, unless the applicant can demonstrate, to the satisfaction of the Director, that the three (3) cubic feet maximum is technically infeasible;

Crown Castle's third request was regarding the requirement that Macro facilities be located at least 150 feet from residential structures and the right-of-way. Ms. Ringstad stated that this requirement was codified when the Council originally adopted the Code regulating Macro facilities as Conditional Uses. At that time staff looked at all land available in the residential areas that would meet this criteria such as the nature preserve, the golf course, the schools and City parks and it was felt that there were adequate opportunities for locating Macro facilities without having to allow them close to residences. The Commission concurred and no further amendment of the Code was proposed.

Chair Eisner opened the public testimony portion of the hearing at 7:15 p.m.

Kari Marino, Verizon Wireless, 32345 158th Ave SE, Bellevue, WA 98008

Ms. Marino, a representative of Verizon, thanked the Commission for the opportunity to comment on the proposed Code Amendments. She noted that the reliance on wireless technology has grown incredibly in last several years. Many businesses and residents in the city rely on wireless devices for many purposes such as 24/7 monitoring for medical devices, smart sensors for traffic lights, smart door bells. In addition, 80% of all 911 calls originate on cell phones. Ms. Marino thanked the City for their collaborative approach in working with Elana Zana with Ogden, Murphy Wallace and for reaching out to Snohomish County PUD and all of the carriers to ensure that we have a viable path forward.

Kathy Putt, Crown Castle, Government Affairs Manager, Bellevue, WA

Ms. Putt explained that Crown Castle is a provider of wireless communication facilities for other carriers. She thanked for Commission for their consideration and applauded the work of staff and the City Attorney. Ms. Putt said that Crown Castle concurs with the amendments proposed by staff to address Crown Castle's most recent comments. She also addressed the Commission's earlier question regarding why they wouldn't always have a lease with the property owner and explained that they may not always be working directly with the property owner, but they would always have something that could demonstrate that they have the right to use the property.

Sherry Clemens, 2703 143rd Place SE, Mill Creek, WA 98012

Ms. Clemens, a Mill Creek resident, stated that she is representing humanity, with respect to the health aspects of exposure to radio waves. She stated that 5G is different technology employing the use of high frequency millimeter waves, which are very dangerous. This is military grade technology. Ms. Clemens added that there has been no research or studies on the health risks associated with 5G technology. She asked the Commission to consider doing what the City of Portland Oregon has done and not rush into approving Code amendments but rather to take a wait and see approach. She stated that we need to listen to the 26,000 scientists who petitioned the

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World Health Organization. Ms. Clemens submitted the following documents into the record: USA City Ordinances to Limit and Control Wireless Facilities Small Cells in Rights-of-Ways (7 pages) and Biological Effect of Millimeter Radiowaves (5 pages), both of which are attached.

Kevin Clemens, 2703 143rd Place SE, Mill Creek, WA 98012

Mr. Clemens said that he concurred with his wife's statements, especially with regard to taking a wait and see approach. He believes the wireless facilities are dangerous and that more Mill Creek residents need to be involved in the decision. Mr. Clemens said that he believes the City should prohibit small cell facilities in residential areas.

Hearing no further requests to comment Chair Eisner closed the public comment portion of the hearing at 7:30 p.m. and opened the floor for Commission deliberation.

Commissioner Teschlog asked if MCMC Section 17.29.260.D.1, limiting the strand mounted facility to three cubic feet in volume, should identify a not to exceed maximum. Planning and Development Services Manager Rogers explained that the intent is that three cubic feet is the maximum. To be allowed a larger size, they have to demonstrate to the satisfaction of the Director that it is necessary. This isn't a concession they would receive without being able to make a solid case for the exception and even then, they would only receive the minimum amount necessary.

Vice Chair Nolan thanked the people who testified. He also thanked staff, the City Attorney, and the carriers who participated.

At 7:35 p.m. Chair Eisner officially closed the public hearing and read the Planning Commission Resolution title into the record as follows:

"A RESOLUTION OF THE CITY OF MILL CREEK PLANNING COMMISSION, RECOMMENDING APPROVAL TO THE MILL CREEK CITY COUNCIL OF AMENDMENTS TO THE MILL CREEK MUNICIPAL CODE AMENDING TITLE 17.28 CONDITIONAL USE TO REMOVE WIRELESS COMMUNICATION FACILITIES AND ADOPTING A NEW CHAPTER 17.29 AUTHORIZING AND ESTABLISHING STANDARDS FOR THE DEPLOYMENT OF ALL WIRELESS COMMUNICATION FACILITIES."

MOTION: Vice Chair Nolan moved, seconded by Commissioner Mills, to approve Planning Commission Resolution 2019-0166 recommending approval of WCF Amendments to the Mill Creek City Council, including the two revisions proposed by staff to address Crown Castle's comments. The motion was approved unanimously.

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V. WORK SESSION

2019 – 2020 Development Services Work Program

Planning and Development Services Manager Tom Rogers reviewed the 2019-2020 Development Services Work Program with the Commission. Some of the highlights were:

Mill Creek Boulevard Subarea Plan

As the Commission is aware, the budget includes funding to prepare a subarea plan for the Mill Creek Boulevard Subarea. The Council is set to hire the consultant, Otak, at their upcoming meeting.

Commissioner Teschlog advised the Commission and staff that he has a professional relationship with Otak, although not in connection with this particular project. He asked if this would require him to recuse himself from discussion. Mr. Rogers said that he believes that Commissioner Teschlog can participate in discussions as a member of the Planning Commission, but if he wanted to serve on the Steering Committee, staff could check with the City Attorney for a legal opinion on whether it could be perceived as creating a conflict of interest.

The Farm Off-Site Wetland Mitigation

Mr. Rogers explained that the Pacific Topsoils site has been purchased by the Developer of The Farm Binding Site Plan to be used for off-site mitigation. At the end of the monitoring period in five years, the City will have the opportunity to accept this land as passive park property. At this time staff will be documenting existing conditions on the site. In 2020 staff will also be looking for potential partnership opportunities to further develop, enhance and maintain the property. Potential partners include groups such as Forterra, Snohomish County, Audubon Society, etc.

Business Park Zoning Code Amendments

Mr. Rogers stated that staff will be looking at principal uses allowed in the Business Park zone district to see if additional uses compatible with the zone district might be added.

Sign Code Review

In the fourth quarter of 2019 staff is scheduled to look at the sign code to ensure consistency with federal laws and for other potential housekeeping amendments.

North Creek Trail Study

The Planning and Development Services Division will be working with the Engineering Division on this project. While the North Creek Trail is substantially complete, there are sections of this Trail that aren't completed yet. The study will look at access gaps, ADA access, coordination with connections to the north and south.

VI. ADJOURNMENT

Chair Eisner adjourned the meeting with the consensus of the Commission at 8:00 p.m.

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Submitted by:

Sherrie Ringstad, Associate Planner

(i)

Attachment 1

1VeN8HUUPDV1uV2KuGuR0_quiG_HtZS0VsYS4aPeVUDDykOurVBFwi75EMH4sN4N2p-B2yLv-KIK0gdX86jE8SQn5VS0bkLnSeDAXGqy6IV%3D)

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4/18/19 - Submitted into the record by
Pherry Clemens

USA City Ordinances To Limit And Control Wireless Facilities Small Cells In Rights Of Ways

(/facebook) (/twitter) (/google_plus)
(https://www.addtoany.com/share?url=https%3A%2F%2Fehtrust.org%2Fusa-city-ordinances-to-limit-and-control-wireless-facilities-small-cells-in-rights-of-ways%2F&title=USA%20City%20Ordinances%20to%20Limit%20and%20Control%20Wireless%20Facilities%20Small%20Cells%20in%20Rights%20of%20Ways)

LOCAL GOVERNMENT POLICIES & ORDINANCES TO REGULATE AND CONTROL WIRELESS FACILITIES SMALL CELLS

From coast to coast local governments are taking action to protect their communities from the unfettered deployment of 4G and 5G "small cell" wireless facilities. Several cities are passing ordinances that strictly limit the buildout. Many policymakers ask "What are other cities doing?"

This page is a compilation of top examples of what cities are doing to protect their communities. For each city we provide a short synopsis along with a link to download the ordinance or policy. Scroll down to see the City and policy. Please download and share these examples with your community.

Local ordinances note various purposes such as preserving visual character, protecting environmental resources, and protecting residents against adverse health effects. They take a variety of approaches, such as prohibiting small cells in certain areas, creating application and recertification fees and imposing aesthetic and administrative requirements. Some combine several of these approaches.

Importantly, federal pre-emption has been exaggerated. Local governments do have authority to impose procedural requirements for example. Please consider these two useful documents that came out of the efforts in Montgomery County Maryland by the law office of *Mark C. Del Bianco* and which clarify what localities can and cannot do in terms of procedural requirements for companies.

- 12/ 20/2018 "Summary of Proposed FCC Small Cell Order": (https://ehtrust.org/wp-content/uploads/Guide-to-FCC-Small-Cell-Order.pdf)A critical read on the FCC order.
- 10/2018 Memo: "Federal Law Does Not Prohibit the County from Imposing Stricter Procedural Requirements on Wireless Facilities Than on Other Pole Attachments" (https://ehtrust.org/wp-content/uploads/DelBianco_Conditional.Use_.Federal-Law-Does-Not-Prohibit-the-County-from-Imposing-Stricter-Procedural-Requirements-on-Wireless-Facilities-Than-on-Other-Pole-Attachments.pdf)

See more resources on 5G (https://ehtrust.org/resources-to-take-action-on-us-5g-streamlining-bills/) – including the research in health effects and impacts to people, trees and wildlife here (https://ehtrust.org/resources-to-take-action-on-us-5g-streamlining-bills/). Wireless radiation has harmful biological effects levels far below government limits.

Examples of areas addressed in these ordinances:

LOCATION

- Prohibiting small cell installations in residential areas, certain streets, etc

- Requiring installations to be a certain distance away from residences, schools, hospitals, and/or other installations
- Specifying that installations must be relocated if/when they would interfere with a public project

AESTHETICS / ENVIRONMENT

- Aesthetic, design, and noise requirements such as colocation, camouflage, height and light limits, etc.

ADMINISTRATIVE / LEGAL

- Requiring that residents who will be within a certain distance of an installation be notified
- Instituting automatic time limits for permits
- Requiring annual recertification fees
- Requiring permittees to defend and indemnify the city from any liabilities arising from permits and the installation, operation and maintenance of small cell installations
- Reserving the right to hire independent consultants at the applicant's expense

OTHER

- Appointing a committee to study the viability of a fiber optic network

EXAMPLES OF POLICIES & ORDINANCES

Note: These were compiled from EHT research of various sources and a special thank you to Physicians for Safe Technology (<https://mdsafetech.org/cell-tower-and-city-ordinances/>), My Streets My Choice, (<http://mystreetmychoice.com/>) Scientists for Wired Technology (<http://scientists4wiredtech.com/what-are-4g-5g/4g-5g-small-cells-what-you-need-to-know/>) and Last Tree Laws (<https://www.lasttreelaws.com/ordinances.html>) for their extensive resources utilized on this page. Please be sure to go to these pages for more information. Please contact EHT to add your Cities Information to this page.

In addition, Americans For Responsible Technology has created a Sample Small Cell Ordinance (https://www.telecompowergrab.org/uploads/3/8/5/9/38599771/sample_5g_code_v1.1.pdf) that cities can use as a starting point which incorporates several- although not all- of these issues. Please download their model ordinance and utilize their extensive resources at this link. (<https://www.telecompowergrab.org/tool-kit.html>)

Petaluma, California: Ordinance of the City Council of Petaluma

- Protect environmental resources; protect residents against adverse health effects
- Protect visual character; don't create visual blight
- Protect environmental resources; protect residents against adverse health effects
- Commercial or Industrial zones
- Antennas must connect to an already existing utility pole that can support its weight.
- Servicing wires must be installed within the width of the existing utility.
- All ground-mounted equipment not to be installed inside the pole must be undergrounded, flush to the ground, within three (3) feet of the utility pole.
- Dedicated power source to be installed and metered separately.
- 1,500 feet minimum between each Small Cell facility.
- No Small Cell shall be within 500 feet of any residence.
- An encroachment permit must be obtained for any work in the right-of-way.

Petaluma, California: Ordinance of the City Council of Petaluma PDF (https://drive.google.com/drive/u/1/folders/1wTF4S1dEGIjaCFv_UuoGfd62R8REftAn?ogsrc=32)

Fairfax, California: Urgency Ordinance to Establish New Regulations for Wireless Telecommunications Facilities; Ad hoc committee to study viability of fiber network

Ordinance modeled after Mill Valley's:

- Small cells prohibited in residential zones
- 1500 feet separation
- City to study citywide fiberoptic cable network.

Fairfax, California: Urgency Ordinance No. 819 to Establish New Regulations for Wireless Telecommunications Facilities (<https://storage.googleapis.com/proudcity/fairfaxca/uploads/2018/10/Ord-819-URGENCYsmall-cell.pdf>)

News: MarIn Independent Journal Fairfax to study fiber-optic broadband amid protest against 5G (<https://www.marinij.com/2018/10/04/fairfax-to-study-fiber-optic-broadband-amid-protest-against-5g/>)

Warren Connecticut

This policy defines adequate coverage and adequate capacity. It details that it was designed "to locate towers and/or antennas in a manner which protects property values, as well as the general safety, health, welfare and quality of life of the citizens of Warren and all those who visit this community, minimize the total number and height of towers throughout Warren, and provide standards and requirements for the regulation, placement, design, appearance, construction, monitoring, modification and removal of telecommunications facilities and towers."

- "Coverage is considered to be "adequate" within that area surrounding a Base Station where the predicted or measured median field strength of the transmitted signal is such that the majority of the time, transceivers properly installed and operated will be able to communicate with the base station. In the case of cellular communications in a rural environment like Warren, this would be a signal strength of at least -90 dBm for at least 75% of the coverage area. It is acceptable for there to be holes within the area of Adequate Coverage where the signal is less than -90 dBm, as long as the signal regains its strength to greater than -90 dBm further away from the Base Station."
- "Capacity is considered to be "adequate" if the Grade of Service (GOS) is p.05 or better for median traffic levels offered during the typical busy hour, as assessed by direct measurement of the Personal Wireless Service Facility in question."

TOWN OF WARREN SECTION 29 – SPECIAL PERMIT FOR TELECOMMUNICATIONS: FACILITIES AND TOWERS December 11, 2012, (https://ehtrust.org/wp-content/uploads/Warren_Zoning_Telecom_Regs_-_December_11_2012-4.pdf) Warren website link (https://www.warrenct.org/sites/warrenct/files/uploads/warren_zoning_telecom_regs_effective_jan_14_2013.pdf)

Burlington, Massachusetts: Town of Burlington Policy Applications for Small Cell Wireless Installations, October 22, 2018

- Small Cell Committee drafted policy with annual recertification fees. Verizon withdrew its application, concerned by the precedent it would set and questioning its legality.
- Verizon attorney Mr. Klasnick stated "My client respectfully requests to withdraw the petition rather than have a fee," he said. (BCATTV) (<http://www.bcattv.org/bnews/top-stories/verizon-drops-small-cell-wireless-booster-application-in-face-of-fees/>)

The Town of Burlington Policy / Application for Small Cell Wireless Installations approved by the Burlington Board of Selectmen on October 22, 2018 PDF. (<http://cms2.revize.com/revize/burlingtonma/Small.Cell.Wireless.Equipment.Policy.Approved.10.22.2018.BURLINGTON.MA.pdf>)

According to BCATTV **Verizon Drops Small Cell Wireless Booster Application in Face of Fees:** (<http://www.bcattv.org/bnews/top-stories/verizon-drops-small-cell-wireless-booster-application-in-face-of-fees/>)

"This week Selectman Jim Tigges, the board's representative on the Small Cells Committee, said the group had come up with a new policy for small cell applications. The policy contains a number of provisions while filing an application, including setting installation fees, listing the town department that must receive a copy for review and setting up the timeline for approval.

The Verizon application, however, would not be subject to the policy because it was submitted before its adoption. However, Tigges and the committee did have a number of conditions for the project it recommended to the board. They included:

- No apparatus on double poles
- An agreement to annual recertification
- Equipment shall be located on top of the poles, colored similarly to the pole so as to blend in.
- Equipment shall not interfere with other equipment on the pole, nor obstruct or interfere with access to or operation of street lights or traffic controls devices on the pole.
- Poles must meet ADA standards."

-NEWS: **Verizon Drops Small Cell Wireless Booster Application in Face of Fees** (<http://www.bcattv.org/bnews/top-stories/verizon-drops-small-cell-wireless-booster-application-in-face-of-fees/>), **October 23, 2018**

Palos Vardes, California

According to citizens of the City, after citizen uproar, Crown Castle began complying with municipal aesthetic requirements and moving proposed locations out of neighborhoods and away from homes. The ordinance has four key components, if these are met the site will almost certainly be approved:

- Minimal antenna size with screening
- All accessory equipment underground (everything except the antenna)
- Combining sites with existing vertical infrastructure (streetlights, traffic signals, etc.)
- Strict location restrictions, no sites on local, residential streets without an exception granted

If they don't comply with these, then the applicant must demonstrate the site is required to fill a significant gap and there is no less intrusive alternative to receive an exception. This is not simply checking a box (i.e. the applicant just claiming these conditions exist) but has to be demonstrated to the City planning commission via engineering analysis.

Palos Verdes, California Ordinance Chapter 12.18 – WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY
(https://library.municode.com/ca/rancho_palos_verdes/codes/code_of_ordinances?nodeId=TIT12STSIPUPL_CH12.18WITEFAPURI-W)

Monterey California

Monterey California has now included that it can deny outright an incomplete application "without prejudice". That stops the shotclock, and it allows an application to be resubmitted all over again along with paying the fees again.

to be updated soon.

Mill Valley, California: Urgency Ordinance No 18, September 6, 2018

- New or updated facilities prohibited in residential zones. Commercial only.
- Facilities installed on poles in public right of way must be 1,500 feet apart
- Design, noise standards
- Facilities in public right of way that would interfere with future projects / improvements must be relocated
- Promptly remove facilities when no longer needed; replace with smaller facilities as feasible
- Defend and indemnify the City

Mill Valley, California: Urgency Ordinance No 18, September 6, 2018 (http://cityofmillvalley.granicus.com/Viewer.php?view_id=2&clip_id=1290&meta_id=59943) PDF

News Stories

"Tech Crunch" Bay Area Blocks 5G Deployment Over Cancer Concerns (<https://techcrunch.com/2018/09/10/bay-area-city-blocks-5g-deployments-over-cancer-concerns/>)

Marin Post Mill Valley Council Adopts Wireless Ordinance Protects Community (<https://marinpost.org/blog/2018/9/9/mill-valley-council-adopts-wireless-telecommunications-facility-ordinance-protects-community>)

San Anselmo, California Council Policy

- People within 300 feet of proposed antenna will be notified
- Town is entitled to employ independent consultant at applicant's expense to evaluate exceptions

San Anselmo, California PDF (<https://www.townofsananselmo.org/DocumentCenter/View/23597/Wireless-Facility-Policy-for-new-and-expanded-facilities>)

Ross Valley, California: Wireless Telecommunications Facilities

- Modeled after Mill Valley's
- Adopted regulations prohibit facilities in residential and downtown zoning district.
- Facilities proposed in the public right-of-way subject to separate design criteria.
- Limits height and width of facilities to a minimum necessary for property function.
- Maximum height of 24 feet above the height of the existing utility pole and 7 feet above a street light standard.
- Requires equipment to be placed underground.

Ross Valley, California: Wireless Telecommunications Facilities PDF
(https://www.townofross.org/sites/default/files/fileattachments/administration/page/249/18.55_wireless_telecommunications_facilities.pdf)

News Stories

<https://www.marinij.com/2018/10/27/ross-valley-officials-work-to-tighten-5g-antenna-rules/>

Danville, California: Proposed Ordinance No. 2018-07: Wireless Communication Facilities

- Aesthetic requirements (design guidelines may be developed and amended from time to time to clarify aesthetic and public safety goals and standards)
- Utilities must be underground to extent feasible. "Meters, panels, disconnect switches and other associated improvements must be placed in inconspicuous locations to the extent possible".
- Permits valid for initial period of 10 years max
- "Where feasible, the location of wireless communication facilities shall be encouraged to be located on publicly owned or controlled property or right-of-way."
- Would allow small cells in residential districts:

–"All facilities shall be substantially screened from the view of surrounding properties and the public view or collocated with existing facilities or structures so as not to create substantial additional visual, noise, or thermal impacts. "

–Property owners within 300 ft of proposed site must be notified

Danville, California: Ordinance No. 2018-07 Wireless Communications Facilities PDF

(<https://www.danville.ca.gov/DocumentCenter/View/2292/Danville-Wireless-Communication-Facilities-Ordinance-PDF?bidId=>)

Other Links

<http://mystreetmychoice.com/danville.html> (<http://mystreetmychoice.com/danville.html>)

<http://scientists4wiredtech.com/danville/municipal-wireless-code/> (<http://scientists4wiredtech.com/danville/municipal-wireless-code/>)

Little Silver New Jersey

- Carriers should provide notice to property owners within five hundred (500) feet of the proposed Telecommunications Facility.
- The applicant must demonstrate to the reasonable satisfaction of the Borough that no existing personal wireless Telecommunication Service Facility within a reasonable distance can accommodate needs.
- Indemnification clause: "Each license grantee shall indemnify and hold the Borough and its officers, employees, agents and representatives harmless from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the grantee or its affiliates, officers, employees, agents, contractors or subcontractors in the construction, operation, maintenance, repair or removal of its Telecommunications Facilities, and in providing or offering Telecommunications Services over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Chapter or by a grant agreement made or entered into pursuant to this Chapter."
- "Little Silver New Jersey: AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 16A "LAND USE AND DEVELOPMENT ORDINANCE" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LITTLE SILVER, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING SECTION 16A-2 "DEFINITIONS" AND 16A-5 GENERAL PROVISION ADDING NEW SUBSECTION 5-28 "PLACEMENT OF TELECOMMUNICATIONS FACILITIES" (http://www.littlesilver.org/ls/Announcements/Telecommunications%20Ordinance.pdf?1548971889&fbclid=iwAR0NDX2oaUbreLseq9Z_HO1rmYV7a16s-kdtWdTxFdktfblwNgEuiAamqc)

Walnut City, California

"Telecommunication towers and antennas shall not be located within 1,500 feet of any school (nursery, elementary, junior high, and high school), trail, park or outdoor recreation area, sporting venues, and residential zones."

Screenshot of Ordinance from Walnut Website, (<https://ehtrust.org/wp-content/uploads/Walnut-CA-Telcom-Setbacks-1.png>)

To see the code online go to <https://qcode.us/codes/walnut/>, (<https://qcode.us/codes/walnut/>) Click on "Title 6: Planning and Zoning" Click on "Chapter 6.88 ANTENNAS AND COMMUNICATION FACILITIES", Click on "6.88.060 Design standards, See Item "O.

(<https://ehtrust.org/wp-content/uploads/Walnut-CA-Telcom-Setbacks-1.png>)

Sebastopol, California: City Council Agenda Item Report and Urgency Ordinance (Recommended)

- Purpose: Institute a moratorium on applications for small cells in the public right-of-way until adoption of a permanent ordinance

Previous regulations on telecommunications facilities (according to the recommended urgency ordinance, these did not anticipate 5G and do not address installation of telecommunications facilities in the right-of-way):

- Purpose: Protect visual character, inhabitants, environmental resources

Cannot be located in any required yard setback area

- Facilities within 400 feet of residential areas, schools, churches, hospitals etc must comply with NIER standards
- Minor facilities must be 75 feet away from a "residential dwelling unit" except 1 single family residence on the property where it is located

Sebastopol, California: City Council Agenda Item Report and Urgency Ordinance Establishing a Moratorium on Small Cells in the Public Right of Way ([https://www.ci.sebastopol.ca.us/getattachment/Meeting-Event/City-Council/2018/Special-City-Council-Meeting-October-30,-2018/Agenda-Item-Number-7-Urgency-Ordinance-small-cell-telecommunications-moratorium-\(1\).pdf.aspx](https://www.ci.sebastopol.ca.us/getattachment/Meeting-Event/City-Council/2018/Special-City-Council-Meeting-October-30,-2018/Agenda-Item-Number-7-Urgency-Ordinance-small-cell-telecommunications-moratorium-(1).pdf.aspx))

Other Links

- <http://scientists4wiredtech.com/sebastopol/sb-muni-code/> (<http://scientists4wiredtech.com/sebastopol/sb-muni-code/>)
- <http://mystreetmychoice.com/sebastopol.html> (<http://mystreetmychoice.com/sebastopol.html>)

Pittsfield, Massachusetts: Proposed Section: Wireless Communications Facilities

- Telecom company must prove preferred site/existing structure does not work
- Above ground aesthetic requirements
- Sound and light restrictions with emphasis on industry proving compliance

Pittsfield, Massachusetts: Proposed Section: Wireless Communications Facilities PDF (https://ehtrust.org/wp-content/uploads/pittsfield_-_proposed_section_7.855_of_zoning_ordinance_finaldraft_cdb.pdf)

Hempstead, New York: Wireless Communications Facilities

- Requires a special use permit for cell towers that encourages location of new wireless facilities so as to minimize their impact on historically sensitive areas around residences, schools, houses of worship, day-care centers. Seven consideration factors are listed in order from more to least preferred, with existing towers being most preferred and new towers in residential zones least preferred.
- Prohibits towers from exceeding a height that permits it to operate without artificial lighting
- Allows the town to hire consultants and do inspections
- Set a fee schedule of \$500 per pole
- Requires a 4 foot warning sign on the pole
- Utilities at wireless installations should be underground when possible

Hempstead, New York: Wireless Communications Facilities Ordinance eCode Chapter 142 (<https://ecode360.com/15967597>)

Other Links

<https://mdsafetech.org/cell-tower-and-city-ordinances/> (<https://mdsafetech.org/cell-tower-and-city-ordinances/>)

<https://hempsteadny.gov/permits-and-applications/wireless-telecom-ordinance> (<https://hempsteadny.gov/permits-and-applications/wireless-telecom-ordinance>)

Mason, Ohio: Zoning Ordinance – Wireless Communications Systems

- No small cells in residential areas or within 100 feet of property used for residential use
- Small cells must be 2000 feet apart (unless colocated)
- Small cells are between 20-30 ft high (may be able to exceed 30 ft if colocated)
- Every attempt shall be made to locate small cells on existing structures; if not available, within public right of way
- All related equipment should be underground or wholly contained so not visible
- Each facility shall consist of no more than 1 antenna/user and capable of providing communication for at least 2 users

Mason, Ohio Zoning Ordinance PDF (<https://www.imaginemason.org/download/PDFs/building/MasonZoningCodev-05-15-2017.pdf>)

Sonoma, California: Report and Urgency Ordinance

On Nov 5, 2018 Sonoma approved (<https://www.sonomacity.org/urgency-ordinance-regarding-small-cell-towers-approved/>) their 5G urgency ordinance.

"Based on the foregoing, the City Council finds and determines that the immediate preservation of the public health, safety and welfare requires that this Ordinance be enacted as an urgency ordinance pursuant to Government Code Section 36937(b), and take effect immediately upon adoption. Therefore, this Ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare and its urgency is hereby declared."

The City also has a Small Cell Tower page (<https://www.sonomacity.org/small-cell-towers/>).

Sonoma California Ordinance on 5G (<https://sonomacity.civicweb.net/document/17797>) PDF

San Rafael, California: City Council Report

Dec. 5, 2018 front page news story: <https://www.marinij.com/2018/12/04/san-rafael-officials-work-to-tighten-5g-antenna-rules/>
(<https://www.marinij.com/2018/12/04/san-rafael-officials-work-to-tighten-5g-antenna-rules/>)

Dec. 18, 2018 front page story: <https://www.marinij.com/2018/12/18/san-rafael-adopts-urgency-ordinance-to-keep-grip-on-5g-proliferation/>
(<https://www.marinij.com/2018/12/18/san-rafael-adopts-urgency-ordinance-to-keep-grip-on-5g-proliferation/>)

- City Staff Report: URGENT ORDINANCE AMENDING THE SAN RAFAEL MUNICIPAL CODE TITLE 14 (<https://ehtrust.org/wp-content/uploads/6.c-Small-Wireless-Facilities.pdf>)(ZONING) AND ACCOMPANYING POLICY RESOLUTION TO ESTABLISH PROVISIONS AND PROCEDURES FOR REGULATING THE PLACEMENT OF SMALL WIRELESS FACILITIES (<https://ehtrust.org/wp-content/uploads/6.c-Small-Wireless-Facilities.pdf>)
- San Rafael, California: December 2018 Documentation for City Action on 12/18/2018 (http://cityofsanrafael.granicus.com/MetaViewer.php?view_id=38&event_id=1149&meta_id=133663)

This document also reviews other Cities 5G small cell policies.

News stories

"I want the city and county government to clearly say no to the FCC," said resident Arthur Saftlas. "No 5G installations of any kind in Marin, until it can be proven safe for us and the environment."- San Rafael, Calif., Officials Work to Tighten 5G Regulation (<http://www.govtech.com/policy/San-Rafael-Calif-Officials-Work-to-Tighten-5G-Regulation.html>)

- San Rafael Residents Take Pre-emptive Strike Against 5G (<https://www.marinij.com/2018/08/21/san-rafael-residents-take-pre-emptive-strike-against-5g-installations/>)

Lancaster, Pennsylvania: Zoning Changes via Ordinance 9-2016

- City Council rushed through zoning changes to declare many streets off limits to new poles (said they could be much taller than existing ones)
- Public Utility Commission stripped Mobilitie and other distributed-antenna companies of utility status, meaning that they would not get any more "certificates of public convenience" in Pennsylvania.

Lancaster, Pennsylvania Ordinance No. 9-2016 (<http://www.cityoflancasterpa.com/sites/default/files/documents/Ord0916%20-%20Wireless%20Tower%20regulation.pdf>)PDF (<https://ehtrust.org/wp-content/uploads/Lancaster-Ord0916-Wireless-Tower-regulation.pdf>)

News Stories

- <http://www.philly.com/philly/business/comcast/philly-and-suburbs-brace-for-attack-of-the-small-cells-20170601.html?arc404=true>
- <http://www.govtech.com/dc/articles/Philadelphia-Braces-For-Small-Cell-Future.html>

Holyoke, MA: Initial Request

- Draft policy \$500 fee for city inspection of rooftop poles/roofs every 2 years
- Holyoke has submitted an order from councilor Bartley Roman to limit equipment and require \$500 a piece per small cell—\$500 may exceed FCC limits. At-large councilor Rebecca Lisi, on behalf of a Holyoke resident, recently submitted to the town lawyer a copy of the ordinance drafted by Pittsfield.

Information from <https://www.lasttreelaws.com/ordinances.html> (<https://www.lasttreelaws.com/ordinances.html>)

Booneville, Arkansas, September 2018

Proposed Ordinance would limit cell towers to 250 ft max; industrial zones

News Stories

Cell tower ordinance read for first time at council meeting (<http://www.boonevilledemocrat.com/news/20180905/cell-tower-ordinance-read-for-first-time-at-council-meeting>), Sept 5, 2018

OTHER ACTIONS

Monterey, California: Verizon's application denied

Commissioners overruled staff and voted 7-0 to deny telecom giant Verizon's small cell application

Small Cell Towers nixed in 7-hour Monterey Planning Commission (<http://www.cedarstreettimes.com/18237-2/>)

- <http://mystreetmychoice.com/monterey.html> (<http://mystreetmychoice.com/monterey.html>)

Los Angeles, California: Deal with Verizon; letter from Mayor to FCC

- "In exchange for amenities such as free Wi-Fi in Skid Row and at recreation centers, \$400,000 of scholarship money, and launching an innovation center in the city, L.A. is charging Verizon just \$175 per device per year for 10 years for up to 1,000 installations, plus the cost of electricity." (LA Times (<http://www.latimes.com/business/technology/la-fi-tn-5g-fcc-rollout-20181006-story.html>))
- "In a letter to the FCC, Mayor Eric Garcetti urged the commission to rewrite the ruling before its adoption, arguing that the decision would "insert confusion into the market, and sow mistrust between my technology team and the carriers with whom we have already reached agreements."" (LA Times (<http://www.latimes.com/business/technology/la-fi-tn-5g-fcc-rollout-20181006-story.html>))

News Stories

LA Times: 5G service rolls out — but not without controversy (<http://www.latimes.com/business/technology/la-fi-tn-5g-fcc-rollout-20181006-story.html>)

San Jose, California: Negotiated agreement

"officials made improved access to areas with low Internet participation a precondition for reducing fees...agreement set tiered costs per network node installation, with lower fees for companies deploying more nodes. Along with this incentive, three companies pledged to contribute a total of \$24 million over the next decade to a digital inclusion fund." (GovTech (<http://www.govtech.com/network/The-Future-of-5G-The-Bitter-Battle-for-Local-Control.html>))

News Stories

September 2018 The Future of 5G: The Bitter Battle for Local Control (<http://www.govtech.com/network/The-Future-of-5G-The-Bitter-Battle-for-Local-Control.html>)

Note: These were compiled from EHT research of various sources and a special thank you to Physicians for Safe Technology (<https://midsafetech.org/cell-tower-and-city-ordinances/>), My Streets My Choice (<http://mystreetmychoice.com/>) and Last Tree Laws (<https://www.lasttreelaws.com/ordinances.html>) for their extensive resources. Please contact EHT to add your Cities information.

Other Important Websites on 5G and Small Cells.

WhatIs5g.info (<https://whatis5g.info>)

MyStreetMyChoice (<http://mystreetmychoice.com/>)

Win19.org on Small Cells and 5G (<http://www.win19.org/cell-towers-small-cells.html>)

Americans For Responsible Technology (<https://www.americansforresponsibletech.org/>)

Last Tree Laws (<https://www.lasttreelaws.com/ordinances.html>)

Physicians for Safe Technology 5G Resources (<https://midsafetech.org/5g-telecommunications-science/>)

International 5G Appeal (<http://www.5gappeal.eu/>)

(<https://ehtrust.org/key-issues/fine-print-warnings/>)

Attachment 2

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UDC 612.014.424.5

BIOLOGICAL EFFECT OF MILLIMETER RADIONAVES

Kiev VRACHEBNOYE DELO in Russian No 3, 1977 pp 116-119

[Article by N. P. Zalyubovskaya, Khar'kov Scientific Research Institute of Microbiology, Vaccines and Sera imeni Mechnikov]

[Text] Morphological, functional and biochemical studies conducted in humans and animals revealed that millimeter waves caused changes in the body manifested in structural alterations in the skin and internal organs, qualitative and quantitative changes of the blood and bone marrow composition and changes of the conditioned reflex activity, tissue respiration, activity of enzymes participating in the processes of tissue respiration and nucleic metabolism. The degree of unfavorable effect of millimeter waves depended on the duration of the radiation and individual characteristics of the organism.

The ubiquitous propagation of radiowaves, radio broadcasting and television is contributing to the appearance of a new physical factor -- electromagnetic waves of the radio-frequency range. In recent years it has been established that radiowaves of different ranges have an unfavorable influence on the organism. The literature data (A. G. Subbota, 1970; N. V. Tyagin, 1971; B. A. Chudhlovin, 1973; M. I. Yakovleva, 1973; Yu. D. Dumanskiy et al, 1975) testify that long stay in conditions of the effect of radiowaves (the dm and cm ranges) leads to change of the functions of the nervous, cardiovascular and other systems of the organism, with the development of a characteristic complex of symptoms which permit speaking of a special nosological form of disease -- radiowave disease (M. N. Sadchikova, 1973). However, in the literature there is almost no information about the biological effect of radio frequencies of the millimeter range, although that range is widely used in technology and the question of its biological activity has acquired special urgency.

The goal of the present investigations consisted in study of the physiological and biochemical processes lying at the basis of the changes which occur in animals as a result of the effect of radiowaves in the range of 5-8 mm, at a density of the flow of power of 1 milliwatt/cm². The investigations were conducted on rats of the Wistar line and mice of the CBA line, irradiated for 15 minutes daily in the course of 60 days in the volume resonator of an experimental installation working on the basis of a type OV-12 generator.

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rats irradiated by millimeter waves the ascorbic acid level dropped 3%. The functional changes established in the content of 17-ocs in the blood plasma and of ascorbic acid in the adrenal cortex of irradiated animals indicate the influence of millimeter radiowaves on the central components of the hypothalamus-hypophysis system -- the adrenal glands with involvement of a number of humoral components.

The conducted investigations showed that in animals subjected to the effect of millimeter radiowaves there was a variation of the content and ratio of catecholamines; in the blood the concentration increased, in the hypothalamus the adrenaline content increased and the noradrenaline level dropped, in the cerebral cortex there was a slight redistribution of catecholamines, in the adrenal glands the adrenaline content doubled and the noradrenaline level dropped by 11% in comparison with that in unirradiated animals. The adrenaline concentration in the adrenal glands remained elevated by 60% 10 days after the irradiation ceased. The obtained results indicate well-expressed changes of metabolism of catecholamines under the influence of millimeter waves both in the hormonal and in the sympathetic components of the sympathetic-adrenal system and also reflect changes of the functional activity of its hormonal and mediator components.

The main mass of the energy in tissues and organs of animal organisms, as is known, is released during the biological oxidation of organic substances, in which case the greater part of it is accumulated in the form of macroergs. The processes of bioenergetics, occurring mainly in the mitochondria with the direct participation of respiratory enzymes which accomplish the terminal stage of biological oxidation, are of universal importance and assure the functional activity of organs and tissues, the synthesis of proteins and nucleic acids, the formation of some intermediate products of exchange, etc.

The conducted investigations showed that the irradiation of animals by millimeter waves caused changes of the processes of oxidative phosphorylation in the liver, kidneys, heart and brain of the animals. The irradiation inhibited the oxygen consumption rate by the mitochondria of those organs in the active phosphorylating state and slowed down the rate of respiration upon exhaustion of the ATP. In the liver and kidneys of irradiated animals the intensity of phosphorylation decreased by 64%, the values of the respiratory controls decreased by 26 and 28% respectively and the changes were less expressed in the heart and brain.

The established disorders of the process of conjugate oxidative phosphorylation in the mitochondria of irradiated animals testify to suppression of energy exchange and can be a result of changes occurring in the electron transport chain. The expressed hypothesis was confirmed by the results of investigations of the activity of enzymes participating in the processes of tissue respiration. In the mitochondria of the livers of irradiated animals the succinate dehydrogenase activity increased by 34% and the cytochromoxidase activity decreased by 37%. Those data testify to destruction of the cytochrome chain.

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Study of the morphological, functional and biochemical indicators, which play an essential role in the formation of reactions of the organism, disclosed various disorders in the experimental animals.

As is known, the energy of millimeter waves, because of its weak penetrating ability, is absorbed primarily and mainly by the skin. Our investigations have shown that in the skin of irradiated animals deformation of the receptor apparatus and well-expressed changes of a reactive character were observed. In the skin layer properly speaking appeared bunches of nerve fibers with hypertrophy of a portion of the fiber and sections with demyelination. In the dermis, among the collagen fibers were small trunks of various thickness, the neural conductors of which were fragmented in separate cases, and phenomena of demyelination were observed in the surface layers.

As the results of histomorphological analysis showed, in the functionally active structures of tissue of the myocardium, liver, kidneys and spleen disorders of the hemodynamics were established, with disruption of the permeability of the vesicular membranes, the appearance of micronecroses and subsequent tissue dystrophy. Moreover, qualitative and quantitative shifts were revealed in the erythrocytic and leukocytic composition of the blood of irradiated animals, indicating suppression of the hemopoietic function of the bone marrow and lymphatic system. Noted in the composition of the red blood was eosinophilia, neutrophilia and lymphopenia, and lowering of the hemoglobin level and reduction of the number of erythrocytes were observed, which was determined to a considerable degree by the retention of erythrocytes in the bone marrow. In the latter occurred an increase of the number of erythroblastic cells and decrease of cells of the leukoblastic series.

Under the effect of millimeter waves of low intensity the degree of affection depends on the general condition of the organism and evidently is not so great, as the observed disorders are in the main reversible.

A characteristic feature of the biological effect of radiowaves was changes of the state of various sections of the central and vegetative nervous systems which involve directly or indirectly disorders of the principal functions of the organisms (M. I. Yakovlev, 1973).

As a result of investigations conducted by us on animals irradiated with millimeter waves, disorders of conditioned reflex activity have been established: weakening of the stimulatory process, reduction of the size of the latent period in response to different conditioned stimuli (light, noise or pain) and disinhibition of differentiation reactions. Disorders of the stimulatory and inhibitory processes displayed in animals during the repeated effects of millimeter radiowaves can be considered suppression of the function of the central nervous system, although the developed inhibition can be linked with protective-compensatory reaction of the organism in response to irradiation.

In the blood plasma of irradiated animals the content of 17-oxy corticosteroids increased (22.64 ± 2.18 mg per 100 ml of plasma of the irradiated and 14.98 ± 2.01 mg of the unirradiated. Along with that, in the adrenal cortex of

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Very essential in the system of enzymes of cell energy supply is the role of the ATPases regulating the processes of formation and use of the energy of macroergs (V. P. Skulachev, 1969). The conducted investigations revealed in the mitochondria of the livers of irradiated animals an increase of ATPase activity by 63% as compared with similar indicators for the unirradiated. In that case in the liver and spleen of animals irradiated many times by millimeter waves there was a decrease of the content of adenylnucleotides by 61 and 68% respectively.

Investigation of the influence of millimeter waves on the state of nucleic exchange showed that in the liver, spleen, kidneys, lungs and heart there was a reduction of the content of nucleic acids and suppression of the rate of ^{14}C -thymidine in DNA and ^{14}C -uridine in RNA. In a comparison of the results of quantitative determination of nucleic acids it was established that the rate of inclusion of the predecessor in RNA and its content in the organs changes less than the DNA. The change of the nucleic acids concentration was more expressed in the liver, spleen and kidneys than in the heart and lungs. Together with reduction of the nucleic acids content, the quantity of acid-soluble products in the liver and spleen of irradiated animals increased by 35 and 43% and the activity of ribonuclease and DNAase increased 50%.

Under the influence of radiowaves the protein spectrum of the blood serum changed (the albumin content decreased and the number of globulins increased, which led to decrease of the value of the albumin-globulin coefficient) and the number of free amino acids decreased by 22%. An indicator of the reduced level of protein synthesis in the irradiated animals also was the established reduction of the rate of inclusion of ^{14}C -methionine in proteins of the liver, spleen, lymph nodes and thymus. The presented data testify to substantial changes in the protein metabolism which occur under the influence of multiple irradiation of animals by millimeter radiowaves. Evidently the reduction of the general energy level occurring in the organism under the influence of millimeter radiowaves had an effect on the formation of macroergs and caused a suppression of all functions of the organism, including suppression of synthetic processes but especially of nucleoprotein metabolism, which is very energy-consuming.

The conducted experimental investigations were compared with observations of the state of health of 97 persons working with generators of the millimeter range on the basis of systematic conducting of biochemical analyses. The obtained data confirmed the existence of an influence of radiowaves on the state of metabolic processes in the organism, in particular, changes of the indicators of protein and carbohydrate metabolism were revealed and disturbances of the indicators of immuno-biological reactivity and of the blood system were established.

Thus the conducted investigations indicate high biological activity and an unfavorable influence of millimeter radiowaves on the organism. The expressness of the biological reactions increased with increase of the period of irradiation and depended on individual characteristics of the organism.

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3. Skulachov, V. P. "Akkumulyatsiya energii v kletke" [Energy Accumulation in the Cell]. Moscow, 1969.
4. Subbota, A. G. In: "Vliyaniye SVCh-izlucheniya na organizm cheloveka i zhivotnykh" [Influence of Superhigh Frequency Radiations on the Organisms of Man and Animals]. Leningrad, 1970.
5. Tyagin, N. V. "Klinicheskiye aspekty oblucheniya SVCh-diapazona" [Clinical Aspects of Radiation of the Superhigh Frequency Range]. Leningrad, 1971.
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Agenda Item # E
Meeting Date: May 28, 2019

CITY COUNCIL AGENDA SUMMARY

City of Mill Creek, Washington

AGENDA ITEM: STUDY SESSION: GRANT FUNDING APPLICATION CRITERIA AND PROCESS

PROPOSED MOTION:

None at this time – For discussion purposes only.

KEY FACTS AND INFORMATION SUMMARY:

The City’s grant policy is being updated to modify the procedure for grant applications and acceptance of awarded grant funding. The proposed policy will require all grant opportunities the administration wishes to pursue will be presented to Council for approval prior to said application being made. Upon approval by the City Council, the City Manager will be authorized to accept the awarded grant funding.

CITY MANAGER RECOMMENDATION:

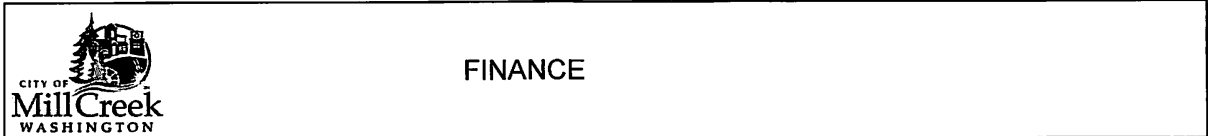
N/A

ATTACHMENTS:

- Attachment A: Proposed Grant Policy 300-06
- Attachment B: Proposed Grant Policy 300-06_Redlined Version
- Attachment C: Grant Policy CCP 07-001
- Attachment D: Administration / City Council Grant Application Reconciliation

Respectfully Submitted:

Michael G. Ciaravino
City Manager



Subject: Grant Funding Application Criteria and Process	Index: Finance and Administration Department Number: 300-06
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Effective Date: (blank)	Supersedes: CCP 07-001	Staff Contact: Peggy Lauerman	Clerk ID Number: (blank)	Approved By and Date: City Council
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1.0 PURPOSE:

Establish process and considerations for determining when to seek and/or accept grant funding for City projects, programs and staffing.

2.0 ORGANIZATIONS AFFECTED:

All departments/divisions.

3.0 REFERENCE:

N/A

4.0 POLICY

The following procedures will be used by all City staff (or department/division) in determining when to seek and/or accept grant funding for City projects, programs and staffing.

5.0 BACKGROUND

The City of Mill Creek has limited funds available for development of public works, planning, recreation, police and other projects and programs. Grant funding can augment available City funding, but can also consume precious staff and financial resources. This policy sets forth a set of considerations for prioritizing when to expend staff or consultant effort in seeking grant funding, based on:

- A. Consistency with City work plan and goals
- B. Consistency with City roles and responsibilities
- C. Cost vs. benefit analysis
- D. Match requirements
- E. Sustainability of funded activity

F. Perceived chance of success in obtaining grant funding

6.0 GRANT APPLICATION CONSIDERATIONS

6.01 Consistency with Work Plan and Goals

Capital projects or programs with the following characteristics shall have priority for staff work to secure potential grant funding:

- A. Are included in the City's currently adopted Capital Facilities Plan or Biennial Budget
- B. Are unfunded, but which have been approved by Council
- C. Are unfunded, but which support achievement of adopted City goals or objectives

6.02 Consistency with City roles and responsibilities

Grants supporting projects or programs required to meet the statutory responsibilities of the City are of higher priority for staff work and local match than grants to support projects or programs supporting discretionary or ancillary services or activities.

6.03 Cost versus benefit analysis

Staff shall assess potential grants to determine if benefits from the funding outweigh grant-related costs for project elements, reporting or maintenance of staffing or program elements after grant funding is no longer available. Grants for projects, programs and staff that do not impose significant additional costs, reporting or ongoing requirements of the City shall qualify for staff work and local match if also satisfying other criteria contained in this policy.

6.04 Local Grant Funding Match Requirements

Grants will be prioritized for staff work based on the following match considerations:

- A. Full project or match funding has been included in the current adopted budget or Capital Facilities Plan
- B. Match funding would not preclude funding of other priority projects, programs or staff
- C. Other grants or in-kind services can be included in the match
- D. Match amount or percentage of total project cost

6.05 Sustainability of Funded Activities

Grants may require that the program or staffing be maintained after grant funding ends. The City should only pursue these grants if the Council determines that the program or staffing is a long-term priority for the City.

6.06 Perceived Chance of Success in Receiving Grant Funding

City staff should familiarize themselves with the characteristics of successful

grant applications and maintain contact with staff from major grant funding sources related to their projects and programs, in an effort to plan for anticipate opportunities and position City projects and programs to compete successfully for grant funding. Those projects, programs or staff with a high perceived chance for receiving grant funding will have priority for staff work to prepare grant applications.

7.0 GRANT APPROVAL PROCESS

7.01 Grant applications require pre-approval of Council

In addition to the above considerations, all grant opportunities the administration wishes to pursue will be presented to Council for Council approval prior to such application being made. Approval will be in the form of a resolution, substantially conforming to the template resolution in Attachment A and incorporated herein.

7.02 City Manager Authorization

Upon Council approval of the grant opportunity, the City Manager will be authorized to accept the awarded grant funding.

DRAFT

ATTACHMENT A

RESOLUTION NO. 20__ - ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILL CREEK, WASHINGTON AUTHORIZING THE CITY MANAGER TO APPLY FOR GRANT FUNDING IN THE AMOUNT OF \$ _____ FOR _____ AND ACCEPT IF AWARDED.

WHEREAS, *[insert the problem or why the grant opportunity is being sought]*;

WHEREAS, the *[insert entity awarding the money]* has *[insert amount of grant money available]* available in grant funding to *[state what the money will be for – may repeat substantive of above whereas clause]*; and

WHEREAS, it will substantially further the public health, safety and welfare to apply for the grant so as to *[state what the grant money will go towards]*;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILL CREEK, WASHINGTON, as follows:

Section 1. The City Council hereby directs the city staff to apply for the *[insert name of entity awarding money]* grant opportunity.

Section 2. The City Manager is hereby authorized to execute and submit all grant contract documents and payment vouchers related to this matter.

This Resolution shall be effective immediately upon passage, approval and signatures hereon as required by law.

PASSED IN OPEN MEETING this ____ day of ____, 2019 by a vote of _____ for, _____ against, and _____ abstaining.

PAMELA J. PRUITT, Mayor

ATTEST:

GINA PFISTER, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

SCOTT M. MISSALL, CITY ATTORNEY

DRAFT



Subject: Grant Funding Application Criteria and Process	Index: Finance and Administration Department Number: 300-06
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Effective Date:	Supersedes: CCP 07-001	Staff Contact: Peggy Lauerman	Clerk ID Number:	Approved By and Date: City Council
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1.0 PURPOSE:

Establish process and considerations for determining when to seek and/or accept grant funding for City projects, programs and staffing.

2.0 ORGANIZATIONS AFFECTED:

All departments/divisions.

3.0 REFERENCE:

N/A

4.0 POLICY

The following procedures will be used by all City staff (or department/division) in determining when to seek and/or accept grant funding for City projects, programs and staffing.

5.0 BACKGROUND

The City of Mill Creek has limited funds available for development of public works, planning, recreation, police and other projects and programs. Grant funding can augment available City funding, but can also consume precious staff and financial resources. This policy sets forth a set of considerations for prioritizing when to expend staff or consultant effort in seeking grant funding, based on:

- A. Consistency with City work plan and goals
- B. Consistency with City roles and responsibilities
- C. Cost vs. benefit analysis
- D. Match requirements
- E. Sustainability of funded activity

- F. Perceived chance of success in obtaining grant funding

6.0 GRANT APPLICATION CONSIDERATIONS

6.01 Consistency with Work Plan and Goals

Capital projects or programs with the following characteristics shall have priority for staff work to secure potential grant funding:

- A. Are included in the City's currently adopted Capital Facilities Plan or Biennial Budget
- B. Are unfunded, but which have been approved by Council
- C. Are unfunded, but which support achievement of adopted City goals or objectives

6.02 Consistency with City roles and responsibilities

Grants supporting projects or programs required to meet the statutory responsibilities of the City are of higher priority for staff work and local match than grants to support projects or programs supporting discretionary or ancillary services or activities.

6.03 Cost versus benefit analysis

Staff shall assess potential grants to determine if benefits from the funding outweigh grant-related costs for project elements, reporting or maintenance of staffing or program elements after grant funding is no longer available. Grants for projects, programs and staff that do not impose significant additional costs, reporting or ongoing requirements of the City shall qualify for staff work and local match if also satisfying other criteria contained in this policy

6.04 Local Grant Funding Match Requirements

Grants will be prioritized for staff work based on the following match considerations:

- A. Full project or match Funding has been included in the current adopted budget or Capital Facilities Plan
- B. Match funding would not preclude funding of other priority projects, programs or staff
- C. Other grants or in-kind services can be included in the match
- D. Match amount or percentage of total project cost

6.05 Sustainability of Funded Activities

Grants may require that the program or staffing be maintained after grant funding ends. The City should only pursue these grants if the Council determines that the program or staffing is a long-term priority for the City.

6.06 Perceived Chance of Success in Receiving Grant Funding

City professional staff should familiarize themselves with the characteristics of

successful grant applications and maintain contact with staff from major grant funding sources related to their projects and programs, in an effort to plan for anticipate opportunities and position City projects and programs to compete successfully for grant funding. Those projects, programs or staff with a high perceived chance for receiving grant funding will have priority for staff work to prepare grant applications.

7.0 GRANT APPROVAL PROCESS

~~7.01—Grant applications requiring pre-approval of Council
In addition to the above considerations Council approval shall be required prior to submittal of grant application under the following conditions:~~

- ~~A.— For programs or projects not included in the current biennial operations or Capital Improvement Program budgets~~
- ~~B.— If funding requires full or partial repayment~~
- ~~C.— If required by the grantor~~

~~7.02—Grant applications which can be approved by the City Manager
All grant applications not requiring pre-approval by Council and which reasonably satisfy the considerations outlined by this policy may be prepared and submitted with the City Manager's approval.~~

~~7.03—Grant acceptance
All grant awards must be approved by Council prior to acceptance of funding.~~

~~**7.01 Grant applications require pre-approval of Council**
In addition to the above considerations, all grant opportunities the administration wishes to pursue will be presented to Council for Council approval prior to such application being made. Approval will be in the form of a resolution, substantially conforming to the template resolution in Attachment A and incorporated herein.~~

~~**7.02 City Manager Authorization**
Upon Council approval of the grant opportunity, the City Manager will be authorized to accept the awarded grant funding.~~

ATTACHMENT A

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WHEREAS, *[insert the problem or why the grant opportunity is being sought]*;

WHEREAS, the *[insert entity awarding the money]* has *[insert amount of grant money available]* available in grant funding to *[state what the money will be for – may repeat substantive of above where clause]*; and

WHEREAS, it will substantially further the public health, safety and welfare to apply for the grant so as to *[state what the grant money will go towards]*;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILL CREEK, WASHINGTON, as follows:

Section 1. The City Council hereby directs the city staff to apply for the *[insert name of entity awarding money]* grant opportunity.

Section 2. The City Manager is hereby authorized to execute and submit all grant contract documents and payment vouchers related to this matter.

This Resolution shall be effective immediately upon passage, approval and signatures hereon as required by law.

PASSED IN OPEN MEETING this ____ day of ___, 2019 by a vote of _____ for, _____ against, and _____ abstaining.

PAMELA J. PRUITT, Mayor

ATTEST:

GINA PFISTER, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

SCOTT M. MISSALL, CITY ATTORNEY

DRAFT

**CITY OF MILL CREEK POLICY
GRANT FUNDING APPLICATION CRITERIA AND PROCESS**

City Policy No.: CCP 07-001

Effective: January 9, 2007

PURPOSE

Establish process and considerations for determining when to seek and/or accept grant funding for City projects, programs and staffing.

BACKGROUND

The City of Mill Creek has limited funds available for development of public works, planning, recreation, police and other projects and programs. Grant funding can augment available City funding, but can also consume precious staff and financial resources. This policy sets forth a set of considerations for prioritizing when to expend staff or consultant effort in seeking grant funding, based on:

- Consistency with City work plan and goals
- Consistency with City roles and responsibilities
- Cost vs. benefit analysis
- Match requirements
- Sustainability of funded activity
- Perceived chance of success in obtaining grant funding

GRANT APPLICATION CONSIDERATIONS

1) Consistency with Work Plan and Goals

Capital projects or programs with the following characteristics shall have priority for staff work to secure potential grant funding:

- a) Are included in the City's currently adopted Capital Facilities Plan or Biennial Budget
- b) Are unfunded, but which have been approved by Council
- c) Are unfunded, but which support achievement of adopted City goals or objectives

2) Consistency with City roles and responsibilities

Grants supporting projects or programs required to meet the City's statutory responsibilities of the City are of higher priority for staff work and local match than grants to support projects or programs supporting discretionary or ancillary services or activities.

3) Cost versus benefit analysis

Staff shall assess potential grants to determine if benefits from the funding outweigh grant-

related costs for project elements, reporting or maintenance of staffing or program elements after grant funding is no longer available. Grants for projects, programs and staff that do not impose significant additional costs, reporting or ongoing requirements of the City shall qualify for staff work and local match if also satisfying other criteria contained in this policy

4) Local Grant Funding Match Requirements

Grants will be prioritized for staff work based on the following match considerations

- a) Full project or match Funding has been included in the current adopted budget or Capital Facilities Plan
- b) Match funding would not preclude funding of other priority projects, programs or staff
- c) Other grants or in-kind services can be included in the match
- d) Match amount or percentage of total project cost

5) Sustainability of Funded Activities

Grants may require that the program or staffing be maintained after grant funding ends. The City should only pursue these grants if the Council determines that the program or staffing is a long-term priority for the City.

6) Perceived Chance of Success in Receiving Grant Funding

City professional staff should familiarize themselves with the characteristics of successful grant applications and maintain contact with staff from major grant funding sources related to their projects and programs, in an effort to plan for anticipate opportunities and position City projects and programs to compete successfully for grant funding. Those projects, programs or staff with a high perceived chance for receiving grant funding will have priority for staff work to prepare grant applications.

GRANT APPROVAL PROCESS

1. Grant applications requiring pre-approval of Council

In addition to the above considerations Council approval shall be required prior to submittal of grant application under the following conditions:

- a. For programs or projects not included in the current biennial operations or Capital Improvement Program budgets
- b. If funding requires full or partial repayment
- c. If required by the grantor

2. Grant applications which can be approved by the City Manager

All grant applications not requiring pre-approval by Council and which reasonably satisfy the considerations outlined by this policy may be prepared and submitted with the City Manager's approval.

3. Grant acceptance

All grant awards must be approved by Council prior to acceptance of funding.

Adopted this 9th day of January 2007 by a vote of for, against, and abstaining.

APPROVED:

MAYOR DONNA MICHELSON

ATTEST/AUTHENTICATED:

CITY CLERK KELLY M. HENNESSEY

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY
SHORT CRESSMAN & BURGESS

City of Mill Creek
Administration / City Council Grant Application Reconciliation

No.	Granting Agency	Grant Type/Name	CIP Number	Project Folder	Project	Total Project Cost	Amount Requested	Phases	Department/Fund	Date Submitted	Awarded	Match Percentage	Grant Match Requirement	Use By	2018	2019	2020	2021	2022	
1	Snohomish County		18-PARK-02		Mill Creek Sports Park		\$ 100,000		Public Works			0%	\$0							
2	Snohomish County		17-ROAD-02	G:\PUBLIC WORKS\Projects (CFP)\35th Avenue SE Reconstruction Project	35th Ave Reconstruction		\$ 50,000	Construction	Public Works		\$50,000	0.0%	\$0.00							
3	Snohomish County		17-PARK-02	G:\PUBLIC WORKS\Projects (CFP)\PARK PROJECTS\Exploration Park	Exploration Park		\$ 100,000	Construction	Park			0.0%	\$0.00							
4	Department of Ecology				Surface Water NPDES Permit		\$ 50,000		Surface Water		\$50,000	0.0%	\$0.00							
5	Department of Commerce	2017 Local & Community Projects		G:\PUBLIC WORKS\Projects (CFP)\FACILITY PROJECTS\PW Shop	Public Works Shop	\$ 969,000	\$ 249,290	Construction	Public Works	12/2016	\$249,290	0.0%	\$0.00	6/30/2019						
6	Puget Sound Regional Council	Surface Transportation Improvement Program (STP)	19-PW-01	G:\PUBLIC WORKS\Projects (CFP)\35th Ave SE Road Preservation	35th Ave Road Preservation	\$ 1,000,000	\$ 504,208	Construction	Public Works	6/26/2018	\$504,208	13.5%	\$78,692.00	2021						
7	Recreation & Conservation Office	RCFB - YAF Renovation	18-PARK-02	G:\PUBLIC WORKS\Projects (CFP)\PARK PROJECTS\Sports Park	Mill Creek Sports Park - Freedom Field Turf Replacement	\$ 765,112	\$ 250,000	Construction	Park	2/1/2018		32.7%	\$121,471.00	6/30/2019						
8	Washington State Department of Transportation	2018 Pedestrian & Bicycle (Spot Location Subprogram)	19-PW-02	G:\PUBLIC WORKS\Projects (CFP)\132nd Street SE Mid-Block Crossing	132nd St Mid-Block Crossing (HAWK Sig	\$ 750,000	\$ 750,000	Engineering and CN	Streets	4/13/2018	\$675,000	10.0%	\$75,000.00	6/2021		Engineering				
9	Washington State Department of Transportation	2018 City Safety Program	19-PW-02	G:\PUBLIC WORKS\Projects (CFP)\132nd Street SE Mid-Block Crossing	132nd St Mid-Block Crossing (HAWK Sig	\$ 750,000	\$ 663,000	Engineering and CN	Streets	4/13/2018	\$0	0.0%	\$0.00	6/2021					Construction	
10	Washington State Department of Transportation	Connecting Washington	17-ROAD-02	G:\PUBLIC WORKS\Projects (CFP)\35th Avenue SE Reconstruction Project	35th Ave Reconstruction	\$ 5,492,603	\$ 5,250,000	Construction	Streets	1/2018	\$5,250,000	0.0%	\$0.00							Construction
11	Puget Sound Regional Council	STP	19-PARK-05		North Creek Trail	\$ 150,000	\$ 129,750	Planning	Parks	6/26/2018	\$0									Planning
12	Puget Sound Regional Council	STP	18-PAVE-03	G:\PUBLIC WORKS\Projects (CFP)\Seattle Hill Road Pavement Preservation	Seattle Hill Road Preservation	\$ 1,500,000	\$ 720,000	Construction	Streets	1/2016	\$720,000	13.5%	\$112,370.00	12/2019		Construction				
13	Snohomish County		19-PARK-01	G:\PUBLIC WORKS\Projects (CFP)\PARK PROJECTS\Heron Park	Heron Park		\$ 50,000	Design	PWDS	March 2019		0.0%	\$0.00	2020						
14	State Budget		19-PW-04	G:\Public Works and Development Services Department\Mill Creek Blvd Subarea Study	Mill Creek Blvd. Corridor	\$ 300,000	\$ 300,000	Planning	PWDS	March 2019		0.0%		2020						
15	State Budget		19-ROAD-15		Phase 1 Spine Road ROW Acquisition and Design	\$ 1,000,000	\$ 1,000,000	ROW Design	PWDS	March 2019		0.0%		2019/2020						
16	State Budget		17-ROAD-02	G:\PUBLIC WORKS\Projects (CFP)\35th Avenue SE Reconstruction Project	35th Ave. SE Culvert Removal	\$ 1,000,000	\$ 1,000,000	Construction	PWDS	March 2019		0.0%		Retro						
17	TIB Complete Streets			G:\PUBLIC WORKS\Projects (non-CFP)\RRFB Replacement - TIB	RRFBs replacement	\$ 300,000	\$ 300,000	Engineering and Construction	Public Works		\$300,000	0.0%								
18	Snohomish County Arts Commission			G:\EXECUTIVE\WP\BOARDS\Art-Beautification\Utility Box Project	Art & Beautification Board Utility Box P	\$ 12,275	\$ 4,000		Art & Beautification Board / Municipal Arts	1/9/2019	\$4,000	0.0%	\$0.00	12/31/2019						Production and Installation
19	Snohomish County Historic Preservation Commission		19-BLDG-04	G:\EXECUTIVE\WP\BOARDS\Art-Beautification\Historical Preservation Project	Art & Beautification Historical Preserva	\$ 25,000	\$ 7,806	Construction	Art & Beautification Board / Municipal Arts	1/9/2019	\$7,806	0.0%	\$0.00	12/31/19		Production	Installation			
20	Washington State Secretary of State	Local Records Grant Program			GovQA Public Records Module	\$ 14,021	\$ 14,500		IT/General	7/31/2018	\$14,021	0.0%		5/31/2019	Completion					
21																				
22																				
23																				
24																				
25																				
26																				
27																				
28																				
29																				
						\$14,028,010	\$11,492,554				Overall Grants Awarded: \$ 7,824,324.80		\$387,533.00							

Work in Progress

G:\EXECUTIVE\WP\COUNCIL\SUMMARY\2019\Grant Policy and Procedures\Grant Application Tracking.xlsx



Date: May 28, 2019

A/P Check Batches		
Dated	Check Numbers	Amount
04/12/2019	ACH Debit-Dept of Rev-Sales Tax	\$3,200.28
04/12/2019	ACH Debit-Leasehold Excise Tax-Q1	\$4,539.56
05/16/2019	60283-60358	\$305,707.28
Total		\$313,447.12

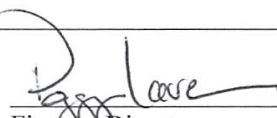
Voided Checks	
Numbers	Explanation

CLAIMS APPROVAL

We, the undersigned Finance/Audit Committee of the City of Mill Creek, recommend approval of check numbers 60283 through 60358, and ACH's in the amount of \$313,447.12.

We recommend approval of the above stated amount with the following exceptions:

Councilmember



Finance Director

Councilmember

City Manager

F:\DATA\EXECUTIVE\WP\FORMS\FIN\Voucher Approval 1.doc

Business Licensing and Taxes

<< My DOR Services

Mar-31-2019

Welcome, Peggy Lauerman Settings Help Log Out

Home Excise Tax Mar-31-2019

Return Due: 04/25/2019

Period

CITY OF MILL CREEK
600-598-011

Excise Tax
600-598-011

Mar-31-2019

Balance: \$0.00

Period Alerts

There are no alerts

I Want To

- Make a Tax Payment
- File, Amend or Print Return
- Request a penalty waiver

Summary

Return Tax	\$3,253.59
Payment	(\$3,200.28)
Return Credit	(\$53.31)
Balance	\$0.00

Period Activity

Apr-12-2019	Processed	Combined Excise Tax Return
Apr-12-2019	Payment posted	Payment for \$3,200.28

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Business Licensing and Taxes

<< My DOR Services

Mar-31-2019

Welcome, Peggy Lauerman Settings Help Log Out

Home Select Tax Account Manage Payments and Returns Mar-31-2019

Period CITY OF MILL CREEK 503-000-685 Leasehold - QTR 1 503-000-685 Mar-31-2019 Balance: \$0.00

Period Alerts There are no alerts

- I Want To Make a Tax Payment File, Amend or Print Return Request a penalty waiver

Summary table with columns: Description, Amount. Rows: Return Tax (\$4,539.56), Payment (\$4,539.56), Balance (\$0.00)

Period Activity table with columns: Date, Status, Description. Rows: Apr-12-2019 Processed Leasehold Tax Return; Apr-12-2019 Payment posted Payment for \$4,539.56

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Accounts Payable

Checks by Date - Detail by Check Date

User: Jodieg
 Printed: 5/23/2019 9:50 AM



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
60283	425Magaz 2019ci-533	425 Magazine Half Page Ad - Memorial Day 2019	05/16/2019		2,500.00
				Total for Check Number 60283:	0.00 2,500.00
60284	ADPLLC 534469134 535191536	ADP, LLC ADP - Payroll Services Workforce Now 04/15 ADP - Payroll Services Workforce Now 04/30	05/16/2019		386.55 394.85
				Total for Check Number 60284:	0.00 781.40
60285	ALEXPRCO 59318 59318a 59318b 59318c 59318d	Alexander Printing Company Inc Business Cards-S Vignal Business Cards-J Gunderson Business Cards-N Beagle Business Cards-C Eikenberry Business Cards-K Rasmussen	05/16/2019		71.76 71.76 71.76 71.76 71.76
				Total for Check Number 60285:	0.00 358.80
60286	INTEGRA 16098010	Allstream T-1 Monthly Chgs - May	05/16/2019		664.22
				Total for Check Number 60286:	0.00 664.22
60287	AMAZON 19GK-TT9V-JJ77 1H9K-X9DR-4PLD 1M9J-1D9J-LWTR	Amazon Capital Services 2 Master Lock Magnum Padlocks 1 Ream Granite Paper - Business License Otter Box Case iPhone 8 & iPhone 7	05/16/2019		39.34 35.07 72.90
				Total for Check Number 60287:	0.00 147.31
60288	AWC1 73545	Association of WA Cities Annual 2019 AWC Conf - M Todd 06/25 - 06/28	05/16/2019		400.00
				Total for Check Number 60288:	0.00 400.00
60289	BRIDPETS 00096	Bridges Pets Dog Food - Victor Super Premium - Bagira	05/16/2019		114.64
				Total for Check Number 60289:	0.00 114.64
60290	BRUCEDEE 6200	Bruce Dees & Associates LLC Prof Svcs - MCSP Field & Turf Lighting - April	05/16/2019		7,288.85
				Total for Check Number 60290:	0.00 7,288.85
60291	BANKCR23 1	Business Card Water - Fill Eye Wash Station - Patrol	05/16/2019		14.75
				Total for Check Number 60291:	0.00 14.75

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
60292	CANNONR 7103	Rosario Cannon Circle Time With Friends 04/15 - 05/06 #7103	05/16/2019		364.00
			Total for Check Number 60292:	0.00	364.00
60293	CARLSONJ 7111	Jessica Carlson Adventures in Art - Spring 1 04/12 - 05/10 #7111	05/16/2019		384.30
			Total for Check Number 60293:	0.00	384.30
60294	CBRDDYN 1318	cBoard Dynamic Displays System Use & Service - April	05/16/2019		50.00
			Total for Check Number 60294:	0.00	50.00
60295	CBALDDES 05132019 05132019A	Christopher Baldwin Design 425 Magazine Print & Online Beacon Publishing Creation of Selfie Map	05/16/2019		750.00 225.00
			Total for Check Number 60295:	0.00	975.00
60296	CRSSMTCH 300942	Crossmatch 5 Silicone Pads - Live Scan Machine	05/16/2019		152.17
			Total for Check Number 60296:	0.00	152.17
60297	WASTDTR RE41 JA9518L011	Washington State Dept. of Transportation 5 CY Salt/Sand Mix, 3 CY De-Icer/Salt Mixture	05/16/2019		859.10
			Total for Check Number 60297:	0.00	859.10
60298	DWAYNLNS 6249670/2	Dwayne Lane Installed Window Motor - Car #29	05/16/2019		495.90
			Total for Check Number 60298:	0.00	495.90
60299	EASTMANS Reimb. Eastman	Scott Eastman Meal Reimb. - S. Eastman-Resource Allocation	05/16/2019		56.00
			Total for Check Number 60299:	0.00	56.00
60300	EVERGR 88209 88209A 88209B 88209C	Evergreen Fire and Safety, Inc Fire Extinguisher Certifications - PD Vehicles Fire Extinguisher Certifications - CHS, Library & Fire Extinguisher Certifications - PW Vehicles Fire Extinguisher Certifications - CHN	05/16/2019		95.69 480.64 85.12 213.54
			Total for Check Number 60300:	0.00	874.99
60301	FELDMAJ April 2019	Feldman & Lee, P.S. Public Defender Contract - Flat Fee - April	05/16/2019		9,000.00
			Total for Check Number 60301:	0.00	9,000.00
60302	FONGJ 7131	Jeffrey Fong Photography - Digital Basic - 04/18 - 05/16 #713	05/16/2019		273.00
			Total for Check Number 60302:	0.00	273.00
60303	FOUTCHB Reimb Foutch Reimb Foutch	Bart Foutch Meal Reimb - B. Foutch - W. Pt. Model Training Socket, Cement Forming Tube, 2x2, 8" Nails For	05/16/2019		250.00 34.54

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
			Total for Check Number 60303:	0.00	284.54
60304	Historic B25	Historic Flight Foundation B-25 Parade Flyover for Memorial Day Event	05/16/2019		500.00
			Total for Check Number 60304:	0.00	500.00
60305	NWCASC 0551048473	Honey Bucket Honey Bucket Rental - Eggstravaganza Event 04	05/16/2019		370.00
			Total for Check Number 60305:	0.00	370.00
60306	HOUSAUTH 548119	Housing Authority of Snohomish County Annual Assessment - Alliance for Housing Affor	05/16/2019		2,102.00
			Total for Check Number 60306:	0.00	2,102.00
60307	HUIK 7141 7142 7147	Kelly Hui Ballet - Creative - 10:30AM 04/13 - 05/11 #7141 Ballet - Creative - 11:15AM 04/13 - 05/11 #7142 Ballet - Beginning - 12:00PM 04/13 - 05/11 #7147	05/16/2019		420.00 420.00 364.00
			Total for Check Number 60307:	0.00	1,204.00
60308	IACP-MEM 32749	IACP-Membership IACP Membership Dues - R. Fleming	05/16/2019		75.00
			Total for Check Number 60308:	0.00	75.00
60309	Trace Reimb Justice	Trace Justice Reimb T. Justice - WABO Mtg & Prof. Developm	05/16/2019		315.08
			Total for Check Number 60309:	0.00	315.08
60310	KCDA 300389318 300389318A	KCDA Purchasing Cooperative 3 Tubs - Clorox Disinfectant 9 Tubs - Clorox Disinfectant	05/16/2019		19.20 57.62
			Total for Check Number 60310:	0.00	76.82
60311	KIMA 1	Andrew Kim Mill Creek Police Dept Photo	05/16/2019		609.00
			Total for Check Number 60311:	0.00	609.00
60312	LITHTENW 81458	LithtexNW 10,000-PD Business Card-Preprints	05/16/2019		518.88
			Total for Check Number 60312:	0.00	518.88
60313	McClure 1	McClure and Sons, Inc. Construction - Exploration Park - Progress Paym	05/16/2019		126,486.70
			Total for Check Number 60313:	0.00	126,486.70
60314	MIGSVR 0058262 0058487	MIG/SvR Prof Svcs - Exploration Park 03/01 - 03/31 Prof Svcs - Exploration Park 04/01 - 04/30	05/16/2019		2,229.12 1,638.75
			Total for Check Number 60314:	0.00	3,867.87
60315	MCADULT	Mill Creek Adult Family Home LLC	05/16/2019		

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
	00181108	Refund Business License Review Fee Rcpt #001			25.00
	00181108A	Refund Home Occ License Fee Rcpt #00181108			50.00
			Total for Check Number 60315:	0.00	75.00
60316	MCChamb 7094	Mill Creek Chamber of Commerce Resume and Job Hunting for Teens - 04/17 - 04/24	05/16/2019		84.00
			Total for Check Number 60316:	0.00	84.00
60317	POLICEGU April 2019	Mill Creek Police Guild Police Guild Dues - April	05/16/2019		2,040.00
			Total for Check Number 60317:	0.00	2,040.00
60318	NELSONM 7097 7098	Melissa Nelson Music for Preschool - 9:30AM 04/12 - 05/10 #7097 Music for Preschool - 10:30AM 04/12 - 05/10 #7098	05/16/2019		637.00 682.50
			Total for Check Number 60318:	0.00	1,319.50
60319	OMWATT 822779 822779A 822780 823800 823801 823803 823803A 823804 823806 823806A	Ogden Murphy Wallace Attorneys Prof Legal Services - Finance - Feb Prof Legal Services - CM - Feb Prof Legal Services - HR LEOFF Board - Feb Prof Legal Services - CED - March Prof Legal Services - 35th Ave Recon. - March Prof Legal Services - SW - March Prof Legal Services - Finance - March Prof Legal Services - HR LEOFF Board - March Prof Legal Services - City Clerk - March Prof Legal Services - Communications - March	05/16/2019		1,977.50 657.00 3,687.50 6,077.50 544.00 112.50 370.00 2,437.50 4,276.25 2,698.75
			Total for Check Number 60319:	0.00	22,838.50
60320	OREILLY 2986-203070 2986-203195 2986-204252 2986-204312 2986-205080 2986-205277	O'Reilly Automotive Inc Wire Wheel - MCSP Garbage Can Lid Repair Sweeper Pony Motor Oil Filters - PW 9 & PW 11 1 Lock - PW4 A/C Heater Relay - Car #1 12 - RV Antifreeze/De-Icer - PW2 2 Scuff Pads - MCSP - Clean Etched Graffiti	05/16/2019		5.51 11.85 14.35 19.37 79.43 7.74
			Total for Check Number 60320:	0.00	138.25
60321	PACFIRSE 66718	Pacific Fire and Security, Inc. Replaced Library Fire Panels	05/16/2019		436.48
			Total for Check Number 60321:	0.00	436.48
60322	ELLITIRE 064462007277 064462007339	PepBoys-Remittance Dept Computerized Wheel Alignment, LOF Car #41 4x4 Actuator, LOF, Small Bulbs - Car #33	05/16/2019		138.33 558.62
			Total for Check Number 60322:	0.00	696.95
60323	PERTEET 20160281.010-8 20160281.014-5 20160281.014-7 20180189.000-6	Perteet Inc Prof Svcs - NPDES SW Permit Compliance 04/01 Prof Svcs - The Farm 10/29 - 01/27 Prof Svcs - The Farm 04/01 - 04/28 Prof Svcs - Grade "F" Pipe Repairs 04/01 - 04/28	05/16/2019		142.50 727.50 360.00 5,189.34

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
			Total for Check Number 60323:	0.00	6,419.34
60324	PHILPUB	Philips Publishing	05/16/2019		
	161	Sprouts Ad - Mill Creek City Connections Mag.			900.00
	241	Passport Ad - Snohomish Quarterly Magazine Sj			160.00
	30134	Mill Creek City Connection - Summer 2019			19,144.38
	30134A	Ad Revenue - Mill Creek City Connection - Surr			-9,380.00
			Total for Check Number 60324:	0.00	10,824.38
60325	PRYTHSP	Protect Youth Sports	05/16/2019		
	698853	Background Checks			17.90
	698853A	Background Checks			8.95
			Total for Check Number 60325:	0.00	26.85
60326	SNOCUPD	PUD No. 1 of Snohomish County	05/16/2019		
	108427538	Street Lights - 189 Lights - 200W 04/01 - 04/30			1,736.91
	118344844	2701 155th St SE 03/29 - 04/29			22.24
	118345987	Street Lights - 1 Light - 240W 04/01 - 04/30			7.94
	121659508	Street Lights - 386 Lights - 100W 04/01 - 04/30			1,389.60
	121662690	4842 SAC 04/09 - 05/06			62.70
	128256874	1700 Mill Creek Rd 03/26 - 04/23			70.21
	128262401	902 164th St SE 04/05 - 05/03			32.43
	131569050	15429 Bothell Everett Hwy 04/09 - 05/06			19.04
	134869305	3401 148th St SE 03/22 - 04/19			45.99
	134878143	14600 16th Ave SE 04/05 - 05/02			22.29
	134878144	15429 1/2 Bothell Everett Hwy 04/09 - 05/06			16.48
	138085017	16110 1/2 29th Dr SE 03/28 - 04/25			22.21
	144735381	Street Lights - 91 Lights - 250W 04/01 - 04/30			989.14
	148019689	Street Lights - 841 Lights - 100W 04/01 - 04/30			6,021.56
	148019690	Street Lights - 21 Lights - 400W 04/01 - 04/30			312.90
	151324189	13332 44th Ave SE 04/04 - 05/02			43.91
	154573988	4560 SAC 04/04 - 05/03			47.17
	157766519	15601 22nd CT SE 03/28 - 04/26			19.60
	157768258	Street Lights - 1 Light - 160W 04/01 - 04/30			5.18
	160951872	Street Lights - 6 Lights - 150W 04/01 - 04/30			28.98
	160952228	Street Lights - 49 Lights - 20W 04/01 - 04/30			17.15
	160952811	14729 12th Ave SE 03/30 - 04/29			16.74
	164171321	Street Lights - 8 Lights - 200W 04/01 - 04/30			47.68
	164171322	Street Lights - 38 Lights - 250W 04/01 - 04/30			285.38
	164171323	Street Lights - 39 Lights - 400W 04/01 - 04/30			441.48
	164171324	Street Lights - 17 Lights - 100W 04/01 - 04/30			52.87
	167406948	15510 Village Green Dr 03/29 - 04/29			17.28
			Total for Check Number 60326:	0.00	11,795.06
60327	RAMERJ	Jon Ramer	05/16/2019		
	2019-05	Consulting Services - Memorial Day Parade			2,000.00
			Total for Check Number 60327:	0.00	2,000.00
60328	RKSOLID	Rock Solid Learning LLC	05/16/2019		
	7077	Rocks, Minerals and Agate Art Project 05/11 #7C			129.50
			Total for Check Number 60328:	0.00	129.50
60329	ROGERST	Tom Rogers	05/16/2019		
	Reimb. Rogers	Reimb. Lunch - T. Rogers - MC Rotary - 05/01			17.00

AGENDA ITEM #F.

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
			Total for Check Number 60329:	0.00	17.00
60330	RONGERJ 8998	John Rongerude P.S. Conflict Public Defender 8Z0506051	05/16/2019		300.00
			Total for Check Number 60330:	0.00	300.00
60331	SANDACLN April April	Sanda Cleaners Uniform Dry Cleaning - G. Elwin & S. Eastman Uniform Dry Cleaning - S. Conner & J. Mack	05/16/2019		467.75 122.95
			Total for Check Number 60331:	0.00	590.70
60332	Jaysands Reimb Sandstrom	Jay Sandstrom Reimb. Parking - J. Sandstrom - WRPA Conf. 04	05/16/2019		65.04
			Total for Check Number 60332:	0.00	65.04
60333	SILVERL 14112-27585 14737-19068 17679-27345 17684-27596 24079-27593 32140-27632 32141-27633 35995-27914 35996-27914 35997-27914 35998-27914 35999-27914 36000-27914 36016-27914 36025-27914 36026-27914 36365-27593 37034-30017 37680-27914 40191-27914	Silverlake Water District 132nd & SR 527 - Irrig 04/01 - 04/30 13617 28th Dr SE - Irrig 04/01 - 04/30 15429 1/2 Bothell Everett Hwy 04/01 - 04/30 15429 Bothell Way - Irrig 04/01 - 04/30 Hillside Irrig 04/01 - 04/30 13903 N Creek Dr - Irrig 04/01 - 04/30 13903 N Creek Dr 04/01 - 04/30 SR 527 - Irrig 04/01 - 04/30 14600 SR 527 - Irrig 04/01 - 04/30 13800 N SR 527 - Irrig 04/01 - 04/30 1600 SR 527 - Irrig 04/01 - 04/30 15200 SR 527 - Irrig 04/01 - 04/30 15100 N SR 527 - Irrig 04/01 - 04/30 SR 527 & Trillium Blvd - Irrig 04/01 - 04/30 14600 SR 527 - Irrig 04/01 - 04/30 SR 527 & Dumas Rd - Irrig 04/01 - 04/30 Dumas Rd - Irrig 04/01 - 04/30 14721 12th Ave SE - Irrig 04/01 - 04/30 0 33rd Dr & Northpointe Circle - Irrig 04/01 - 04 13315 45th Ave SE - Restroom 04/01 - 04/30	05/16/2019		7.60 7.60 7.60 7.60 7.60 7.60 72.05 7.60 7.60 7.60 7.60 7.60 7.60 7.60 27.60 7.60 7.60 22.30 7.60 9.60 65.05
			Total for Check Number 60333:	0.00	310.60
60334	SMARSH INV00501050 INV00501050A	Smarsh Inc Use Tax - Text Archiving Platform - Verizon Mo Text Archiving Platform - Verizon Monthly 04/0	05/16/2019		-10.92 273.80
			Total for Check Number 60334:	0.00	262.88
60335	SNOCODEN I000499643	Sno Co Department of Emergency Management 2019 Emergency Services - 1st & 2nd Qtr	05/16/2019		12,994.50
			Total for Check Number 60335:	0.00	12,994.50
60336	SNOCOM 1439	Snohomish County 911 Dispatch Services - May	05/16/2019		19,690.67
			Total for Check Number 60336:	0.00	19,690.67
60337	SNOCOF I000499007	Snohomish County Finance Interest 800 MHZ - 1st Half 2019	05/16/2019		787.98

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
			Total for Check Number 60337:	0.00	787.98
60338	SNOCOPW I000498927 I000498927A I000498927B I000498928	Snohomish County Public Works RR7552 - Dumas Rd & Park Rd - March RR7573 - 35th Ave SE & 148th SE - March RR7864 - Dumas @ No Crk Dr - March RR7797 - Picked Up Salt - March	05/16/2019		163.88 356.50 163.88 675.18
			Total for Check Number 60338:	0.00	1,359.44
60339	SNOCOPW1 I000499547	Snohomish County Public Works MCSP - Trash Removal	05/16/2019		146.00
			Total for Check Number 60339:	0.00	146.00
60340	STAND May	Standard Ins. Company RA Life, AD&D & LTD Prem - MEBT ER - May	05/16/2019		3,838.31
			Total for Check Number 60340:	0.00	3,838.31
60341	STAND2 May	Standard Ins. Company RA Survivor Prem - MEBT - ER Paid - May	05/16/2019		2,069.70
			Total for Check Number 60341:	0.00	2,069.70
60342	STARDMSV 012280-IN 012280-IN1 012280-IN2	Stardom Services Inc April Services - Janitorial - Semi Annual Window April Services - Janitorial - Semi Annual Window April Services - Janitorial - MCSP	05/16/2019		1,225.00 1,529.13 323.00
			Total for Check Number 60342:	0.00	3,077.13
60343	STERICYC 3004674029	Stericycle Inc Biomedical Waste Services - Monthly Fee	05/16/2019		10.36
			Total for Check Number 60343:	0.00	10.36
60344	STOWE MI ICM 011	Stowe Development & Strategies, LLC Interim City Manager Services 04/01 - 04/30	05/16/2019		31,556.25
			Total for Check Number 60344:	0.00	31,556.25
60345	TERMINIX 385485615	Terminix Processing Center Pest Control - WO# 16104667280 - MC Library	05/16/2019		83.98
			Total for Check Number 60345:	0.00	83.98
60346	TRANSUN 04909332	Trans Union LLC Basic Service Monthly Fee - Credit Checks 03/2	05/16/2019		55.25
			Total for Check Number 60346:	0.00	55.25
60347	TLOLLC 839489	TransUnion Risk and Alternative Background/Identity Investigations - April	05/16/2019		55.25
			Total for Check Number 60347:	0.00	55.25
60348	UNWAYSNC May 2019	United Way of Snohomish County United Way EE for May 2019	05/16/2019		225.00
			Total for Check Number 60348:	0.00	225.00

AGENDA ITEM #F.

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
60349	USBANK 04302019	US Bank NA - Custody Investment Custody Charges 04/01 - 04/30	05/16/2019		28.00
Total for Check Number 60349:				0.00	28.00
60350	USIC 328132 328132A	USIC Locating Services, LLC 178 NC Locates/150 Ticket Locates 2AH, 04/01 178 NC Locates/150 Ticket Locates 2AH, 04/01	05/16/2019		1,861.57 1,861.57
Total for Check Number 60350:				0.00	3,723.14
60351	UULC 9040188 9040188	Utilities Underground Location Center On-Call Location Services - 163 Locates On-Call Location Services - 163 Locates	05/16/2019		105.13 105.14
Total for Check Number 60351:				0.00	210.27
60352	VERMEER W08428	Vermeer Northwest Chipper Inspection, Oil & Filter	05/16/2019		163.47
Total for Check Number 60352:				0.00	163.47
60353	WWGRAIN 9154423256	W.W. Grainger, Inc. 3 Pr Needlestick Cut Resist Gloves	05/16/2019		171.81
Total for Check Number 60353:				0.00	171.81
60354	WALTNELS 701611	Walter E. Nelson Co. 6 - Spartan Clean On The Go Foam Gun	05/16/2019		369.95
Total for Check Number 60354:				0.00	369.95
60355	WAALARM 461604	Washington Alarm Maintenance of Security/Fire System - CHN	05/16/2019		1,110.97
Total for Check Number 60355:				0.00	1,110.97
60356	WASTPAT I19007433 I19007433A	Washington State Patrol Background Checks - M. Feeley, I. Trejo - April Background Checks - April	05/16/2019		40.00 132.50
Total for Check Number 60356:				0.00	172.50
60357	WINSUPP 030595 00	Winsupply Company 1.5 Electric Valve 24V - MCSP	05/16/2019		78.62
Total for Check Number 60357:				0.00	78.62
60358	AFSCME April 2019	WSCCCE, AFSCME, AFL-CIO Union Dues - AFSCME - April	05/16/2019		1,194.38
Total for Check Number 60358:				0.00	1,194.38
Total for 5/16/2019:				0.00	305,707.28
Report Total (76 checks):				0.00	305,707.28



Date: May 28, 2019

Payroll Check Batches		
Dated	Check Numbers	Amount
05/10/2019	ACH Automatic Deposit Checks	\$152,720.41
05/10/2019	ACH Wire- FWT & Medicare Taxes	\$27,284.13
05/10/2019	ACH Wire MEBT – Wilmington Trust	\$21,980.30
05/10/2019	ACH Wire – BAC – Flex Savings Acct	\$1,863.40
05/10/2019	ACH Wire – BAC – Health Savings Acct	\$162.49
05/10/2019	ACH Wire – ICMA RC – Def. Comp	\$1,762.87
Total		\$205,773.60

Voided Checks	
Numbers	Explanation

CLAIMS APPROVAL

We, the undersigned Finance/Audit Committee of the City of Mill Creek, recommend approval of the ACH Automatic Deposit checks and ACH Wire Transfers in the amount of \$205,773.60.

We recommend approval of the above stated amount with the following exceptions:

Councilmember

Councilmember

Finance Director

City Manager

G:\FINANCE\Restricted (old I drive)\Payroll\Voucher Coversheets\2019\Payroll Voucher Approval 05.28.2019.docx
5/22/2019

Statistical Summary

Statistical Summary

Company:A0W - City Of Mill Creek Service Center:0076 Pacific North West Status:Cycle Complete
 Week#:19 Pay Date:05/10/2019 P/E Date:04/30/2019
 Qtr/Year:2/2019 Run Time/Date:12:47:55 PM EDT 05/08/2019

Taxes Debited				
	Federal Income Tax	20,461.17		
	Earned Income Credit Advances	0.00		
	Social Security - EE	0.00		
	Social Security - ER	0.00		
	Social Security Adj - EE	0.00		
	Medicare - EE	3,122.22		
	Medicare - ER	3,122.20		
	Medicare Adj - EE	0.00		
	Medicare Surtax - EE	0.00		
	Medicare Surtax Adj - EE	0.00		
	COBRA Premium Assistance Payments	0.00		
	Federal Unemployment Tax	0.00		
	State Income Tax	0.00		
	Non Resident State Income Tax	0.00		
	State Unemployment Insurance - EE	0.00		
	State Unemployment Insurance Adj - EE	0.00		
	State Disability Insurance - EE	0.00		
	State Disability Insurance Adj - EE	0.00		
	State Unemployment/Disability Ins - ER	0.00		
	State Family Leave Insurance - EE	192.79		
	State Family Leave Insurance - ER	0.00		
	State Medical Leave Insurance - EE	173.58		
	State Medical Leave Insurance - ER	212.17		
	Transit Tax - EE	0.00		
	Workers' Benefit Fund Assessment - EE	0.00		
	Workers' Benefit Fund Assessment - ER	0.00		
	Local Income Tax	0.00		
	School District Tax	0.00		
	Total Taxes Debited	27,284.13		
Other Transfers	Full Service Direct Deposit Acct.	152,720.41		
	Total Amount Debited From Your Account		180,004.54	
Bank Debits & Other Liability	Checks	0.00		180,004.54
	Adjustments/Prepay/Voids	0.00		180,004.54
Taxes- Your Responsibility	None this payroll			180,004.54
				180,004.54

Payment Details Report



Company: City of Mill Creek
Requester: Leo, Lota
Run Date: 05/14/2019 4:21:26 PM CDT

Domestic High Value (Wire)

Payment Category: Urgent/Wire

Status: Confirmed by Bank
Transaction Number: 195DG1548CZE0Z01

Template Name: MATRIX/MEBT
Template Code: WILTRUST

Debit Account Information

Debit Bank: [REDACTED]
Debit Account: [REDACTED]
Debit Account Name: Treas Checking
Debit Currency: USD

Beneficiary Details

Beneficiary Name: MATRIX TRUST COMPANY
Beneficiary Address: NA
Beneficiary City: NA
Beneficiary Postal Code: NA
Beneficiary Country: US - United States of America

Beneficiary Account: [REDACTED]
Beneficiary Bank ID: [REDACTED]
JPMORGAN CHASE BANK, NA
1111 POLARIS PKWY
COLUMBUS
US - United States of America

Beneficiary Email:
Beneficiary Mobile Number:

Payment Details

Credit Currency: USD
Credit Amount: 21,980.30

Value Date: 05/13/2019

Optional Information

Sender's Reference Number: CITY MILL CREEK

Beneficiary Information: City of Mill Creek n3177e

Additional Routing

Intermediary Bank ID:

Receiver Information:

Control Information

Input: lotleo
Approved: plauerman
Initial Confirmation: WTX:2019051300474018
Confirmation #: FEDR:20190513B6B7HU1R013758

Input Time: 05/13/2019 3:16:14 PM CDT
Time: 05/13/2019 4:29:20 PM CDT

RptBatchSumViewForm

Page 1 of 1

ACH Cash Pro Online
City of Mill Creek

Report Date: 05/13/2019
Report Time: 03:41:12 PM

Batch Summary Report by ID Number

Company Name:	City of Mill 01	Effective Date:	05/13/2019
ACH ID:	██████████	Batch Sequence:	3
Application Name:	CCD Payments and Collections	Database Name:	BAC
Batch Status:	Submitted	Created By:	LOTLEO
Released By:	PLAUERMAN		

<u>Name</u>	<u>ID</u>	<u>Amount</u>	<u>D/C</u>	<u>Bank ID</u>	<u>Account #</u>	<u>Acct Type</u>	<u>Trace #</u>
BAC	BENEFIT ADMIN C	\$1,863.40	C	██████████	██████████	C	0103369

	<u>Total Amount in Batch</u>	<u>Total Count in Batch</u>
Debits	\$0.00	0
Credits	\$1,863.40	1
Prenotes	\$0.00	0

	<u>Grand Total Amount</u>	<u>Grand Total Count</u>
Debits	\$0.00	0
Credits	\$1,863.40	1
Prenotes	\$0.00	0

RptBatchSumViewForm

Page 1 of 1

ACH Cash Pro Online
City of Mill Creek

Report Date: 05/13/2019
Report Time: 03:31:47 PM

Batch Summary Report by ID Number

Company Name: City of Mill 01 Effective Date: 05/13/2019
 ACH ID: 291225895 Batch Sequence: 2
 Application Name: CCD Payments and Collections Database Name: BAC
 Batch Status: Submitted Created By: LOTLEO
 Released By: PLAUERMAN

<u>Name</u>	<u>ID</u>	<u>Amount</u>	<u>D/C</u>	<u>Bank ID</u>	<u>Account #</u>	<u>Acct Type</u>	<u>Trace #</u>
BAC	BENEFIT ADMIN C	\$162.49	C	125108366	310005566	C	0103325

	<u>Total Amount in Batch</u>	<u>Total Count in Batch</u>
Debits	\$0.00	0
Credits	\$162.49	1
Prenotes	\$0.00	0

Company Name: City of Mill 01 Effective Date: 05/13/2019
 ACH ID: 291225895 Batch Sequence: 3
 Application Name: CCD Payments and Collections Database Name: BAC
 Batch Status: Submitted Created By: LOTLEO
 Released By: PLAUERMAN

<u>Name</u>	<u>ID</u>	<u>Amount</u>	<u>D/C</u>	<u>Bank ID</u>	<u>Account #</u>	<u>Acct Type</u>	<u>Trace #</u>
BAC	BENEFIT ADMIN C	\$1,863.40	C	125108366	310005566	C	0103369

	<u>Total Amount in Batch</u>	<u>Total Count in Batch</u>
Debits	\$0.00	0
Credits	\$1,863.40	1
Prenotes	\$0.00	0

	<u>Grand Total Amount</u>	<u>Grand Total Count</u>
Debits	\$0.00	0
Credits	\$2,025.89	2
Prenotes	\$0.00	0

<https://cpo-ach.bankofamerica.com/wcmpr/rptbatchsumviewform.jsp?source=BATCHSU...> 5/13/2019

Payment Details Report

Company: City of Mill Creek
Requester: Leo, Lota
Run Date: 05/14/2019 4:19:51 PM CDT



Domestic High Value (Wire)

Payment Category: Urgent/Wire

Status: Confirmed by Bank
Transaction Number: 195DG114648H0U00

Template Name: ICMA 457 Plan
Template Code: ICMA

Debit Account Information

Debit Bank: [REDACTED]
Debit Account: [REDACTED]
Debit Account Name: Treas Checking
Debit Currency: USD

Beneficiary Details

Beneficiary Name: ICMA RC
Beneficiary Address: P.O. Box 64553
Beneficiary City: Baltimore
Beneficiary Postal Code: 21264-4553
Beneficiary Country: US - United States of America

Beneficiary Account: [REDACTED]
Beneficiary Bank ID: [REDACTED]
MANUFACTURERS AND TRADERS TR C
ONE M AND T PLAZA, 15TH FL
BUFFALO
US - United States of America

Beneficiary Email:
Beneficiary Mobile Number:

Payment Details

Credit Currency: USD
Credit Amount: 1,762.87

Value Date: 05/13/2019

Optional Information

Sender's Reference Number: 302029

Beneficiary Information: City of Mill Creek 302029

Additional Routing

Intermediary Bank ID:

Receiver Information:

Control Information

Input: lolleo
Approved: plauerman
Initial Confirmation: WTX:2019051300474017
Confirmation #: FEDR:20190513B6B7HU1R013733

Input Time: 05/13/2019 3:11:56 PM CDT
Time: 05/13/2019 4:29:20 PM CDT



MINUTES

City Council Regular Meeting

6:00 PM - Tuesday, February 19, 2019

Council Chambers, 15728 Main Street, Mill Creek, WA 98012

Minutes are the official record of Mill Creek City Council meetings. Minutes document action taken at the council meeting, not what was said at the council meeting.

A recording of this City Council meeting can be found [here](#).

The agenda packet for this City Council meeting can be found [here](#).

CALL TO ORDER

Mayor Pruitt called the meeting of the Mill Creek City Council to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Councilmembers Present:

*Pam Pruitt, Mayor
Brian Holtzclaw, Mayor Pro Tem
Vince Cavaleri, Councilmember
Mike Todd, Councilmember
Mark Bond, Councilmember
John Steckler, Councilmember
Stephanie Signal, Councilmember*

Councilmembers Absent:

AUDIENCE COMMUNICATION

A. Public comment on items on or not on the agenda

Larry Allen, a Mill Creek resident, addressed Council on behalf of the Bluegrass Meadows HOA to speak about impacts of The Farm development.

Don Armstrong, a Mill Creek resident, expressed his concerns over potential traffic impacts caused by the number of apartments proposed in The Farm development.

Carmen Fisher, a Mill Creek resident, expressed her support of projects that bring workforce housing to our community.

STUDY SESSION

B. The Farm at Mill Creek - Process for Consideration and Proposed Vision

Interim City Manager Bob Stowe facilitated a study session on the process for consideration and proposed vision of The Farm development. City Manager Stowe introduced Senior Planner Christi Amrine who led Council through a [PowerPoint](#) presentation providing background information on the East Gateway Urban Village

February 19, 2019 SPECIAL COUNCIL MEETING MINUTES

(EGUV), binding site plan review process and proportional impact mitigation assessment process, and The Farm review status.

Senior Planner Christi Amrine introduced Ryan Patterson, President of Vintage Housing and architect Chris Olsen of Olson Projects. Mr. Olsen led Council through a [PowerPoint](#) presentation detailing the binding site plan, wetland mitigation, parking, retail and commercial units, and development amenities. Mr. Patterson gave an overview of similar projects around the state, anticipated annual sales and property taxes, reviewed traffic studies, and described workforce housing. Mr. Patterson announced that he will be hosting an open house on Wednesday, February 20 at the Mill Creek Senior Center to provide project information and have direct discussions with the public on matters related to the development.

Council engaged in discussion.

NEW BUSINESS

C. AWC Center for Quality Communities Scholarship Nominee Selection

Councilmember Steckler summarized the scholarship structure and student applicant eligibility. Councilmember Steckler gave an overview of the council selection committee process and stated that he and Councilmember Todd reviewed 13 qualified applications. Councilmember Steckler announced that Glacier Peak High School student and Spring Tree resident, Elijah Beals, will receive a \$500.00 award in recognition of being the City's nominee.

Councilmember Steckler made a motion to select Elijah Beals to represent the City of Mill Creek in the statewide AWC Center for Quality Communities Scholarship selection process. Councilmember Todd seconded the motion. The motion passed unanimously.

D. Ordinance Amending the Mill Creek Municipal Code Related to Code Enforcement

Interim City Manager Bob Stowe introduced Associate Planner Sherrie Ringstad who led Council through a [PowerPoint](#) presentation detailing the proposed amendments, responsibility for Code Enforcement assigned to Development Services, aspects of enforcement, Planning Commission review, and proposed code language.

Council engaged in discussion. Staff will revise the proposed amendments as discussed and bring back to Council for adoption at a later date.

E. Exploration Park - Construction Management and Inspection Professional Services Agreement

Director of Public Works & Development Services Gina Hortillosa reviewed project and bid history, including constructability and bid-ability review of the design plans, specifications and estimate (PS&E) completed by KPFF in March 2018 in preparation for the first time the project was advertised in April 2018. Director Hortillosa reviewed the construction phase total cost estimate and construction timeline.

Council engaged in discussion.

February 19, 2019 SPECIAL COUNCIL MEETING MINUTES

Councilmember Cavaleri made a motion to authorize the City Manager to execute a contract with KPFF Consulting Engineers for construction management and inspection services for the Exploration Park project in an amount not to exceed \$98,374.00. Councilmember Steckler seconded the motion. The motion passed unanimously.

F. Ratification of Proclamation of Local Emergency

Interim City Manager Bob Stowe summarized the Proclamation of Local Emergency issued on Monday, February 11 in recognition of the local and regional winter storm event that was causing hazardous conditions and significant impact to the City of Mill Creek. City Manager Stowe explained how the proclamation allowed the City to quickly gain access to resources and recover some of the expenses. Although the proclamation was terminated today, City code requires Council to ratify the proclamation as soon as possible following the emergency.

Councilmember Cavaleri made a motion to ratify the Proclamation of Local Emergency issued by the City Manager on February 11, 2019. Councilmember Bond seconded the motion. The motion passed unanimously.

CONSENT AGENDA

- G.** Approval of Checks #59686 through #59811 and ACH Wire Transfers in the Amount of \$1,766,567.94
(Audit Committee: Councilmember Steckler and Councilmember Cavaleri)
- H.** Payroll and Benefit ACH Payments in the Amount of \$204,917.11
(Audit Committee: Councilmember Steckler and Councilmember Cavaleri)

Councilmember Cavaleri made a motion to approve the consent agenda. Councilmember Steckler seconded the motion. The motion passed unanimously.

AUDIENCE COMMUNICATION

I. Public comment on items on or not on the agenda

Sean Duffy, a Mill Creek resident, thanked staff for The Farm presentation and would like Council to consider high density housing. Mr. Duffy also commented on the traffic study, impact fees, property taxes, and expressed concern over potential empty commercial space.

REPORTS

J. Mayor/Council

Mayor Pruitt issued a [Proclamation](#) recognizing the month of February 2019 as Black History Month and asked all residents of Mill Creek to join her in commemorating the countless contributions of African Americans to our Nation and the World.

Councilmember Bond thanked Senior Planner Christi Amrine for her presentation on The Farm.

February 19, 2019 SPECIAL COUNCIL MEETING MINUTES

Councilmember Vignal thanked staff for their hard work during the snow event.

Mayor Pro Tem Holtzclaw reported that the Planning Commission will be discussing small wireless communications at their next meeting.

Councilmember Todd discussed a [handout](#) regarding the I-5 System Partnership.

Councilmember Todd reported that the Association of Washington Cities (AWC) conference was cancelled due to snow.

Councilmember Todd reported that he will be attending the next Economic Alliance of Snohomish County (EASC) meeting and encouraged Council to attend as well.

Councilmember Todd reported on the [AWC hot sheet](#) showing bills of interest that would impact the City and region. Interim City Manager Bob Stowe commented on bills that AWC recommends to oppose, and detailed land use related bills that would relinquish local control to the State. City Manager Stowe encouraged Council to communicate the City's opposition with State Representatives. Planning Manager Tom Rogers answered questions from Council.

- K. City Manager**
- Council Planning Schedule
 - Storm Response Update

Interim City Manager Bob Stowe reported that the executive search firm is available on March 12 to review City Manager finalist applications with Council in executive session. Council will let City Manager Stowe know if they are available at 5:00 p.m. on March 12.

Director of Public Works & Development Services Gina Hortillosa reported on the snow event and will bring a detailed report to Council at a later date.

At 8:29 p.m. Councilmember Todd made a motion to extend the meeting up to 8:40 p.m. Mayor Pro Tem Holtzclaw seconded the motion. The motion passed unanimously.

ADJOURNMENT

With no objection, Mayor Pruitt adjourned the meeting at 8:38 p.m.

Pam Pruitt, Mayor

Gina Pfister, City Clerk

February 19, 2019 SPECIAL COUNCIL MEETING MINUTES

February 19, 2019 SPECIAL COUNCIL MEETING MINUTES

MAY						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
		Council				
5	6	7	8	9	10	11
		Council				
12	13	14	15	16	17	18
		Council				
19	20	21	22	23	24	25
26	27	28	29	30	31	
		Council				

JUNE						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
		Council				
9	10	11	12	13	14	15
		Council				
16	17	18	19	20	21	22
23	24	25	26	27	28	29
		Council				

JULY						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
		Council				
7	8	9	10	11	12	13
		Council				
14	15	16	17	18	19	20
21	22	23	24	25	26	27
		Council				
28	29	30	31			

Tentative Council Meeting Agendas
Subject to change without notice

Last updated: May 23, 2019

June 4, 2019

(Agenda Summary due May 27)

- Presentation: Youth Advisory Board Year-End Recognition
- Appointment of Mill Creek Blvd Committee
- Emergency Operations Center
- PSE Fee in Lieu

June 11, 2019

(Agenda Summary due June 3)

- Waste Management Presentation
- Approval of Bond Ordinance & Bank RFP's
- F Failures - Inspection Contract
- RRFB Professional Services Contract
- Spine Road Professional Services Contract
- Study Session: Huntron Lease
- Study Session: Bond Financing Ordinance
- Report: Farmers Market

June 25, 2019

(Agenda Summary due June 17)

- Presentation: Performing Arts Group
- Study Session: Compensation Strategies
- Heron Park ILA with Snohomish County
- LTAC Grant

AUGUST						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

SEPTEMBER						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3 Council	4	5	6	7
8	9	10 Council	11	12	13	14
15	16	17	18	19	20	21
22	23	24 Council	25	26	27	28
29	30					

OCTOBER						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 Council	2	3	4	5
6	7	8 Council	9	10	11	12
13	14	15	16	17	18	19
20	21	22 Council	23	24	25	26
27	28	29	30	31		

Possible Work Session Topics for Discussion

- Business signs
- MCCA storm water discussions
- Utility Project Management
- Hotel/Motel Theater Tax
- Mill Creek Blvd Vision
- ST3 Stations
- 5G Presentation
- Legislative Retreat
- Gold Star Memorial
- Dobson Remillard Property
- Fleet Program
- Bike Lanes
- Community Funding Criteria and Source of Funds
- Surface Water System Study Group
- Updates to the Governance Manual



15728 Main Street, Mill Creek, WA 98012
Administration 425-745-1891
Police 425-745-6175
All Other Departments 425-551-7254

Neighborhood Focus Group Meeting Notes April 18, 2019

Quarterly meeting of the Mill Creek Neighborhood Focus Group.

- *Facilitated by Joni Kirk, City of Mill Creek Communications and Marketing Director*

I. Welcome and Reminder of Meeting Purpose

Director Kirk opened the meeting at 7 p.m. She welcomed the group and reminded them of the purpose of this quarterly meeting.

II. Introductions of Members

- Mark Beales, Amberleigh
- Jerry Popovice, Apple Tree at Thomas Lake
- Steve and Carie Lindle, Bluegrass Meadows
- Nicolas Marin, Brighton
- Paul Hairopoulos, Copper Tree
- Marianne Adringa, Country Club Estates
- Lynn Weber, Emerald Heights
- Jamie Teschlog, Fairway
- Deborah Mauldin, Highlands
- Terri Viglietta, Lakewood Condos
- Hilary Bublitz, Mill Creek Community Association
- Ken McLarin, North Pointe and The Meadows
- Jan Ott, The Lakes
- George Vestal and Bob Goodmark, The Parks
- Mark Reinihks, The Springs
- Peter Furtado, Webster's Pond

III. City Projects or Programs

- **City Manager Recruitment**
Director Kirk provided an update on the City Manager recruitment. On April 2, Michael Ciaravino was named the finalist for the role. Council has the City Attorney working on an employment agreement.
- **Exploration Park Construction**
Director Kirk noted that construction began on Monday, April 15, at Exploration Park. The entire park has been fenced off and is closed to the public during construction. The project is estimated to last through the end of October or early November.
- **Summer Construction Around Mill Creek**
There are several projects happening around Mill Creek this summer. The work at Mill Creek Sports Park is awaiting cooperative weather so they can finish laying the turf.

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Twitter: [@MillCreekWA](https://twitter.com/MillCreekWA)

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Work will begin in the next several weeks to refresh pavement markings on City arterials and collector routes, as well as in some neighborhoods.

- A participant asked if the parking lines will also be painted.

City Response:

All existing parking lanes will be refreshed. No new parking will be added.

- Another individual asked if the City will be restoring the raised walkway markers in the neighborhoods.

City Response:

We will replace as many as the budget allows.

- The question was raised as to whether City ordinance makes it illegal to park in walking areas.

City Response:

The City has designed bicycle lanes, which are marked by white raised pavement markers and by posted signs “No parking this side of the road.” Parking in bicycle/walking lanes is in violation of MCMC 10.12.160 and can be reported to the Police Department. When called into the Police Department, we are able to make contact with the registered owner and they move their vehicle without any penalty.

A perennial project that will take place is concrete shavings on sidewalks to smooth out tripping hazards. This work will begin in late spring. More than 60 sites will be addressed. Director Kirk noted that the sidewalk hazards have been spray painted for easy identification to help people avoid tripping until the project has been completed.

Finally, Director Kirk shared about the Surface Water program, which in summer 2019 will mean replacing 20 “F failure” sites around the City. She provided the attached map and handout, and walked through the repairs with the group.

- The question was raised as to what the cost is of the 2019 F failure repairs.

City Response:

The 2019 Storm Water program work is estimated to cost \$937,500. This cost includes design and construction.

- Another participant asked the group if neighborhood/HOA stormwater vaults were cleared by the City. Other group members shared that the City does not handle this task.

IV. City Responses to Issues Previously Raised

Director Kirk noted that the City responses to previously raised issues had been emailed out. No one had any questions.

V. Current Issues / Topics from Focus Group Members and Their Residents

- Deborah Mauldin of Highlands shared with group that the 3 Oaks plat project, which is located along Seattle Hill Road, will include removal of a large number of trees. She wanted people to be informed.
- Lynn Weber of Emerald Heights shared that the snow storm wreaked havoc particularly on his neighborhood, as Mill Creek Road (east off of 164th Street SE) was closed, meaning they couldn't drive into or out of the neighborhood past the Police-posted signs. He noted that there are a number of people who require 24-hour care, which created a challenge for their caregivers to get to them. He noted he had sent the City Councilmembers a letter asking about their expectations for future snow storms, but that he'd not heard back. He asked Director Kirk if she'd heard anything. Director Kirk noted that she had not heard, but also shared that this storm was unusual and had a significant impact on the entire region. She was empathetic to the challenges it created for the Emerald Height neighborhood. Lynn asked if – in the future – neighborhood folks who have no alternate way in/out of their neighborhoods could go past the Police signs without penalty.

City Response:

The barricades the City uses are pre-posted with the prohibition signs. Should we have a similar event in the future, the City will adjust to ensure appropriate signage is used. It is not the City's intent in this case to keep people from their neighborhoods.

- Lynn Weber also asked about speed feedback signs on Mill Creek Road. He noted that he'd requested them previously and was told they were being used on the 35th Avenue SE reconstruction project, but that they would be placed on Mill Creek Road by Emerald Heights following that project. He noted he'd waited a week after 35th Ave was reopened before asking, but was told the City was still wrapping up construction-related tasks. The roadway has now been opened for six weeks, so he's hoping to get a sign installed.

City Response:

The Police Department will deploy speed feedback signs in the area in the coming weeks.

- Peter Furtado from Webster's Pond shared that there is a permanent speed indicator on 146th Street on "the wall" as cars travel west. He is wondering if data is collected, and if so would like to see the data. Also, he's wondering if the City can install a permanent speed indicator on the same roadway, but for traffic headed east. He noted that cars round the big corner and hit the gas.

City Response:

The Police Department will produce a report from the Webster's Pond sign and make that available. The sign at that location is portable and was placed there during the 35th Avenue SE construction. The removal of that sign or the installation of another will be dependent upon needs in the rest of the city. This is a dynamic assessment based on where we are having issues or concerns.

- A participant asked if garbage cans were to be set on the sidewalk or on the street. Mark Beals noted that if the cans were placed on the street, some streets are so

narrow that traffic cannot get by. Mr. Beals asked if there is an ordinance about blocking sidewalks.

City Response:

Yes, there is such an ordinance. Mill Creek Municipal Code 12.06.040 addresses this, noting that the sidewalk “shall be kept clear of snow, ice, dirt, debris, leaf accumulations, and any other obstacles or obstructions that would hinder or interfere with safe and easy pedestrian use.”

- Terri Viglietta from Lakewood Condos noted that they have a small pond that stormwater drains into. She’s having trouble getting people to clean it. Group members noted that such a cleaning task can be costly. Information was shared among the group about particular vendors that they recommended.
- Nicolas Marin, who represents Brighton, noted that they recently learned that the irrigation for Cougar Park is on the HOA’s water meter. He would like to resolve this issue and wants to know how to address it especially before summer.

City Response:

The City will need to confirm the irrigation system ownership and source of water.

- A question was raised about whether or not the City would be holding another paper shredding event.

City Response:

Director Kirk noted that the City had explored doing such an event recently. Unlike previous years when former Councilmember Donna Michelson spearheaded such an event, the City would be charged for the shredding services, making the cost of such an event prohibitive. Other group members shared information about shredding events they’d heard about in the surrounding community. Director Kirk also shared that the City is partnering with the Kiwanis Club of Mill Creek to host an electronics recycling event on Sunday, May 5, following the Mill Creek Garage Sale.

- Bob Goodmark in The Parks asked if tree replacement was included in the budget. If so, he wondered how The Parks can get on the list.

City Response:

This assessment will be conducted as part of the 2019-2024 Capital Improvement Plan. It has not yet started.

- A participant noted that people in the neighborhoods are parking in front of mailbox locations and asked what other group members are doing about it. People shared that generally the residents are parking appropriately, but it is guests to the neighborhood that are blocking the mailboxes. The question was raised as to whether the neighborhoods/HOAs can paint the curb by the mailboxes.

City Response:

Painting the curb may be one option. In the long run, the City will need to maintain this paint. Perhaps other options may be more feasible and less costly.

- Paul Hairopoulos of Copper Tree noted that mail from other HOAs has been coming to them. Other people chimed in to share similar experiences. Paul encouraged people to talk to Suzan Del Bene. The group also suggested calling the local USPS branch.
- A participant wondered where National Night Out was going to be held for 2019. Bob Goodmark noted that The Parks did not want to see it held at Pine Meadow Park again due to the disruption it caused to their neighborhood last year.

City Response:

National Night Out will be held again this year at Pine Meadow Park. This selection was made for a number of reasons, including the park size, the interest by neighbors to attend such an event, the park amenities, and available parking around the park and in the neighborhood, as well as a nearby parking lot. The Police Department has reached out specifically to Mr. Goodmark and Mr. Vestal to communicate more about this decision and how the City is mitigating parking impacts.

- Mark Beales of Amberleigh asked if the City still had a clause in its agreement with the Mill Creek Library that if the library moves, the land goes back to the family that donated it. He wonders if the restriction is still there.

City Response:

The City will need to further research this agreement.

- Ken McLarin, who represents North Pointe, wondered if it is possible for the City to put in a sign in the berm in the entrance (at 139th Street SE) asking oversized vehicles not to turn into the neighborhood at that point, but redirecting them to come in through the Silver Crest entrance. He noted that large trucks have been overrunning the middle berm and ruining the landscaping. He believes some are already affiliated with the construction crew for Exploration Park.

City Response:

The City evaluated this particular situation, which is mostly related to construction at Exploration Park. The City is unable to redirect larger vehicles into the Silver Crest entrance, but has communicated about the problem to the park contractor and will continue to monitor the situation.

VI. Upcoming Events

Director Kirk shared the following upcoming events with the group:

- Eggstravaganza: April 20
- Day of Hope: May 18
- Memorial Day Commemorative Ceremony and Parade: May 27
- Art Walks: June 13, July 11, and August 8
- Farmers Market: Tuesdays, June 18 – August 20
- Party in the Parks: June 27 (Highlands Park), July 25 (Mill Creek Sports Park), August 22 (Heron Park)
- 3-on-3 Basketball Tournament: July 13-14
- Run with Heart: August 10

VII. Closing Thoughts

- The next meeting is scheduled for July 18 at 7 p.m. in City Hall North, Room 201.

2019 Surface Water Program Repair/Replacement Locations





Surface Water F Failures Overview

As of April 18, 2019

Overview of Surface Water Infrastructure Rehabilitation and Replacement Program

- Mill Creek's infrastructure is aging, with some pipes already more than 40 years old. The City has entered an infrastructure rehabilitation and replacement phase, meaning that surface water pipes need to be inspected, evaluated and scheduled for rehabilitation or replacement as needed.
- In a proactive approach, the City Council raised the Surface Water Utility rate to \$150 for 2019. This is the first time the fees were raised since their establishment 20 years ago.
- In 2018, Perteet, Inc. was contracted to inspect, evaluate and schedule replacement for the aging surface water infrastructure. Their scope of work focused on pipes 18 inches or larger in diameter since their potential failure could have a negative effect on life, property or a combination of both.
- These larger pipes represent a total of 35,800 linear feet (approximately 14%) of the total surface water pipe infrastructure in the City of Mill Creek.
- The following prioritization criteria were used when identifying projects to include in the CIP.
 - Catastrophic: Pipe is ruptured and its potential failure could have a negative effect on life, property or a combination of both
 - Private property: Fault is located in an easement adjacent to private property posing a risk to residents and property
 - Critical area: Failure is located within one quarter miles of a wetland or steep slope posing environmental damage and slope erosion risks
 - Critical Infrastructure: Failure would obstruct access to critical infrastructure (e.g., Fire Station, Police Station, Schools) and potentially impact core City functions
 - Arterial or Collector: Failure on roadways with high traffic could impact a large number of commuters
 - Pipe Size: Prioritize larger pipes
 - Date of discovery: prioritize faults discovered in past years (chronological order)
- Based on the criteria, pipe faults were identified and graded for severity on an A through F scale. F grade faults ("F failures") are the most severe, recommended for repair within one year.
- Delaying work on F grade faults could have a negative effect on life and/or property, pose a risk of environmental damage, or would obstruct access to critical infrastructure.
- An example of what could happen with delaying work is the sinkhole that developed in Mill Creek's Sweetwater Ranch neighborhood in 2018, which was handled as an emergency project and cost more than \$900,000 to repair and restore – more than is budgeted for the 2019 surface water rehabilitation and replacement program.

F Failure Project in Summer 2019

- The largest Surface Water Public Works project the City is undertaking in summer 2019 is repair or replacement of larger surface water pipes that are considered F failures.
- Approximately 20 F failures around the City will be repaired. Though the exact schedule won't be determined until an agreement with a contractor is reached, it is the City's hope that the work will begin in July.
- These repairs are critical to prevent sinkholes from developing.
- Of the pipes to be repaired, a handful will be handled by other utility providers that inadvertently impacted the stormwater pipes. Since they impacted the infrastructure, they are responsible for the repairs and the schedule.
- Most F failures are generally surgical and localized in nature, meaning that only a section of pipe will need to be addressed at each site.
- Surface water infrastructure repairs will be ongoing over the next several years. The City will keep the public notified as it works in specific neighborhoods.

2019 F Failure Repair Locations

- The repairs on F failure sites are slated to be completed in 2019, starting with the City's southwest locations and moving to the northeast.
- There are five repairs that will occur along Mill Creek Blvd. Four are located west of SR 527, and one is located immediately east of SR 527.
 - 16018 Mill Creek Blvd (sidewalk or street in front of property)
 - 15928 Mill Creek Blvd (sidewalk or street in front of property)
 - 15808 Mill Creek Blvd (sidewalk or street in front of property)
 - 15704 Mill Creek Blvd (sidewalk or street in front of property)
 - 1201 Mill Creek Blvd (sidewalk or street in front of property)
- One will take place on Mill Creek Road east of Laurels at Mill Creek.
- Four will take place in the SpringTree neighborhood:
 - Between 15933 and 15924 160th Pl. SE (across the road)
 - Between 15808 and 15814 21st Avenue SE (between the residences and extending into the street)
 - Between 2114 and 2122 160th Pl. SE (between the residences and extending into the street)
 - Between 15630 and 15620 23rd Avenue SE, and potentially impacting 15702 23rd Avenue SE (the street, sidewalk and yards in front of the residences)
- Two locations in the Mill Creek Estates neighborhood, located between 2517 161st St. SE on the west and 2614 161st St. SE on the east. Pipes are on both sides of the street.
- Two locations in the Evergreen neighborhood, with impacts to the Laurel neighborhood:
 - Between 1629 and 1704 148th St. SE (street and yard in front of residences, and potentially impacting the intersection with 17th Court SE)

- Along 16th Avenue SE between 14623 16th Ave. SE on the north to 14703 16th Ave. SE on the south (in the street and extending into yards at 14623 16th Ave. SE, as well as 14528 16th Ct. SE and 14531 16th Ct. SE in Laurel). This project will be handled by another utility.
- One location in the Holly neighborhood between 14500 and 14512 14th Ave. SE (on the street in front of the residences and extending into the yard between the residences).
- One location in the Fairway neighborhood between 14817 and 14825 26th Ave. SE (work predominantly between the residences, with some impacts extending into the street).
- Three locations in the Vine Maple neighborhood:
 - On 19th Drive SE, between 14102 and 14018 19th Dr. SE (primarily in the street, but with some impacts to yards along the street). This project will be handled by another utility.
 - On 142nd Street SE between 1832 and 1916 142nd St. SE (primarily in the street, but with some impacts to yards along the street). This project will be handled by another utility.
 - Between 2402 and 2440 141st Pl. SE (street and yard in front of residences on the south side of the street).
- One location in the Heatherwood West neighborhood along 139th Street SE on the north side of the street between the residences at 13833 and 13905 26th Ave. SE and into the intersection at 26th Avenue SE. This may impact the yard at 13833 26th Ave. SE. This project will be handled by another utility.

Impacts

- While the locations of certain projects may be just in front of one or two residences, the traffic along the street will be impacted due to construction equipment and crews.
- No full-road closures are anticipated, although a lane may be blocked allowing traffic in one direction at a time.
- Cars should be moved off the street adjacent to project sites. The crews will not block driveways.
- Construction is slated to take place from 7 a.m. to 4 p.m., though hours within that window of time may vary at each specific location.
- Street and sidewalks impacted by the construction will be restored.
- If landscaping is impacted, the City will work directly with homeowners to document existing landscaping and restore it to the state it was prior to construction.
- Those project areas handled by other utilities are outside of Mill Creek's control for scheduling. The work will occur this summer, but the schedule is handled by another party.

Financing

- The City of Mill Creek's Surface Water Utility is a self-supporting, meaning that all goods and services provided to the public are covered by the user fees billed to all properties in the City based upon equivalent residential units.
- This project demonstrates our residents' tax dollars at work.
- The new Surface Water Utility rate will cover basic operations costs and capital projects. Therefore, this new funding helps ensure that Mill Creek's infrastructure is maintained and preserves the value of Mill Creek residences.
- In addition to an increased Surface Water Utility rate, the City will issue bonds to fund the six-year surface water program.
- Some of the F failures are the result of other utilities impacting the City's pipes. Those repairs will be conducted and paid for by those utilities.