CITY OF LANGLEY DRAFT COUNCIL AGENDA
October 15, 2018  5:30 PM

1. CALL TO ORDER
   a. Flag Salute
   b. Roll Call
2. APPROVAL OF AGENDA
3. CONSENT AGENDA (See below)
   a. Approval of council meeting minutes of 10-1-18 ...........................................1-2
   b. Approval of claims warrants Nos. and EFTs in the amount of $56,058.92 ...................... 3-15
   c. Approval of payroll warrants Nos. 37695-37698 and direct deposit run (09/16/18) in the
      amount of $38,244.70 and Nos. 3722-37736 and direct deposit run, (09/30/18) in the amount
      of $177,338.95 .................................................................16-17
4. RECOGNITION/APPRCIATION
   Bob Frause
   2018 Water Saver Challenge Award winner
   Doe Waste Water Certification
   Civility First – Cathy Whitmire
5. COMMISSION AND BOARD REPORTS/PRESENTATIONS
   Langley Library – Vicky Welfare
   Langley Arts Council – Ann Johnson
   Parks & Open Space Commission – Seawall Park recommendations ........................................18
6. CITIZEN COMMENTS *
7. PUBLIC HEARING – Support for State Initiative 1631
8. UNFINISHED BUSINESS
   a. Police Policy workshops update & scheduling .................................................................19
   b. Comp Plan annual docket applications ...........................................................................20-25
   c. ALERT update
   d. LPAC Fundraising and WICA .........................................................................................26-30
9. STAFF REPORTS
   a. Community Planning
   b. Public Works
   c. Police
   d. Finance
10. MAYOR’S REPORT
11. NEW BUSINESS
    a. Resolution in Support of Initiative 1631 .................................................................31-32
    b. Ordinance 1048 amending LMC 5.04 re Business Licensing ........................................33-36
11. COUNCIL REPORTS
12. DISCUSSION ITEMS
13. ADJOURNMENT

*Citizen Comments: We welcome comments on subjects of concern or interest that are not on the agenda. Please state your name and address so this can be recorded, and limit your comments to 5 minutes. Questions will be answered immediately if the answer is brief, and the information is available. Otherwise, answers will be provided as soon as possible. Thank you for participating! If reasonable accommodation of a disability is needed please contact Debbie Mahler at (360) 221-4246 at least 48 hours prior to this meeting.

Statement regarding Potential Conflicts of Interest - Officials, employees, consultants, volunteers and vendors are obliged to withdraw from any involvement in a matter where there is a conflict or perceived conflict, even if they feel certain they can act impartially. If a conflict or potential conflict exists, the affected party shall declare so at the first public meeting when the matter is being considered. And shall withdraw from the meeting or future meetings for the duration of the discussion of the issue.

Langley is a Civility First City
Mayor Pro-Tem Ursula Shoudy called the meeting to order at 5:30 PM. Present were City Council Members, Christy Korrow, Ursula Shoudy and Peter Morton. Mayor Callison and Council Member Emerson were out of town. Council Member Allen was absent due to family illness. Also present were Brigid Reynolds, Planning Director; Stan Berryman, Public Works Director; Don Lauer, Acting Police Chief; and Debbie Mahler, Clerk/Treasurer. Ursula Shoudy led the flag salute.

MOTION: To approve the agenda as amended. A report from the Seawall Park subcommittee was added under Commission and Board reports, and add tourism board composition. Motion - Morton, 2nd - Korrow. Motion carried.

MOTION: To approve the consent agenda. Motion - Korrow, 2nd - Morton. Motion passed.

CONSENT AGENDA

Approval of council meeting minutes of 9-17-18
Approval of claims warrants Nos. 37699-37721 and EFT’s in the amount of $36,719.05

COMMISSION AND BOARD REPORTS/PRESENTATIONS

Seawall Park Public Meeting Report and Feedback Results. Sharon Emerson reported that the public meeting on the Seawall Park design took place on September 5th. Approximately 35 people attended and filled out feedback forms. (Report attached). The Luau was well attended this weekend and Jay Davenny had a tent there to explain the design features to anyone interested.

CITIZEN COMMENTS

Callahan McVay, owner of the Firehouse Gallery asked about the maintenance and repair of the hose tower at the old firehouse. He had made a request six months ago to have it repaired and nothing has happened. Stan reported that an Engineer has inspected and is doing a report on the structural integrity of the building and what needs to be done. Sharon Emerson of 6th Street is worried about the quadrupling of the growler airplanes at the base. She camped recently at Keystone and found it very annoying and disruptive because of the growler noise. She would like council to consider whether Langley should add its voice to the issue.

MAYOR’S REPORT

Ursula Shoudy reported that Senior Services came to the city and discussed their funding. Things like meals on wheels and other programs have been cut back because of lack of funding. The Rod and Gun
Club has decided to partner with senior services and will do a spaghetti feed and fund raiser for Senior Services.

UNFINISHED BUSINESS

Acting Chief Don Lauer reported that he had a demonstration of Lexipol services. It is a subscription service that would write our police policies and do updates and keep current with laws as they change. They also offer training on the policies for the officers and documents that officers have read any updates. The annual subscription fee is $6,956.

NEW BUSINESS

Council Member Morton presented a proposed resolution of Council support of Initiative 1631 to the Council.

MOTION: To set a public hearing for the October 15th to debate whether the City should support a resolution to support Initiative 1631. Motion – Morton, 2nd – Korrow. Motion passed with all in favor.

Debbie Mahler distributed copies of the Mayor’s draft 2019 budget to the Council. Debbie will add a version number and date to each version of the budget.

Council reviewed the municipal code fee schedule and some recommended changes. This will be looked at closer in the next budget workshop.

Tourism committee makeup – Dominique offered to step in if Council Member Bruce Allen is unable to.

COUNCIL REPORTS

Christy Korrow reported she will attend her orientation to the Behavioral Health Advisory Board tomorrow. Will stay in touch with Jackie from the Health Department and Commissioner Price-Johnson and will talk with other groups that deal with mental health and substance abuse. Emergency preparedness meeting Tuesday October 9th from 9 to 11 am.

Meeting was adjourned at 6:24 pm.

Respectfully submitted,

Debbie L. Mahler, Finance Director/Clerk
Council Services

$50,00

inv. Oct 2018 - Alien

Total Inv. 13991

$6,489.39

On Site Tub Grinding

Total Inv. 48599

$64,489.39

Compromising Rental Waste Program

Total Inv. 1001-826

$5,00

Tub Grinding

0

Total 0

$64,489.39

Alien, Bruce

Total All Island Lockheye

$105.44

Re-Keying LpD 10/2

Total 0

$105.44

Miscellaneous

Voucher Directory

$105.44

Langley Police Dept

Fiscal: 2018 - October

$913.08

Control Line & Troubleshooting

Voucher Directory: 2018 - October

$913.08

Repairs & Maintenance

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101-000-000-65-00-03
16.5 hrs: TIF Strategic Plan: CIP Review
101-000-000-42-44-20-00
Project 17519

4.8 hrs: Complete Streets
101-000-000-65-00-03
16.5 hrs: TIF Strategic Plan: CIP Review
101-000-000-42-44-20-00
Project 17519

77.75 hrs: Water quality planning modeling
405-000-000-54-43-00
Capital Improvements
Project 17519 Water Plan Update

2018 - October 10-15-18

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Inv. 69511

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2018 - October 10-15-18

2. Total

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Inv. 69611

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Total FACE Engineers, Inc.

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2018 - October 10-15-18

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Inv. 69511

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2018 - October 10-15-18

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Inv. 69511

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2018 - October 10-15-18

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Inv. 69511

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2018 - October 10-15-18

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Inv. 69511

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2018 - October 10-15-18

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Inv. 69511

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2018 - October 10-15-18

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Inv. 69511

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- **Court Remittances/State**
- **Inv, Sept Court Remit 2018 - October 10-15-18**

**Total Spending:**
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- **Total Inv, B013607 net ret.**
- **Total Inv, B91473 net ret.**
- **Total Inv, B91474 net ret.**
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<td>Total Western Tecoem</td>
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<tr>
<td>Iny. Oct. 10.0-15.18</td>
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<tr>
<td>Total Invite Facilities Supplies</td>
<td></td>
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<tr>
<td>Soap. TP. Gloves</td>
<td>Public Restrooms-RAM/Misc. Supplies</td>
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<tr>
<td>Total Invite Facilities Supplies</td>
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<tr>
<td>Iny. 022966</td>
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<tr>
<td>Western Facilities Supply</td>
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<td>Item</td>
<td>Amount</td>
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<td>Item 1</td>
<td>$1,177.33</td>
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<td>Item 2</td>
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<td>Item 5</td>
<td>$705.45</td>
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Payroll Vendor: Payroll Services


State Treasury: State Fund

Health Care Authority: Medicare

City of Lancaster: City of Lancaster

AFCW Worldwide Headquaters: AFCW Worldwide Headquaters

Payroll Vendor: Payroll Services

Mark's David L: Mark's David L

Showy, Mason O.: Showy, Mason O.

Total: $2,950.68

Date: 10/31/17
Date: October 15, 2018

To: Council

From: Langley Parks & Open Space Commission (POS)

Recommendations concerning Seawall Park, unanimously approved by POS October 10, 2018

1) Parks & Open Space Commission resolution regarding Seawall Park improvement plan: The Parks & Open Space Commission recommends that the Langley City Council accept the concept plan developed by consultant Jay Davenny and the Seawall Park Subcommittee for Seawall Park improvements, with two additions that were recommended by the public: a) a restroom and b) water for new plantings.

2) Parks & Open Space Commission resolution regarding Anthes lift: The Parks & Open Space Commission recommends to the Langley City Council that the City move forward as soon as possible with a plan to secure funding and construct an ADA lift at the Anthes entrance to Seawall Park, either to the west or to the east of the park access road. POS will assist the city.

3) “Wishing Whale” at Hladky Park to help fund Seawall Park maintenance: Parks & Open Space Commission supports the creation and placement of a “Wishing Whale” sculpture in Hladky Park. The Wishing Whale would be a “piggy bank,” with funds raised used for Seawall Park maintenance. The Langley Public Arts Consortium would take the lead in getting the Wishing Whale funded, fabricated and installed.

4) Parks & Open Space Commission resolution regarding Seawall Park maintenance: The Parks & Open Space Commission recommends that the Langley City Council and the city public works department investigate and complete, if necessary, any of the following maintenance items at Seawall Park as soon as possible:

a) Investigate and replace any rotting/unsound posts in the wood railing atop the seawall.

b) Install handrails missing on the steps leading to the beach at Seawall Park.

c) Investigate the stairs leading to the beach at Seawall Park and determine if the steps require skim coating or other maintenance.

d) Inspect, repair and repaint the two totem poles.
Debbie Mahler

From: Christina Korrow <christy.gov@whidbey.com>
Sent: Tuesday, October 9, 2018 4:15 PM
To: Council Council
Subject: Police Policy Workshops_next steps

Dear Council,

Based on my notes, here are some suggested next steps to consider at our next Police Policy workshop (which I will propose we briefly review and schedule the next workshop at Monday’s Council meeting). Mayor Tim has already reviewed.

Respectfully submitted,
Christy Korrow

1. Decide if we should keep our Police Dept or transition to contracting with Sheriff (Mayor Tim can you present info?)

2. If we are keeping our Dept, is it time to green-light the search for a new Chief of Police?
   --Review hiring criteria and characteristics in existing policy. Does anything need to be updated?
   --Clarity about hiring process and methodology

3. Communication to the public regarding what we have accomplished so far and what our next steps are (See list below for the policy areas we identified. I believe we have maintained our focus on these items and good progress has been made on many of the items.)
   --When and how?

4. LEMAP
   --Is this the right direction for us?
   --Costs?
   --Is waiting until we hire a Chief too long?
   --If we wait until our new hire, are there policy issues that need to be addressed beforehand? (See list below for the policy areas we identified.)

5. LEXIPOL and continued working toward 21st Cent. Policing
   --Discussion of costs (Don has provided info)

For review:

These Police Policy priorities were identified at our July 24, 2018 PP Workshop:

- Police Officer and Chief performance evaluation practices
- Police Officer and Chief hiring and promotion practices and criteria
- Police Department complaint handling and retention
- Ongoing training that supports community policing and 21st Century Policing
- City of Langley’s use of force policies
- Alignment of Langley police policies with industry best practices, and a means of ongoing revisions in the future

Suggested components for filing comments, complaints aka “feedback” from our July 24, 2018 PP Workshop:

- Mayor is cc’d on all complaints
- Intake, logged with a number as a way to track trends and improvements
- Online form developed
- Forms displayed in city hall
Date: October 15, 2018

To: Council

From: Brigid Reynolds, Director of Community Planning

Re: Comprehensive Plan Annual Docket Applications

BACKGROUND
As Council is aware at its May 7, 2018 regular meeting Council approved a schedule for the Comprehensive Plan Annual Docket process. The application deadline was August 15, 2018. Two applications/requests were received and are as follows:

1. A request to amend policies LU-7.1 and UCF-1.3 in order that ADUs may continue to be permitted to be created and constructed on a property with a permitted septic system. See below for the policies.
2. A request to amend the land use designation for a property on Woodsong Lane from Public to Residential. See Attachment No. 2 for the subject property location. This request has now been withdrawn.

1. Amend Policies LU-7.1 and UCF-1.3
The following are the two policies from the Comprehensive Plan with the references to ADU struck out as requested by the applicant.

<table>
<thead>
<tr>
<th>LU-7.1</th>
<th>Development that increases density (including ADUs, short and long plats) shall not be approved where the necessary infrastructure (sewer, water, stormwater, and roads) cannot accommodate the proposed development or where the City has not required the proponent to pay for or install the necessary infrastructure.</th>
</tr>
</thead>
<tbody>
<tr>
<td>UCF - 1.3</td>
<td>New development, including long and short subdivisions, site plan approvals, and building permits for new accessory dwelling units and commercial development, are required to be served by sewer and water. (CWPP3.4.4-6)</td>
</tr>
<tr>
<td>a)</td>
<td>Variances or waivers may be considered for new non-residential development or single family residential construction due to topographical constraints or lack of approval by contiguous land owners.</td>
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<tr>
<td>b)</td>
<td>Variances and waivers will not be considered for short and long subdivisions.</td>
</tr>
<tr>
<td>c)</td>
<td>Where septic systems and wells have been permitted for new development they shall be considered temporary and interim solutions until such time that City sewer and water is available</td>
</tr>
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<td>---</td>
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</tr>
<tr>
<td>H – 4.4</td>
<td>Encourage new Accessory Dwelling Units (ADU) (both attached and detached) that provide long term rentals using incentives such as reduced connection fees and parking requirements, density bonuses, and permitting more than one ADU on the property that is must be served by sewer.</td>
</tr>
</tbody>
</table>

A comprehensive set of code amendments are currently being proposed that include implementing the policies above by amending Ch. 13.50.110 and Ch. 18.22.155. The proposed relevant amendments are in Attachment no. 1.

Two applications to create ADUs on lots with septic have been recently approved in order that they can proceed regardless of the results of the Comp Plan and Code Amendments. These are the only two applications for ADUs received in 2018.

**Discussion**

The applicant suggests that restricting ADUs is inconsistent with the City's current goal to increase housing options as well as contrary to Comprehensive Plan policy H-2.2 “to encourage attached and detached ADUs....”

RCW 36.70A.040(3)(d), (4)(d) requires Comprehensive Plan policies to be implemented through the adoption or amendment of development regulations, creation of capital improvement plans and programs. Not all policies in a Comprehensive Plan can be implemented due in part to limited resources and changing priorities. The proposed code amendments do not have to include the attached amendments. The East Langley Infrastructure Project is also an effort at implementing the goals of the Comprehensive Plan.

The Comprehensive Plan policies were established to implement the Island County Wide Planning Policies (CWPP). In particular, CWPP policy 3.4.4 requires the jurisdictions that are party to the CWPP to adopt regulations requiring new development be served by sewer and water. The subsequent policy allows the member municipalities to adopt regulations that allow for waivers or variances such that new single-family construction may be permitted to be constructed without connection to sewer. Comprehensive Plan policies UCF – 1.3 are consistent with CWPP policy 3.4.4 – 6. LMC Ch. 13.50.110 currently establishes conditions where single family dwelling construction can be undertaken on septic.

In the City 455 dwelling units are connected to sewer. Should the East Langley Infrastructure project proceed another approximately 160 dwelling units could be connected to sewer. However, this plan is in its early stages and the time frame and certainty of implementation is unknown. The remaining approximately 140 units may not be able to connect to sewer for a much longer time.

At its meeting on October 3, 2018 the PAB passed the following motion recommending to Council:

1. *that ADUs continue to be allowed to be added on lots with septic systems provided they have confirmation from Island County;*
2. the relevant chapters in the Code be amended to add the requirement to connect to sewer when it becomes available; and
3. that the request to amend the Comprehensive Plan not proceed.

The PAB also discussed that while there is support for continuing to allow ADUs on septic systems the intent is that these units be used a long term rentals and not short term rentals. This will be reviewed in greater depth as part of the Short Term Rental code revisions.

PAB’s recommendation would require an amendment to Ch. 13.50.110 F to remove the exemption for residentially zoned property and require connection within the two year time period as outlined below:

F. Except in residential zones, all property owners shall connect existing development to the sewer within two years of being notified by the city of their requirement to connect. Any property owner who chooses not to connect within 90 days of receiving notice from the city shall be subject to a monthly sewer service fee. Such imposition shall be the same as if such dwelling or other facility were in fact connected to the sewer system. In addition, if such connection is not made within two years after notice is provided by the city of the requirement to connect, a lien shall be recorded upon the subject property for fees due in relation to the required connection.

Council could reduce the two-year time frame which would be consistent with the PAB’s recommendation to require connection to sewer when it becomes available. However, a reasonable time frame is necessary in order that individual property owners can organize themselves to fund a connection.

Recommendations
Staff recommends the following motion:
1. that the Comprehensive Plan not be amended at this time;
2. that Ch. 13.50.110 be amended to remove the exemption for residentially zoned property; and
3. the proposed amendments to Ch. 18.21.155 for Accessory Dwelling Unit continue to allow one ADU on septic, provided there is a valid septic permit issued by Island County.
Utilities

13.50.110 Connection required, exemptions and enforcement.
A. All development in mixed residential and commercial zones is required to be served by the city’s public sewage system.

B. All development in a neighborhood business zone is required to be served by the city’s public sewage system, except as otherwise addressed in the city code. (Reference: Nonstandard Sewer Connection.)

C. In a residential zone all new development and expansions/remodels of existing principal buildings that constitute 50 percent or more of the appraised value of the building(s) is/are required to be served by the city’s public sewer system, if the development is within 200 feet of a city sewer main measured from the property line nearest to the sewer, except as otherwise addressed in the city code (reference: Nonstandard Sewer Connection). All proposed subdivision (short and long) and related multiple lot developments are required to be served by the city’s sewer system. Developments/redevelopments of a single-family residence on a lot that is not within 200 feet of a sewer main may be served by an onsite septic system.

D. An accessory dwelling unit or guest house may be served by an onsite septic system if it can be shown to the satisfaction of the Island County health department that the existing septic system is functioning properly, has the design capacity to accept the flow from the accessory dwelling unit or guest house, and complies with all applicable Island County health department regulations.

E. All existing developments in a residential zone served by an onsite sewage disposal system and located within 200 feet of an existing city sewer main, measured from the property line nearest to the sewer, and otherwise not required to connect by the provisions in this chapter, shall connect to the city sewer system (1) when there is a change of property ownership or (2) when the onsite system fails and the Island County health department verifies that the failed system cannot be repaired and construction of a new system is not possible/feasible. Use of the onsite system shall be discontinued upon connection to the city sewer system.

F. Except in residential zones, all property owners shall connect existing development to the sewer within two years of being notified by the city of their requirement to connect. Any property owner who chooses not to connect within 90 days of receiving notice from the city shall be subject to a monthly sewer service fee. Such imposition shall be the same as if such dwelling or other facility were in fact connected to the sewer system. In addition, if such connection is not made within two years after notice is provided by the city of the requirement to connect, a lien shall be recorded upon the subject property for fees due in relation to the required connection.

G. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
18.22.155 Accessory dwelling units.

B. The following provisions apply to accessory dwelling units:

1. Accessory dwelling units may be created within or detached from the principal dwelling unit;
2. One attached and one detached accessory dwelling unit is permitted on a residential lot with one single-family dwelling.
3. One detached accessory dwelling unit is permitted on a residential lot with a two-family (duplex) dwelling.
4. Not less than 150 nor more than 1,000 square feet in size;
5. May be established in either an existing or new residence;
6. Must be served by city water and sewage services, where available;
Date: October 15, 2018

To: Council

From: Brigid Reynolds, Director of Community Planning

Re: LPAC Fundraising and Whidbey Island Arts Council

Purpose

This report is to seek approval for the City to enter into an agreement with the Whidbey Island Arts Council to manage funds raised by the Langley Public Arts Consortium (LPAC).

Discussion

City Council established LPAC in November 2015 as a standing sub-committee of the LAC with the purpose of “bringing together public art supporters and economic development stakeholders that will pledge assets and leadership toward the goals and objectives of the Langley Public Arts Master Plan.”

In recent months LPAC members have raised approximately $1995.00. However, any funds coming into or out of the City accounts must be treated as revenue and expenditure and must be identified in the budget. Any expenditures must also be approved by Council. This creates some inflexibility with the Arts program to fund programs and events with expediency.

LPAC members have met with representatives of the Whidbey Island Arts Council with the intent of entering into a formal agreement with that body. A copy of the agreement is in Attachment No. 1.

The WI Arts Council (WIAC) is a 501(c)3 nonprofit that operates “to assist local artists and arts organizations by providing support, fiscal management and sponsorship: to engage in community arts outreach, increase community awareness of the arts and culture of Whidbey Island.” WIAC as an umbrella offers its 501(c)3 non-profit status to emerging arts organizations and can offer tax receipts for donations. Using the WI Arts Council appears to provide the desired flexibility and funds received would be eligible for a tax receipt. To support WIAC’s administration the agreement requires an fee of 7 percent of funds received. Any project proposal would still have to be reviewed and approved by Council.

At its meeting on October 11, 2018 the Langley Arts Commission made the following recommendation to Council:

*The Langley Arts Commission (LAC) seeks approval from the City Council to have a formal relationship with the Whidbey Island Arts Council (WIAC) where private donations for Langley arts projects are made to the Langley Arts Fund, part of WIAC, a 501(c)(3) non-*
profit. LAC would draw upon these funds. All projects would be approved by the city council.

Implications

Staff has not had time to determine if there any legal and financial implications associated with this relationship. Also, details as to how it would function also need some consideration. Any project undertaken as part of this program would still require Council approval. Staff resources would still be required to manage the RFP process and installation, as required. And there are a couple of conditions associated with the agreement and staff would be responsible for ensuring these are met.

Recommendation

Staff recommends further research be undertaken and report back to Council prior to considering approving this agreement.
Attachment No. 1

Agreement between the City of Langley and the Whidbey Island Arts Council

Whidbey Island Arts Council
PO Box 173, Langley, WA 98260
360.320.1927

General Information

Whidbey Island Arts Council began operating in 1980.

WIAC is an all-volunteer not for profit organization.

Our incorporated name is The Island Arts Council and we are recognized by the IRS as a 501(c)(3), nonprofit corporation; tax ID # 91-1147736. This permits receipt of tax deductible donations and exemption of federal income tax liability. Form 990 is the tax return we submit and is prepared by an independent CPA.

Our trade name, registered with the state of Washington is Whidbey Island Arts Council (WIAC) and this is the name under which we do business (dbia). Our Washington State UBI # is 601-387-412.

We are registered with the state of Washington to solicit charitable contributions and file an annual report with the state.

Programs Requirements

Money & Banking

All funds received must be deposited to a WIAC bank account.

All payments must be made from a WIAC bank account.

Donation checks should be made payable to Whidbey Island Arts Council or WIAC, with a memo notation for the program.

Donations, registrations, or payments made on the WIAC website are credited to the appropriate program.

Expenses paid by an individual will be reimbursed using a Check Request Form. Receipts must be attached and form approved by the Program Director.

All Invoices and bills MUST be approved by the Program Director or program approved surrogate and be accompanied by a Check Request Form.

Performers, musicians, service providers, and other contract laborers must complete a W-9 before they can be paid.

Checks for deposit, check requests, and reimbursement requests should be sent to WIAC Treasurer, PO Box 173, Langley, WA 98260. Any check request for payment can also be scanned and sent via email to info@islandartscouncil.org.

Checks are mailed on Friday; all requests received by Wednesday are paid on Friday. Please contact the treasurer if there is a special situation.

Programs cannot maintain individual banking or PayPal accounts.

Each WIAC program is charged a monthly administration expense allocation. (Currently 7% of new revenue.)

Programs Requirements continued...
Promotion and Advertising

If your program maintains a website, the following statement should appear on the home page of the website:

“YOUR PROGRAM NAME is a program of the Whidbey Island Arts Council (WIAC) a not-for-profit 501(c)3 organization (91-1147736).”

All printed material for advertising, promotion, or public use should have the WIAC logo and the following statement:

“YOUR PROGRAM NAME is a program of the Whidbey Island Arts Council (WIAC) a not-for-profit 501(c)3 organization (91-1147736).”

The WIAC logo and this statement must be on all forms of advertising. This is not required for printed tickets. These disclosures are required to show that your program is a part of the WIAC, non-profit organization and is not an independent entity.

WIAC will send you a WIAC logo suitable for print and web purposes.

Working with Minors

Anyone working with minors as part of your program must have a background investigation before beginning work. This can be provided by the Island County Sheriff.

If funds are left with WIAC with no activity for a period of 3 years and contact can not be made with program directors the funds will be released to the State of Washington in accordance with Unclaimed Property Regulations. WA Title 63 chapter 29.

Please present a contact list of all officers of program along with specific duties to Secretary of WIAC along with a current logo if applicable. Please place info@islandarts council.org on your publicity email list.

Prior to approval as an Umbrella Program of the Island Arts Council a signatory of each umbrella will be asked to have a meeting with our Treasurer to go through a checklist and sign off on all procedures.
In compliance with Washington State law, WIAC and its umbrella organizations shall not discriminate against a person on the grounds of race, color, sex, sexual orientation, gender identity, religion, national origin, creed, marital status, age, the presence of any sensory, mental or physical disability, honorably discharged veteran or military status or the use of a trained dog guide or service animal by a person with a disability.

Program Chair

Date

Arts Council

Date

Whidbey Island Arts Council  PO Box 173, Langley, WA 98260
360.320.1927   info@islandartscouncil.org
RESOLUTION NO. _____
A RESOLUTION of the City Council of Langley, Washington,
Supporting a Carbon Pricing Policy and Carbon Emissions Fee
for the State of Washington and the United States.

WHEREAS, the City of Langley City Council has established policies associated with sustainability,
environmental protection, reduction of its carbon footprint, and effects of global warming throughout
its Comprehensive Plan to anticipate and deal with climate change because the City Council recognizes
that people and governments need to act to mitigate and prepare for the known impacts of climate
change; and

WHEREAS, the City of Langley’s 2018 Comprehensive Plan is specific in its Sustainability Element, Goal 9:
Climate Change, whose stated objective is to “Work with public and private partners to develop a
strategy and related programs to prepare for and mitigate the potential impacts of climate change, both
on city operations and on the broader Langley community”; and

WHEREAS, the City Council of Langley did on January 2nd, 2018, endorse climate change support
measures presented December 18th, 2017 by Citizen Climate Lobby representatives; and

WHEREAS, the City of Langley City Council understands that Langley, acting as a single community by
itself, cannot alter the current course of climate change, but acting as one community of thousands,
Langley residents can have an impact far beyond our community’s borders; and

WHEREAS, the City of Langley City Council is compelled by the scientific consensus that greenhouse gas
emissions from human activities are the primary cause of global climate change, which means that
human actions can mitigate climate change; and

WHEREAS, the City of Langley City Council finds that climate change is already having an impact in
Washington and threatens public health, natural resources, national security, food security, and
business supply chains into the future; and

WHEREAS, the City of Langley City Council understands that the costs of climate change to society are
currently passed onto our community instead of being borne by the emitters of carbon dioxide; and

WHEREAS, the City of Langley City Council believes that requiring fossil fuel producers and consumers to
pay for the costs of their carbon emissions will provide disincentives to consumption of fossil fuels and
provide incentives to develop and implement sustainable energy alternatives; and

WHEREAS, the City of Langley City Council supports a price on carbon in the form of a fee levied on large
carbon emitters, coupled with a provision to alleviate the burden on low-income households and to
minimize negative impacts on total state employment; and

WHEREAS, voters in the State of Washington will be presented with an initiative that would charge
pollution fees on sources of greenhouse gas pollutants at the General Election on November 6, 2018,
with the following official Ballot Title: Initiative Measure No. 1631 “The Carbon Emissions Fee Measure”

“This measure concerns pollution and would charge pollution fees on sources of
greenhouse gas pollutants and use the revenue to reduce pollution, promote clean
energy, and address climate impacts, under oversight of a public board.
Should this measure be enacted into law? Yes [ ] No [ ]
WHEREAS, the City of Langley held a properly noticed public hearing on October 15, 2018 at a regularly scheduled Langley City Council meeting to allow the public, those in favor and those in opposition, the opportunity to comment on this resolution in support of I-1631; and

WHEREAS, the City Council finds that it is in the best interests of its residents and the City to express its collective position in support of I-1631; now therefore,

THE CITY COUNCIL OF THE CITY OF LANGLEY DOES RESOLVE AS FOLLOWS:

Section 1. The City Council encourages Washington state and the United States Congress to craft legislation to price carbon pollution, whether in the form of a carbon fee and dividend system, carbon tax, or a cap and traded permitting system; using the best available research to ensure a policy that significantly reduces emissions while mitigating impacts on low-income people.

Section 2. The City Council encourages other communities to join them in this request for Washington and the United States to recognize and address the global problems of carbon dioxide emissions by pricing carbon pollution.

Section 3. The City Council endorses Washington Initiative 1631 as an essential component of Langley’s commitment to cut pollution, protect our citizens’ health and well-being, reduce our greenhouse gas emissions, preserve our environment and invest in our future, and we urge all voters in Langley, Whidbey Island and Washington State to vote to enact this measure in the November 2018 election.

Section 3. The City Council will send this Resolution to the Washington Governor, Washington Legislature and to Washington's Congressional representatives.

PASSED by the City Council this _____ day of __________, 2018

APPROVED by the Mayor this _____ day of __________, 2018

______________________________
Tim Callison, Mayor

ATTEST/AUTHENTICATE

______________________________
Debbie Mahler, City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
RESOLUTION NO.:
CITY OF LANGLEY
Langley, Washington

ORDINANCE NO. 1048

AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON, AMENDING CHAPTER 5.04 OF THE LANGLEY MUNICIPAL CODE PERTAINING TO BUSINESS LICENSING; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City of Langley, at Langley Municipal Code ("LMC") Title 5, Chapter 4, regulates the licensing of businesses for the privilege of engaging in business in the City and to regulate such businesses to protect the public health, safety and welfare; and

WHEREAS, in 2017, the Washington state legislature adopted Engrossed House Bill 2005, which directed cities in Washington to adopt model business license language including a uniform definition of "engaging in business" and related issues; and

WHEREAS, in June 2018, at the direction of the legislature, the Association of Washington Cities released the draft model language, and staff prepared the requisite amendments to LMC Chapter 5.04; and

WHEREAS, the City Council finds that in the interest of compliance with the state law, to improve current practice for the public and City Staff, the City should adopt the proposed amendments to its business licensure regulations; and

WHEREAS, the City Council has considered this Ordinance, together with all public comment, and has determined that the proposed amendments are in accord with the Comprehensive Plan, will not adversely affect the public health, safety, or general welfare, and are in the best interest of the citizens of the City; and

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

Section 1. Langley Municipal Code Section 5.04.020, Amended. Langley Municipal Code Title 5, Chapter 04, Section 020, is hereby amended in part to read as follows:

5.04.020 Definitions.
The term "business" and the phrase "engage in business" each includes all services and activities engaged in for a consideration or with the object of pecuniary gain, benefit or advantage to the person, or to another person or class directly or indirectly, whether part-time or full-time, except nonbusiness activities carried on by a religious organization.

"Engaging in business"
(1) The term "engaging in business" means commencing, conducting, or continuing in business, and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.
(2) This section sets forth examples of activities that constitute engaging in business in the City, and establishes safe harbors for certain of those activities so that a person who meets the criteria may engage in de minimus business activities in the City without having to pay a business license fee. The activities listed in this section are illustrative only and are not intended to narrow the definition of "engaging in business" in subsection (1). If an activity is not listed, whether it constitutes engaging in business in the City shall be determined by considering all the facts and circumstances and applicable law.

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

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

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

(c) Soliciting sales.

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

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

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

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

(h) Collecting current or delinquent accounts.

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

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

(k) Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, consultants, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.
(l) Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.

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

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

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

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

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

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

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

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

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

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

(f) Conducting advertising through the mail.

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

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

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

Section 2. LMC 5.04.040, Amended. Langley Municipal Code Title 5, Chapter 04, Section 040, is hereby amended to read as follows:

5.04.040 Exemptions and partial exemptions.

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

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E. Persons or businesses having a gross revenue of $2,000 or less per year shall be exempt from the requirements of this chapter. Any person or business whose annual value of products, gross proceeds of sales, or gross of the business in the City is equal to or less than $2,000 and who does not maintain a place of business within the city shall be exempt from the general business license requirements in this chapter. The exemption does not apply to regulatory license requirements or activities that require a specialized permit.

Section 3. Severability. Each and every provision of this Ordinance shall be deemed severable. If any provision of this Ordinance should be deemed to be unconstitutional or otherwise contrary to law by a court of competent jurisdiction, then it shall not affect the validity of the remaining sections so long as the intent of the Ordinance can be fulfilled without the illegal section.

Section 4. Codification of Amendments. The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the amendments, and publish the amended code.

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

ADOPTED by City Council and APPROVED by the Mayor this ___ day of October, 2018.

CITY OF LANGLEY

By __________________________________

Tim Callison, Mayor

ATTEST: APPROVED AS TO FORM:

By __________________________________

Debbie Mahler, Clerk-Treasurer

Date of Publication: ______________________

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