

**CITY OF SEQUIM
CITY COUNCIL MINUTES
SEQUIM TRANSIT CENTER
190 WEST CEDAR STREET
SEQUIM, WA**

FEBRUARY 9, 2009

6:00 P.M. REGULAR COUNCIL MEETING

Mayor Dubois called the meeting to order.

PLEDGE OF ALLEGIANCE

ROLL CALL

Clerk Kuznek-Reese called roll. Council members present: Laura Dubois, Erik Erichsen, Ken Hays, Bill Huizinga, Susan Lorenzen, Paul McHugh, and Walt Schubert.

City Staff present: City Engineer Bill Bullock, Acting Chief of Police Sheri Crain, Admin. Service Director Karen Goschen, Clerk Karen Kuznek-Reese, Planning Director Dennis Lefevre, Associate Planner Joe Irvin, City Attorney Craig Ritchie and Interim City Manager Linda Herzog.

INTRODUCTIONS & CORRESPONDENCE

CEREMONIAL

Proclamation – Bob Spinks

Mayor Dubois read and presented a proclamation to Bob Spinks thanking him for his services as interim city manager.

Chief Spinks presented a Chief's Commendation for Exemplary Service to Lt. Crain for her services to the City from May 2008 to February 2009 when she functioned as the CEO for the Sequim Police Department.

REPORTS

COMMITTEE, BOARD AND LIAISON SUMMARY

Planning Commission

Schubert reported that he attended the February 3 meeting of the Planning Commission. It was a public meeting concerning Title 18 Bulk and Dimensions. The Planning Commission directed staff to prepare an ordinance. He added that the park and recreational impact fee draft ordinance was presented. He indicated that the Planning Commissioners are dedicated and committed to

their duties and responsibilities. It is a joy for him to attend those meetings.

Sequim Marketing Action Committee

Erichsen reported that the SMAC meeting will be held next Monday at 1:00 p.m. in the small conference room at Transit Center. He reminded the public they are invited to attend.

Homelessness Task Force

Hays attended a Homelessness Task Force. A 2009 update to the 10 year homelessness plan is almost complete. It is anticipated to be completed in March. There is an expectation to see a larger distribution of dollars to the County for dealing with emergency homelessness and prevention and rapid re-housing. He suggested that the City provide a link on its website to the Sequim housing resource center that provides assistance information. The Sequim School District has 28 known homeless kids which includes one kindergartner.

Clallam Transit

Lorenzen reported that Laura Dubois is the chair for Clallam Transit Board.

a. Boys & Girls Club Annual Report

This report has been rescheduled to February 23, 2009.

PRESIDING OFFICER REPORT

Mayor Dubois reported that she attended the Clallam County Built Green seminar last week. A major portion of the seminar dealt with forest land.

CITY MANAGER REPORT

- a. Intern to assist with census preparation
- b. Lease renewal Public Works office space
- c. Public Works Director recruitment

Herzog reported that Waldron has emailed a recruitment announcement to 300 possible candidates. Seven applications have been received so far. Applications are due by the end of February. Waldron will have a list of semifinalists by mid-March and in 6-8 weeks we should have someone in place.

Bullock reported there will be a road closure on Thursday and Friday for the pitship estuary project. Appropriate agencies have been notified of the closure. There will be a similar closure in the summer when bridge construction begins.

Herzog met with Dick Ecker at Battelle today concerning the potential adjustment of UGA. More discussions are scheduled for tomorrow.

Ritchie reported he met with the County concerning court issues. The County is interested in providing court services in Sequim, Clallam County, and Forks. We would share judges and it is

looking favorable toward agreement.

Ritchie is testifying tomorrow in Olympia concerning jail medical costs.

PUBLIC COMMENTS *(For Items Not on the Agenda – Please limit comments to 3 minutes)*

Kathy Moore, director and teacher at Faith Lutheran, stated there is a resident who lives across from their preschool who feeds stray cats and seagulls. They have a large problem at the preschool with seagulls. The birds congregate on the roof and make a mess of their building. The preschoolers are unable to go out to play in grass because of the birds. There is concern about possible health issues. There are cat feces in the grass and flower boxes. The resident carries dry cat food with her on her bicycle. Moore has contacted the City and been told nothing can be done. She does not know what to do. A church member filed a complaint with the City. She is concerned about public nuisance and health issues. She is afraid parents won't want to bring their kids to their preschool.

PUBLIC HEARINGS (Quasi-Judicial)

1. Foothills Subdivision

Mayor Dubois read the rules for the public hearing. She asked for any appearance of fairness issues.

Hays disclosed that he knows Mr. Smith and has worked with him in the past. Mr. Smith came in early last year to discuss the future project. He does not see it as a conflict.

There were no further disclosures or objections.

The public hearing was opened at 6:30 p.m.

Lefevre indicated this is a major subdivision 28.74 acres to be 87 residential lots. The density provides for a minimum of 3 dwelling units per acre. This development does meet that density. The Planning Commission held a public meeting on January 20. Those minutes are included in the packet. Comments received from outside agencies are also included in the packet. Some comments are addressed as conditions.

Joe Irvin stated Bell Creek runs through the middle of the project. Bell Creek is a type 3 stream requiring a 75' buffer. There is a deep ravine requiring an additional 50' buffer from the top of the slope. The project is required to preserve 10% of the site as open space. The applicant is proposing to provide 21.87% as open space. The project also includes a pervious 10' walking path along the Bell Creek corridor and Irvin stated that staff went through numerous iterations with the applicant suggesting their design provide an on-site parking lot area for Bell Creek Trail patrons, which is located in the project's northeast corner.

Bullock indicated that car trips would utilize Third Avenue. There will be a direct impact to the

Brownfield/Sequim Avenue intersection. Prairie, Sequim, Bell, Maple and Hammond are all impacted. The intent is that one of these intersections will be signalized. Property to the east of this project is developing in the near future. The City of Sequim also has a share in the proportional share of impact.

Hays asked about a phasing plan which was not included in the packet. A landscape plan for entrance points to the project is required. What is the intention for the Miller Road extension? He is concerned about topography. This looks like a prairie topography done from an aerial map not on site. Onsite does not match the plan. He is not sure it responds to the topography. He thinks the SEPA checklist should be sent back to the proponent. The ravine is part of this project. The site surrounds critical area.

Irvin responded the phasing plan is included in the packet. No narrative was submitted. Hays feels the detention pond should be defined. Irvin indicated staff did receive a landscape plan and it is included in the file.

Bullock stated there was originally a concept that Miller Road would span the ravine and extend to Third. There was a 30' right of way dedicated by the property to the south of the common boundary. Provence Lane services the business to the south. The public right of way is not continued on the other side. The proponent has incorporated the road system to utilize that right of way. It is the connection to Sequim Avenue that he would prefer. Miller Road would no longer be seen as an east/west connector. It is not on the 6-year TIP.

Hays stated there was a barn on the site. Considering its close proximity to the critical area, why wasn't a Phase I study required for hazardous material on the soil? This project is at the minimum in its density calculation. Many projects press for density. He is not seeing any creativity. Lot sizes seem like they could have increased density and provided more open space connectedness.

There was discussion concerning the performance bond and street parking.

Irvin indicated the Jamestown Tribe was asked for comments and none were received.

Schubert stated we talk about building green. He feels as developments are proposed they should be required to install reuse water line while ditches are being dug. It will then be in place for the future.

All lots will be on sewer. Any existing septic would be abandoned. The old house was built on a cesspool and has been hooked up to City sewer many years. The well also failed and will be part of the process of eliminating the house.

Irvin indicated the barn was removed. He would need to look at the demolition permit to see if hazmat was addressed.

Smith stated there was a demolition permit for the barn. No phase I study was performed. The

remains were hauled to Davis Gravel that has mulching. There was no evidence of hazmat.

There was discussion concerning limiting heights of the houses. Ritchie responded that is questionable legal territory. Buildings can be built to the allowable height.

Steve Smith stated this project provides for 3.9 residents per acre. The Bell Creek corridor had no potential for development. The topographical nature of the property is unique. They had considered terracing but felt the uniqueness of the property would be lost. Allowing the size of the lots allows people to have front and back yards yet still meet the density of R-II. The staff has been very helpful. He has always received the answers he has needed. This project has changed dramatically from the first layout. Two distinct issues have been the extension of Brownfield Road in a straight line across the top of the north and the City is requesting a 40' right of way for that purpose. He has a real concern about that from an economical and feasibility standpoint. Another concern is there might be a drainage area required in Phase I. ADA Engineering in Poulsbo has indicated the stormwater draining pond in will be part of Phase I and it has been engineered to handle runoff for both phases. He has met with the commercial business to the south. He is trying to develop ways to allay their concerns and make a subdivision that could make a profit.

Josh Horkey from ADA Engineering in Poulsbo indicated there are 2 bioswales. The bioswale will treat stormwater from Phase II. The tightline will carry stormwater from Ridgeline flowing from Phase I. The pond is not a detention pond. It is a retention pond. It is more ecologically friendly. A detention pond is designed to discharge water runoff downstream which causes erosion of ditches. This is a retention pond which is designed to flow into the ground and will reduce the amount of water flowing from the property. The discharge is less than what it is right now.

David Cummins stated they were originally going to use 51' street design allowing more paving on streets. This design uses a 46' circulatory set of streets. At 51' it could have had parking strip on one side. The fire department has caused parking to be removed. Brownfield into Third Avenue is the best location for the road at this time. The expense to push the road through on a grid causes problems because of steepness. The drop is 14-17' and there is no way to make 2 streets comes together.

Mike East feels the best thing to do would be to realign Brownfield Road. He described several pieces of property that are for sale. The City could buy property and realign road and use the 3 acres for City facilities in the future. The piece on the other side could also be used for City facilities or replatted and sold. The old irrigation ditch should be cleaned and backfilled early in the process so it can be compacted and settle. When a house is eventually built, the owner won't look at a settling problem on the foundation.

Roger Moeder with the fire district stated the City street standards do not meet the state guidelines. The state guidelines say the travel lane shall be 12' in width and parking would be an additional 8'. The Sequim standards are (2) 14' travel lanes with one and a half foot curb and gutters on each side. The fire district withdraws support for parking on these neighborhood

streets.

Hays feels parking is needed on streets.

Smith sees it as an advantage and they are addressing that issue. People will need to park on the street. He feels the 2' would be worth adding to the plan.

Harold Andersen works for Stachurski and Barrett. At that earlier time the 2 owners had to dedicate right of way for a future extension of the road. Now the crossing of Bell Creek is out the window and they are stuck with an easement. Cedarbrook is 40' from the property line or 10' from this new road. SMC 18 says a buffer is needed between commercial and residential property. This project needs to be reconfigured to move the street and leave Cedarbrook alone without having traffic going 10' from their restaurant. The other issue is Brownfield Road. If the City prevails and Brownfield is extended on the property line, the project should be reconfigured because the 2 streets are too close together. Other changes could be made. The Barretts were hurt by the Miller Road extension. Stachurski was hurt by the easement in their back yard. The City should have the proponent move Provence Drive to the north.

Gary Stachurski stated that when Miller Road was taken as a right of way, the intent was to access Third Avenue by crossing Bell Creek and crossing over to 3rd. It is unlikely it will be used for that purpose. Taking that property from his business and using for ingress/egress does not serve the broad purpose. It hurts his business. If he had known the intent was for ingress/egress for adjacent development, he would have fought that. His attorney will send a letter to the City petitioning for the return of the property.

Ron Gilles has worked with Gary and Marcella Stachurski when they purchased Cedarbrook. To complete the purchase they had to do 6 lot minor subdivision in July 2005. That is where the 30' dedication was requested for the future extension of Miller to Third Avenue. It didn't make sense to cross Bell Creek. Now it does not seem that will go through. He would like to see the dedication returned to Stachurski. There needs to be more buffer between commercial and residential. He would like to see Navigator Drive pushed back on to the proponents' property and dedication returned to Stachurskis. Brownfield Road realignment does not seem to be safe to do. The entrance off Sequim Avenue is a safe point. If you bring it uphill like Harold mentioned, it is unsafe. The curve on Brownfield should be dealt with. The property is on the market.

Steve Smith indicated they designed the roadway based on the right of way. They would be amenable to Council recommendation to back up the street into the actual subdivision property and would encourage the City to give the right of way back to the Stachurskis. Going over Bell Creek with a bridge is a nightmare. He agrees that the neighboring right of way that was taken should be given back and they would realign their roadway to accommodate that.

McHugh stated the herb farm may not always be commercial since it is not zoned for that purpose. At some point in the future the City may have to revisit this issue.

Huizinga suggested the two parties work out a road agreement. Smith said one of the issues is the taking of the property to begin with and now his subdivision is using it for his benefit. They have talked about improving their access and the use of the road for the influx to Cedarbrook. Verbiage will be included in the CCRs notifying residents of the Lavender Festival traffic increase.

Mayor Dubois asked for additional speakers.

Bullock stated at this time the right of way is an unusable right of way with no connection opportunities in the future. The proponents are requested to provide 40' of right of way. Brownfield Road does have some challenges. The existing alignment will not be inexpensive. To build a road to a 35 mph design standard which is safer and offers safety redundancy will include significant cuts and fills to correct the curve. Engineering has not been done. Unless we reserve right of way now, we will have engineering challenges.

Huizinga asked if staff follows up to ensure that special conditions of a project are met.

Hays suggests continuing the hearing until some of the issues can be addressed. He is not opposed to this project. There are some issues needing to be addressed, number of discrepancies in the SEPA such as erosion. Erosion could occur with construction. This needs a qualifying response. Air quality says no issues. There will be lots of trucks and earth moving. There will be some emissions to the air. Deer and elk are identified. There is no mention to try to deal with any wildlife. The elk are a potential problem and should be addressed. Environmental health and noise should also be addressed. This is a large project and there will be a lot of activity on the site. The City is not enforcing aggressively enough. A soil study should be done. There is no evidence on the surface but all the barns had their own fuel storage on the ground and that should be looked at given the proximity to the creek. He is concerned about 35' heights. You would want something creative to ensure view corridor protection. Concerning landmarks, there is the Bell barn just across Brownfield. A plan needs to be submitted in writing for special condition of approval #14. We need to know fire flow is adequate and proven before the plat is approved. He wants to see a parking lot redesign. Some of these things have a way of slipping through the cracks. He has seen it too many times in the City and they need to be addressed. He is concerned and feels Highland Irrigation District issues should be addressed prior to plat approval. What is the effective location? The water model run should be done first before plat approval; the same with transit requirements. He felt the Stachurskis have legitimate issues. Physical and visual access should be protected. He would like to see those issues addressed before this is approved. MDNS item 12, walking path shall be constructed with what? He would like to know what it will be. They should have a requirement to connect to the reuse water. Item 17 statements are generic with no backup. Residential development does not pay for itself. We need to look at real impact costs.

Ritchie advised we should get a written phasing plan. You already know the drainage is part of Phase I and Phase II. It doesn't need more than a couple of sentences. That should be included in the requirements. What is Phase I, Phase II and when will each be done? He suggested to continue the hearing and if new information is presented that is fine.

Bill Huizinga left at 9:00 p.m.

Hays feels the Parametrix traffic report is thin. Bullock stated this development was before the policy directing the TIA through the City. This is the last proponent-paid-for TIA. It distributes the traffic on 2 major routes as opposed to just one. Their impacts to the 3 main intersections on Sequim Avenue are less than if the whole development accesses off Sequim Avenue.

There being no objection by the City Council, the public hearing was continued to March 9, 2009 at 6:00 p.m. The meeting was recessed at 9:18 p.m. and reconvened at 9:25 p.m.

CONSENT AGENDA

2. Approve/Acknowledge
 - a. City Council Meeting Minutes – January 26, 2009
 - b. Claim Voucher recap dated February 9, 2009 total payments \$56,268.87
 - c. Ordinance No. 2009-002 An Ordinance of the City of Sequim correcting errors and omissions and amending the following 2009 fees and charges
 - d. Ordinance No. 2009- 01 Amending Resolution R-2008-006 Establishing Petty Cash Accounts, Appointing Custodians, and Establishing the Amount of Monies
 - e. Amendment to contract between Christopher Shea and the City of Sequim regarding prosecution services
 - f. Battelle agreement for monitoring marine receiving water
 - g. SNW Contract for underwriter/investment banker and/or financial advisor services

MOTION to approve Consent Agenda as presented made by Lorenzen; second by Erichsen. **Carried Unanimously.**

UNFINISHED BUSINESS

3. Renewal of School District greenhouse lease on City property (flower baskets)

Ritchie stated this includes a six-year lease. The school district would like to install a new roof on the building at a cost of \$3,500. If the City cancels the lease, we would have to pay them the prorated cost for the roof and if the greenhouse has to be moved, the City will assist in the move. An issue was where to place seized cars. That is not an issue this year. It is unknown in the future. Other provisions include utilizing the greenhouse during the times it is not being utilized. The only change was that the greenhouse be protected and any tenants be required to have insurance. This includes a memorandum of understanding and lease. It also includes a memorandum of understanding with the chamber of commerce to pay \$3,000 toward the cost of watering the flower baskets. The City spends approximately \$9,000. That agreement applies to 2009 only. It is paid by the chamber, not the school district.

MOTION to direct the staff to prepare a five year lease agreement with a cancellation

clause providing for amortization of the cost of the new roof made by Lorenzen; second by Schubert. **Carried Unanimously.**

Derrell Sharpe stated this is his 15th year. The greenhouse cover lasts approximately five years. He has budgeted that amount from the flower sales. The school owns the greenhouse. He showed a PowerPoint presentation concerning what is accomplished with the program. The school does not make any money on the basket. They charge \$40 which covers their costs. This is all grade levels.

Schubert would like to invite Derrell back at a later date for a proclamation honoring him. This is his last year. He has given so much to this community.

Emily Westcott stated the City has done an outstanding job of maintaining the baskets. She is on a limited budget and the \$3,000 to assist in watering about wiped out her budget. If they commit to a five-year lease with the greenhouse, she wants a lifelong commitment from the City to water the baskets. It is a 3 way project between the school district, the chamber and the City.

MOTION to authorize the City Manager to execute the lease and other documents made by Lorenzen; second by Schubert. **Carried Unanimously.**

4. Earth Day Recognition – Presentation by Liz Beth Harper/Pam Larsen

Irvin indicated the Council had suggested the City do something for Earth Day. He has talked with Liz Beth Harper of the Community Organic Garden of Sequim (COGS). Liz Beth Harper stated the garden exists because of guidance from Friends of the Field and St. Luke's Church. COGS has property that is divided into 30 in-ground plots. A fee of \$35 covers gardening classes, water and use of the plot. The fee is waived for anyone who cannot afford the garden fee. The plots are all taken with a waiting list. However, one plot is held out for the City. The classes are on Saturdays from 10am-12pm beginning February 21 at St. Luke's Church. Not everyone from the City would have to attend all the classes. There are 8 classes.

Pam Larsen, 352 Spath Road, moved here 10 years ago and has studied the climate and how it seems to be changing. She will be teaching the required classes. This will be a year round garden due to the demand.

Irvin added that this is a volunteer choice and all proceeds will go to the Food Bank. This year each garden grows one row for the Food Bank. Anyone who has a plot in the garden has to give 8 community hours to the garden. It is possible the City could kick off Earth Day at the garden.

MOTION to waive the third touch and that the City Council support the designation of one organic gardening plot at the COGS community garden site as the City of Sequim Earth Day recognition project and invite council members, members of City of Sequim standing committees and City staff (without compensation) to participate in this project throughout the 2009 growing season made by Hays; second by McHugh. **Carried Unanimously.**

McHugh suggests moving the remaining items to the next meeting due to the hour.

5. Modification of council study session schedule

MOTION to adopt Ordinance No. 2009-003 establishing the day and time for City Council meetings and repealing ordinance No. 2008-001 of the City of Sequim made by Schubert; second by Erichsen.

Herzog stated the proposal is to have the study session immediately prior to the Council meetings on the 2nd and 4th Mondays. We would also be able to have special study sessions. Study sessions would begin at 5:00 p.m. The room set up would include tables in the center of the room or u-shaped so Councilors face the audience. This proposal includes that no public comments be taken at study sessions. Public comments would be taken at the business meeting which begins at 6:00. Packets would be delivered by the prior Wednesday.

Vote on the motion. **Carried Unanimously.**

6. Adoption of new council ground rules
7. Decision on east end banner placement
8. Water reclamation facility project update

NEW BUSINESS

GOOD OF THE ORDER

PUBLIC COMMENTS *(Please limit comments to 3 minutes each)*

EXECUTIVE SESSION *National Security*

Ritchie announced an executive session to discuss national security. It should last approximately five minutes and action will be taken. The meeting recessed at 10:10 p.m. and reconvened at 10:15 p.m.

MOTION to authorize the City Manager to purchase fencing for national security purposes in an amount not to exceed \$22,000 made by Lorenzen; second by Erichsen.
Carried Unanimously.

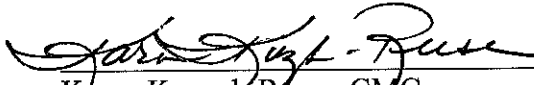
NEXT MEETING DATE

Mayor Dubois announced the next meeting date of February 23, 2009 at 6:00 p.m.


ADJOURNMENT

The meeting was adjourned at 10:15 p.m.

Respectfully submitted,



Karen Kuznek-Reese, CMC
City Clerk



Laura Dubois
Mayor

Minutes approved at a regular council meeting held on February 23, 2009.