

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

JUNE 8, 2009

5:00 P.M. STUDY SESSION

There was no study session.

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: Admin. Service Director Karen Goschen, Clerk Karen Kuznek-Reese, Planning Director Dennis Lefevre, Capital Projects Manager Frank Needham, City Attorney Craig Ritchie, Police Chief Robert Spinks and Interim City Manager Linda Herzog.

INTRODUCTIONS & CORRESPONDENCE

CEREMONIAL

Korean War Remembrance Proclamation

Mayor Dubois read and presented a proclamation proclaiming the week of June 22, 2009 as Korean War Memorial Remembrance Week.

REPORTS

COMMITTEE, BOARD AND LIAISON SUMMARY

Planning Commission

Schubert reported that he attended the Planning Commission meeting of June 2. The commission gave a unanimous recommendation of approval by the City Council of the Kelly Annexation.

Boys & Girls Club

Schubert reported the average attendance at the Boys & Girls Club for May was 271. There were over 300 in attendance on 4 days. The teen average attendance was 40. There were 27

there during the evening. He thanked Chief Spinks for the traffic speed device on South Sequim Avenue.

Schubert asked that Council conduct during public comments be added to the agenda.

Sequim Marketing Action Committee

Erichsen reported SMAC will be reviewing criteria for use of LTAC funds for City services provided during festivals. That will come to Council later this month.

Hays attended the Law & Justice committee meeting. He will provide notes to the City Clerk to forward to the Council.

PRESIDING OFFICER REPORT

CITY MANAGER REPORT

Herzog reported she has been talking with the chamber about purchasing the Port Angeles trolley. The trolley has been surplus by the Port Angeles City Council. The Chamber and other potential partners have expressed interest in keeping the trolley in Sequim. It would be available for special events for many public agencies. The details are being worked to form a partnership.

Herzog reported she received the letter from DOE. It addresses the Master Gardener's demonstration garden, soccer fields and James Center expansion. The first 2 uses show the importance of irrigation in land use. DOE believes those projects are consistent with the intent of the funding. DOE did not endorse the James Center expansion. This land use is not consistent with the funding intent. Options were presented.

The Ray and Donna Guerin foundation has awarded a \$20,000 grant for Project Lifesaver. The program monitors individuals who have a tendency to wander.

INFORMATION/COUNCIL QUESTIONS INVITED

1. Written update from Waldron re City Manager Recruitment
2. Requests for Proclamations

McHugh suggests options be presented to Council from the Clerk's Office. Council could then provide direction.

Staff will bring back a proposed policy for Council discussion.

3. Sequim Speaks startup and proposed amendment to Resolution

There was discussion concerning the resolution amendment. The Council was presented with a copy of the report from the Sequim Speaks organizers. The resolution is being amended so governmental liaisons are not voting members. Another change will address the number of

members. This will be brought back on June 22.

McHugh feels this shows lack of interest by governmental agencies. He feels there is not enough interest from the City of Sequim residents. The majority are County residents.

Hays responded that it was not the intent to have governmental representatives as voting members.

McHugh would like Councilors to review the applications to ensure the applicants' desires. He wants copies of minutes and legislation showing the intent of their resolution.

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

Lloyd Pedersen explained that the City would benefit by adopting the energy code. The energy code can be emphasized by having the Builders Field Guide and reviewing its expression of the details that go into structures. This would require they be made energy efficient. The PUD can receive energy credit in the years to come. It is worthwhile for the City and building owners to be advised of this. This guide makes rules and regulations that must be filed by the contractor. He submitted the guide to the City. He spoke with Lisa Hopper concerning this issue. He would like to see this incorporated by the City.

Bill Huizinga responded there is help available by calling the PUD or Olycap. They will do a complete energy audit and income analysis to see if you are eligible for these funds.

Judy Larson is glad the staff, Council and community have been in support of Sequim Speaks. She made comment at the May 19 Planning Commission representing Protect the Peninsula Future. She expressed concern about public hearings and budget amendments. She believes there are some items that have been approved, she brought to Planning Department attention, not been further informed by G&O or City regarding the response given to a letter from DOE because of PPF past history of encouraging the City to do the right thing by having proper WRF. They support that idea but there are unmet concerns. Because of construction activity, biological standards should be required. In December 2009 when going through permitting for NPDES, PPF will not be willing and accepting of a time extension. Comp Plan amendments were not accurate in the timeline. She has issues with the 9th Street extension and items 117, 125, 139, 152, 157, 168 meeting time requirements and budgeting needs.

Emily Westcott stated it is flower basket time again. She asked the City Council to once again sponsor a basket.

Don Hall stated the marathon was held and was great. They cleaned up very well.

Pat Clark reported there are 6 cans in the Food Bank box. He reminded the audience of the food bank drive and collection taking place in the foyer. The City website does not indicate the food drive is taking place at Council meetings.

PUBLIC HEARINGS (Legislative)

4. 2009 Budget Amendments and Ordinance No. 2009-008

Mayor Dubois read the public hearing rules. The public hearing was opened at 7:00 p.m.

Goschen indicated most items have already been before the Council. On May 26 there was a description and amendments were discussed. She further described the amendments.

Mayor Dubois asked for additional speakers. There were none. The public hearing was closed.

MOTION to adopt Ordinance No. 2009-008 authorizing expenditures of funds for matters not foreseen or provided for in the 2009 budget made by Lorenzen; second by Hays.

EXECUTIVE SESSION Potential Litigation Ritchie announced an executive session is necessary to discuss potential litigation and provide legal advice. It is anticipated to last 10 minutes and action is anticipated. The meeting was recessed at 7:05.

The meeting reconvened at 7:19.

5. Adopt Ordinance No. 2009-008 regarding budget amendments

There was discussion concerning the use of REET versus General Fund dollars.

Erichsen stated that based on the previous experience with the outcome of Phase I, he does not support using the consultant that has been selected to do Phase II of the affordable housing study. He has no problem spending funds for Phase II but we need to consider another consultant to complete the work.

There was discussion concerning the various funds.

Schubert left 7:25 p.m.

McHugh stated we have worked hard to establish the Capital Facilities Fund. He is opposed to transferring funds. With the lack of building, he feels the studies should be delayed for one more budget cycle. It is difficult to justify higher fees for homes that are not being built and probably won't be within the next couple of years. It eliminates the problems of using REET dollars.

There was discussion concerning how long the results of the studies would be valid and proceeding with a declaratory judgment.

Schubert returned 7:40 p.m.

Vote on the motion. Aye by Lorenzen, Dubois, Hays, Erichsen, Schubert, Huizinga.

Nay by McHugh. **Motion carries.**

Ritchie clarified this ordinance adopts Exhibit A as presented tonight.

MOTION to authorize the city attorney to bring a declaratory judgment action on the use of REET funds for planning made by Hays; second by Erichsen. **Carried Unanimously.**

CONSENT AGENDA

6. Approve/Acknowledge
 - a. City Council Meeting Minutes – May 26, 2009
 - b. Claim Voucher recap dated June 8, 2009 total payments \$1,478,088.14

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

Mayor Dubois called for five minute break at 7:55 p.m. The meeting was reconvened at 8:00 p.m.

UNFINISHED BUSINESS

7. Water Reclamation Facility change orders #5 and #6

Ken Enns stated this is for additional wiring and modification to the stairs and landing.

MOTION to approve WRF project change order #5 for electrical modifications to complete the installation of the aeration basin in the amount of \$35,690.54, and change order #6 for the modification of stairs at various locations to improve access in the amount of \$18,863.10 made by McHugh; second by Lorenzen. **Carried Unanimously.**

8. Acceptance (in principle) of \$8 million DOE Loan/Grant

Herzog stated the City has been tentatively approved to receive the loan/grant money of \$8 million. The City needs to assure DOE that the requirements have been met so we can receive the money. In discussions with DOE we are confident we will be able to meet all conditions. This needs to be approved by June 17. Final documents will be brought back on June 22. If we do not meet conditions, we will not accept \$8 million.

MOTION to authorize staff to commit the City to the loan and grant agreement with DOE, provided that there are no substantive changes from the attached version, and to bring the final agreement back to Council for ratification at the June 22 Council meeting made by Lorenzen; second by Erichsen. **Carried Unanimously.**

MOTION to approve Resolution No. R-2009-07 authorizing the City Manager to execute the DOE loan and grant agreement made by Hays; second by Erichsen. Aye by

McHugh, Lorenzen, Dubois, Hays, Erichsen, Huizinga. Nay by Schubert. **Motion Carries.**

9. Transportation Benefit District – historical review

There was discussion about placing the TBD issue on the November ballot. A resolution would need to be filed with the County by August 11.

Ritchie indicated there needs to be a campaign committee. City facilities and money cannot be used to promote this issue. Council can put out information until this becomes a ballot issue. He suggested soliciting volunteers for a campaign committee prior to placing the matter on the ballot. There needs to be an organization helping pass this ballot issue.

Schubert is not in favor of placing this on the ballot. Raising the sales tax will hurt local businesses. If we are serious about doing our road work, we need to get together and work with the County.

It was suggested that the Chamber and Sequim Speaks work together on this issue.

Once a TBD is established, the Council can impose a license plate surcharge on all vehicles registered within the City. That does not require a vote of the people. The City is also allowed to send out and issue a levy. Some cities have imposed the license fee. Most cities are going to a vote of the residents.

10. City of Sequim input on WRIA18 draft instream flow rule

Needham indicated this rule has been modified again. A priority date is yet to be established. It could be a retroactive date. This is provided for informational purposes. The timeline has been changed again. There is a meeting on Wednesday where additional information may be available.

11. Appointment to Marine Resource Committee

Mayor Dubois indicated that Walt Blendermann was the City's representative. Jeff Ward has applied to serve on the committee.

MOTION to appoint Jeff Ward as the City of Sequim representative to the Marine Resource Committee made by Lorenzen; second by Hays. **Carried Unanimously.**

NEW BUSINESS

12. Gray & Osborne transition plan

Ken Enns introduced Nancy Lockett. She is a principal and has been with Gray & Osborne more than 20 years. She will be the City Engineer since he is retiring.

Enns outlined all that has taken place in the City in the last 15 years that he has been with the City: 2.7 million gallons of storage constructed; added nearly 1,600 gallons of water capacity at Port Williams well field. Treatment plant been doubled in capacity; constructed 29 acre reuse facility; installed over 21,000 lineal feet of reuse pipeline, as well as many others.

13. Council discussion concerning public comments

Schubert is concerned about taking public comments. The newly elected have said the former Council did not listen to the people. There was a lady who came before them that he felt was treated badly. Don Hall has asked about the border patrol. Whether we agree to do anything or not, he deserves an answer. If you want and care about the public's input, we need to act appropriately.

GOOD OF THE ORDER

Dubois received an invitation from the Chamber to participate in the evaluation of Sequim High School senior projects. She did that today and it was very rewarding. They were well done. She hopes to receive a more timely email next year.

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

EXECUTIVE SESSION – Contract Negotiations. This item is removed.

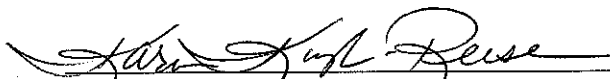
NEXT MEETING DATE


Mayor Dubois announced the next meeting dates of June 22, 2009 and June 29, 2009 which will be on the work program and financial policies.

ADJOURNMENT

MOTION to adjourn at 8:55 p.m. made by Lorenzen; second by Erichsen. **Carried Unanimously.**

Respectfully submitted,


Karen Kuznek-Reese, CMC
City Clerk


Laura Dubois
Mayor

Minutes approved at a regular council meeting held on June 22, 2009.