

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

July 27, 2009

5:00 P.M. STUDY SESSION – Cancelled

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, and Walt Schubert.

MOTION to excuse Paul McHugh who is on vacation made by Schubert; second by Hays. Carried Unanimously.

City Staff present: Clerk Karen Kuznek-Reese, Planning Director Dennis Lefevre, Associate Planner Joe Irvin, Public Works Office Manager Jeff Edwards, Capital Projects Manager Frank Needham, Public Works Director Ben Rankin, City Attorney Craig Ritchie, Police Chief Robert Spinks, Building Official Ann Hall and Interim City Manager Linda Herzog.

Mayor Dubois announced agenda changes: Items 16 (Spruce Street Pocket Park) and 17 (Appointing Park Board Advisory Members) after the City Manager report. She will also move Technology Fund Reserve Presentation to another meeting.

INTRODUCTIONS & CORRESPONDENCE

CEREMONIAL

REPORTS

COMMITTEE, BOARD AND LIAISON SUMMARY

Boys & Girls Club Quarterly Report

Bob Schilling reported on the second quarter expenses as outlined in their written report. They spent \$7,000 less than first quarter. This has been done by attrition and the club was closed during spring break. They have begun to use more volunteer services.

Krystal Van Selus, Teen Director, reported that the Boys & Girls Club serves 43 teens daily. A grant has been received for a computer lab in the teen room. She reported on activities of the Teen Club for the quarter.

Clallam County EDC

Huizinga reported the EDC is working on coordinating funding for startup and entrepreneurial businesses. A state economist recently talked about "green" jobs.

Planning Commission

Schubert reported the Planning Commission meeting of July 21 was a public meeting regarding the six year TIP and amendments to Title 12. Both were recommended for approval.

Boys & Girls Club

Schubert reported the Boys & Girls Club has a booth tomorrow night selling hot dogs, hamburgers and lemonade at Music in the Park. Thursday they will have a takeover of Arby's. The club is trying to earn money for its program.

PRESIDING OFFICER REPORT

Mayor Dubois encouraged everyone to attend Music and Movies in the Park. There will be a 3D movie.

CITY MANAGER REPORT

Herzog reported the City hosted 40 visitors from Battelle NW in Richland on Saturday, July 18. They visited the Lavender Festival. Everyone is looking forward to having Battelle be a part of the City.

16. Spruce Street Pocket Park

Edwards indicated this is a ¼-acre park and is currently a grass strip. He explained the improvements to be made to the park

Liz Beth Harper, President of the organizing group of Community Organic Gardens (COG) stated they are delighted the City is considering this garden. The Spruce Street garden and COG will become the community organic gardens of Sequim. It is their desire to share their knowledge about starting a garden. There is a lot of opportunity to share resources. They offer any help to facilitate the gardens.

Pam Larson stated they are willing to organize classes. This is their second year in the garden. This garden will be impressive. The more people they can educate the better off we will all be.

Don Hall reported that the Park Board unanimously approved the Spruce Street park issue at their last meeting. The boxes have to be built by the end of October.

Sam Schwab is working for his Eagle Scout. He has volunteered to make the 8 raised beds and would love to do this project.

John D'Urso, representing the Sequim Sunrise Rotary, indicated they are very enthused about this project. They would like to participate and provide fences, hydrants, edging, labor, shed and picnic tables.

Lisa Knobbs feels this will be a wonderful project. She owns two properties on Sunnyside. This will be an improvement to the neighborhood.

T Smith, 237 N. Sunnyside, stated this garden will be on the other side of her fence. She is concerned about the location of the compost. Edwards responded the compost will be emptied as needed. Smith does not want the trees moved to her fence line. She doesn't want any more trees near her. Edwards advised this is a conceptual drawing and may not include the trees. Smith feels this is a welcome addition to the neighborhood.

Julia Fadden thinks all of the people involved with the garden should share phone numbers.

MOTION to authorize improvements to the Spruce Street pocket park in an amount not to exceed \$19,000 and to accept donations from various individuals and community groups, and provide appropriate acknowledgement by placing signs on the fence, shed or other appropriate area and waive the third touch made by Schubert; second by Lorenzen. **Carried Unanimously.**

17. Citizen's Park Advisory Board Appointment

MOTION to appoint Colleen Robinson to the Citizen's Park Advisory Board with a term expiring June 30, 2011 and to appoint Diane Enders as an alternate made by Lorenzen; second by Hays. **Carried Unanimously.**

INFORMATION/COUNCIL QUESTIONS INVITED

1. Request for Proposals – Sequim Marketing Action Committee Coordinator

The Chamber has indicated they will not pursue the coordinator position. The proposed RFP includes an estimate of \$11,000. If any bidders don't feel it can be accomplished for that figure, they can submit their requested amounts.

2. Proposed Gambling Tax Ordinance

There are several questions to be answered the next time this comes before Council. Who pays? Does this include citizens with games in their house? Who audits to make sure the City receives the correct tax? If it is the City, who pays the salaries? Who enforces and how? What is the benefit to Sequim? Is the effort worth the cost? Is the Senior Center considered a bona fide non profit organization? What does bona fide non profit mean? Is there a cost/benefit analysis?

3. Concurrency Ordinance

An ordinance will come to Council following the consultant's completion of the traffic impact information. Lefevre hopes a draft rate study will be available late August or early September.

Dubois asked that everyone save their packets. This information will only be sent electronically in the future.

4. Proposed retention of consultant to negotiate franchise renewal with WaveCable

This is not budgeted in 2009. The consultant's fee may be reimbursed under the franchise agreement. This process must begin now because of federal statutes. A consultant knows what the market will bear and what other cities are receiving.

There were several questions. It was asked how much we receive in revenue now? Because of the federal statute we must engage with this process now. Could we enter into negotiations ourselves and then bring in a consultant? What do other cities do? How much money do they receive annually?

5. Annexation Policy

Annexations are legislative and can be arbitrary. The Council does not have to entertain any annexations. Erichsen feels the City should only annex if it is of benefit to the City. Schubert indicated there needs to be a definition of "benefit."

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

Mary Bell has an email from Judy Larson concerning 6/22/09 agenda items and 6/8 meeting minutes. She submitted an email that Larson sent to each Council member.

Dubois announced a five-minute break at 7:30. The meeting was reconvened at 7:40.

PUBLIC HEARINGS (Quasi Judicial)

6. Reconsider Preliminary Plat Extension Request for Home Subdivision SUB06-004

Mayor Dubois read the rules for the public hearing. She asked for any appearance of fairness issues. There were none. The public hearing was opened at 7:50 p.m.

Lefevre reported this is a plat extension request that was approved on December 11, 2006. SMC allows 3-year approval with two one-year extensions, which is consistent with statute. This issue was brought forth in June as a consent agenda item. It was requested it be advertised as a public hearing at the last Council meeting.

Joe Irvin provided an explanation concerning the storm pond, which was not permitted and is not in Phase B of the subdivision. It is outside of the boundaries.

The roads meet City standards. They were required to be built to City standards. The other issue is whether or not we can impose new conditions unrelated to health and safety. Ritchie believes it is better not to. It is not good to impose conditions that do not relate to health and safety based on an issue that did not exist when the roads were built.

Irvin added that all the streets in Phase A are already built and are private.

Ted Miller asked if it constitutes any improper notice because the agenda indicates this hearing is legislative. Ritchie responded that no, proper notice was provided that this would be a public hearing.

Mike East stated when this project came before Planning Commission, he was concerned about the pit that was dug on the left side of Petal Lane. It was full of water. It is just a pit, not a swimming pool. It was full of water because there was a tremendous amount of rain during the winter that year. Because of the topography of the Boyd property, it comes down to that basin. He was concerned about the water that was in the streets. They had to hire someone to come into the street and remove water. He requested the developer install a drainage system to catch the water coming from the Boyd property on upper 7th Avenue. There are 300+ acres on Boyd property. It is wet and the water drains downhill. There is a drainage system through there at the bottom of the hillside through the back side of the lots on Phase A and B. He wants to make sure that extends into Phase B. If we have another big storm, there will be a problem again. He wants to make sure the drainage system is in there.

The public hearing was closed at 8:05 p.m.

MOTION to authorize the Planning Director to transmit a letter granting a one-year extension to the proponents of the Home Major Subdivision – Phase B (SUB06/004) made by Lorenzen; second by Schubert.

Amendment to the motion to include "provided there is a City-approved and adequate storm drainage plan for Phase B" made by Lorenzen; second by Erichsen. **Carried Unanimously.**

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

Before a final plat is approved, they will be required to meet health and safety standards. They will not receive final plat approval unless that exists.

7. Reconsider Preliminary Plat Extension Request for Sorrento Subdivision SUB06-003

Mayor Dubois stated the same rules apply. She asked for any appearance of fairness issues.

Erichsen indicated he lives near this subdivision. He would like to point out that he can hear the information in an impartial way and make his own decision based on what he hears and not due to bias. Three people from his neighborhood asked him if they could talk even if they didn't sign up to speak.

Ritchie asked if anyone from the audience challenges on the appearance of fairness issues.

Ron Gilles stated when this was approved, Erik Erichsen is of record being opposed to this subdivision. Ritchie responded that under the statute if there is no challenge, there is no appearance of fairness issue. He has not heard a challenge.

Mayor Dubois opened the public hearing at 8:20 p.m.

Lefevre stated this is for a one-year extension. There is no development of any phase with this project. There was a review for additional health and safety issues by staff and approval is recommended.

Kuznek-Reese submitted 11 letters received at City Hall from George and Claire Alkire, Chuck Ayer, Ed Fjerstad, Gierin Creek Lane residents, Pamela Godsey, Rita Hanson, Richard and

Dixie Hoffart, Barbara Lapointe, Robert Brewer, Roberta Dahm, Richard Thompson and provided an overview of each:

Erichsen stated he obtained the original application for this subdivision dated 3/14/06. The owner's name is Origin Corporation signed by Kevin Devine, who is with Origin Corporation. This letter received is from the agent for the Booth family. Is this a legitimate extension request because it is done by someone other than the approved applicant? Ritchie advised the usual answer is it is not a legitimate request if it is not someone with an interest in the property. It is not unusual for preliminary approved subdivisions to be sold to other people. That does not affect the preliminary plat.

Ron Gilles represents the Booth Family Partnership. The application was submitted by Kevin Devine who had the property under contract. The Booth family intends to keep the approval active because of the financial investment with the hopes that someone will purchase the property. The roads are taken over by the City as a condition. The current density is 6-14 dwellings. This was approved with 6.41 units per acre. If this project goes away, you will see a higher density plat approved given the conditions that are set on this development. The offset costs are over \$800,000. That adds a lot of cost to each developed home site. The way it is laid out now it offers more open space.

Don Hall was on the Council in 2006 and was the nay vote on this project. He voted against it because he always wanted east to west traffic routes. He thought Glacier View should have been platted to go through on this property from Brown Road to North Sequim Avenue. He also rejected the project because of all the letters that were read and the people who complained about the Mediterranean architecture.

Dick Thompson stated his letter stands for the bulk of what he wanted to say tonight. He objects to the plans not owned by anyone interested in the property. It has been abandoned. It is outside the new prescribed limits for zero tolerance for some of the other items in the zoning regulations. This needs to be redone if it is going to be put out as a piece of property representing Sequim.

Dave Niehard, 1011 New Meadows Loop, stated he is opposed to the extension. He spoke against the original plan. Many of the conditions imposed by the Council were valid. He thought at the time that would be the best thing. In today's market and environment he recommends Council not grant an extension and the applicant go through the whole approval process. Many of the objections in the letters are valid. There is also inadequate parking. He did like the sidewalks being extended along Sequim Avenue to include a bike lane. The congestion within the development is worth reconsidering. The creek was never analyzed to the satisfaction of the people interested. There are some significant environmental issues with regard to the creek.

Chuck Ayer, 160 Valley Farm Court, wishes he had spoken against this. The multi-family units appear to not belong and are not needed. With the makeup of this town and many older people, who will buy these homes because of the economic situation? It will be a safety issue. The extension is unnecessary and it should not have been approved in the first place.

Mike East stated that the letters and public comment reflect what he would have said. He never cared for this project when it came before the City several years ago. He does not see enough open space. It looks like a bunch of housing with no open space. He thinks a mistake was

made on approval of this project. He encourages the Council to deny, let it lapse, let a new project come in that meets the characteristics we are looking for in Sequim with low-cost housing and some townhouses. This needs to go back and have the whole project redone. He urges Council to deny the extension.

Jon Eaton stated he and the neighbors are concerned. The creek is one, the high density and he could go on and on. 100% of the people in the neighborhood are against this project.

Ron Gilles replied that if you look at the approved plat, you will find these things are not factual. The design has nothing to do with the plat approval. Gierin Creek does not go through the property. An irrigation ditch goes through the property. The Graysmarsh biologist has checked it out. The creek issue is invalid. Concerning the density issue, we are at 6.41 on an R-III zone. It is bottom end which would be a good thing for open space. East/west traffic flow – he is in favor of that. You cannot mandate a project design to go through property on Glacier View that is not part of the City unless you are going to purchase the property. The multi-story units and attached zero lot line units is a product in demand. We see it in Sherwood Village and Jennie's Meadows. This comes back to affordability. Unless we get enough density, we can't get affordability. You have to decide what you want. This is on the low end of density. These comments are all subjective. They have nothing to do with the approved plat. How many people have lived in Sequim 40 or more years? There was a show of four hands. Some of these comments were like the cows grazing and the wildlife. I like it the way it was. When he moved here the population was 1,300. It was all farmland. You can't stop growth. People are moving here because it is desirable and will continue to be so. Where is the growth supposed to go? There is an appeal on the table with the County for higher density. This is designed to go in the City limits. You can decide to extend it for one more year or turn it down. It is on the low end of density. If this is not approved, it will come back at a higher density. He encourages a one year extension. The design standards will come from a different person and it will probably not be Mediterranean, it will be northwest because that is what works for our community.

The public hearing was closed at 8:50 p.m.

MOTION to authorize the Planning Director to transmit a letter granting a one-year extension to the proponents of the Sorrento Major Subdivision (SUB06/003) made by Dubois; second by Schubert.

There was much discussion concerning transportation issues and additional conditions.

Ritchie advised only those persons who were interested in the first subdivision approval would be entitled to notice.

Amendment to add conditions to the extension approval of the subject subdivision as follows: All roads and streets shall comply with current City standards including sidewalks and parking and that provision be made for connection to Glacier View Drive with Sequim Dungeness Way within the subdivision made by Hays; second by Erichsen.

Vote on the amendment. Aye by Dubois, Hays, Erichsen. Nay by Lorenzen, Schubert, Huizinga. **Amendment fails.**

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

Erichsen. **Motion fails.**

MOTION to authorize the Planning Director to transmit a letter granting a one year extension to the proponents of the Sorrento Major Subdivision SUB0/003 and that all streets, sidewalks and parking meet current City standards made by Schubert; second by Huizinga. Aye by Huizinga, Schubert, Dubois. Nay by Lorenzen, Hays, Erichsen.

MOTION to deny the request for extension for the Sorrento major subdivision SUB06/003 made by Lorenzen; second by Erichsen. Aye by Lorenzen and Erichsen. Nay by Dubois, Huizinga, Schubert. Hays abstains. **Motion fails.**

MOTION to authorize the Planning Director to transmit a letter granting a one year extension to the proponents of the Sorrento Major Subdivision SUB06/003 with the following conditions that all streets, sidewalks and parking meet current City standards and that a future connection be provided between West Deytona Street and East Glacier View Drive within the subdivision made by Hays; second by Erichsen. **Carried Unanimously.**

The meeting was recessed at 9:25 and reconvened at 9:37.

Mayor Dubois announced that Public Hearing on Item 9 (proposed amendments to Design Standards) is continued to August 10; item 10 (Title 12 revisions) is continued to August 10. Item 15 (Sequim Speaks) will be deferred to a later meeting.

8. Six-Year Transportation Improvement Plan (Legislative)

Needham identified a correction on #11 indicating it states the John Wayne Marina is located over Johnson Creek and should be farther south. This list is a duplicate of 2008 projects. There are some alterations in money and shifting of priorities on projects. We have to have this to the state by the end of the month. We cannot extend on this part of the projects. There was discussion concerning possibilities for Simdars Road interchange.

The public hearing was opened at 9:47 p.m. The Mayor asked for speakers.

Don Hall suggests transportation also includes sidewalks and would like to see sidewalks added.

Public hearing was closed at 9:48 p.m.

MOTION to adopt the 2010-2015 Six Year Transportation Improvement Plan and that it be forwarded to the State Regional Transportation Planning Organization made by Hays; second by Erichsen. **Carried Unanimously.**

9. Proposed amendments to Design Standards **moved to August 10 (Council save packet from this meeting.)**

10. Title 12 Revisions **moved to August 10 (Council save packet from this meeting.)**

CONSENT AGENDA

11. Approve/Acknowledge
 - a. City Council Meeting Minutes – July 13, 2009
 - b. Claim Voucher recap dated 7/27/09 total payments \$1,071,260.76
 - c. Appoint Jean Wyatt to the Sequim Marketing Action Committee

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

UNFINISHED BUSINESS

12. Water Reclamation Facility Project Department of Ecology Loan and Grant Agreement

Herzog stated this is similar to the June 8 action taken. The conditions have changed and are easier for the City to meet. The economic stimulus money is now removed and is all state money. We get the same loan for 2.1%. Once we are sure we have met all requirements, we will bring it back to Council. We need to get this approved because we are running out of money to continue to make interfund loans.

MOTION to adopt Resolution R-2009-09 authorizing the City Manager to execute the final loan and grant agreements with the State Department of Ecology provided there are no substantive changes to the final version and to bring back the final agreements to Council for ratification made by Hays; second by Lorenzen. **Carried Unanimously.**

13. Technology reserve fund presentation – moved to later date

14. Resolution to place the TBD sales and use tax proposition on the November ballot

Ritchie advised that the taxable retail sales are what this is based on in theory that the public will see that regional retail sales would be taxed and that the regional retail sales are not necessarily from the City of Sequim residents. This also includes verbiage that this sales tax revenue will only be used for those projects included on the Transportation Improvement Plan. Other verbiage has been proposed but bond counsel has certain requirements that must be followed for the resolution.

MOTION to adopt Resolution R-2009-10, a resolution of the governing board of the Transportation Benefit District of the City of Sequim, Washington providing for a ballot proposition to be submitted to the qualified electors of the district on November 3, 2009 to impose a sales and use tax in the amount of two tenths made by Hays; second by Lorenzen.

Hays stated there are significant businesses and community leaders who have committed funding and committee organization to promoting this resolution.

Dubois said the citizens will not pay for the entire amount. Tourists and County residents will also fund this when they use the City streets. We should set aside a portion for Simdars matching funds.

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

Schubert. Motion Carries.

15. Selection of Sequim Speaks members – moved to later date

NEW BUSINESS

GOOD OF THE ORDER

PUBLIC COMMENTS (Please limit comments to 3 minutes each)

EXECUTIVE SESSION on contract negotiations for 10 minutes. Most of the conversation will take place following executive session. Staff is looking for guidance from Council. Recessed at 10:13 p.m.

Reconvened at 10:25.

Herzog stated staff is seeking Council guidance on whether to relocate Planning/Public Works staff from its present location to Guy Cole for a period of approximately five years. Other options include modular units but staff is not recommending that option.

Rankin advised the Guy Cole option has no lease or purchase cost. He explained the costs associated with improving Guy Cole to house Planning/Public Works. He is not sure what electrical upgrades will be required. There are options and he recommends sound attenuation panels with a cost of \$15,000. Another option is dropped the ceiling at a cost of \$19,500. He recommends sound attenuation panels that can be used in the future when the building no longer houses City offices. We want to check air quality to ensure adequacy.

Erichsen likes option 2 of modulars. We need to have all employees close together. We would get more money in return on investment. He asks that staff bring this back as an option.

Lorenzen likes option 4 and 2. REET funds could be used for option 4. Ritchie stated we would be improving the uses for the park property.

Mike East stated the dog park people are a heavy user of the park. He has seen all the parking on the east side filled as well as the picnic table area. It is also seasonal. In the wintertime there is not much use. One way traffic around the building is good. We need to take a look at the traffic flow. It will take a long time to retrain them. We need to include a contingency fund for overruns because it will happen. The operating cost on Guy Cole could be horrendous for heat.

The consensus was to provide additional information on the move to Guy Cole as well as modulars.

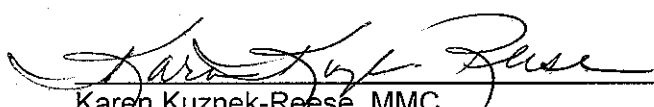
NEXT MEETING DATE

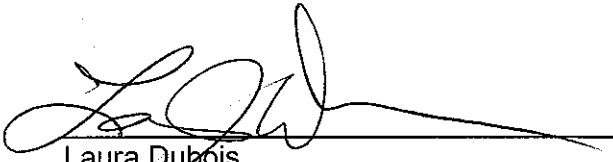
Mayor Dubois announced the next meeting dates of August 10, 2009 at 4:00 pm for executive session and 5:00 p.m. for study session; and August 24, 2009 at 5:00 p.m.

ADJOURNMENT

MOTION to adjourn at 10:50 p.m. made by Lorenzen; second by Hays.

Respectfully submitted,


Karen Kuznek-Reese, MMC
City Clerk


Laura Dubois
Mayor

Minutes approved at a regular Council meeting held on August 24, 2009.