

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

MARCH 14, 2011

6:00 P.M. REGULAR COUNCIL MEETING

Mayor Hays called the meeting to order.

PLEDGE OF ALLEGIANCE

ROLL CALL

Clerk Kuznek-Reese called roll. Council members present: Laura Dubois, Erik Erichsen, Don Hall, Ken Hays, Bill Huizinga, Susan Lorenzen, Ted Miller.

City Staff present: City Manager Steve Burkett, Clerk Karen Kuznek-Reese, Interim Planning Director Joe Irvin, City Attorney Craig Ritchie, and Police Chief Bill Dickinson.

INTRODUCTIONS & CORRESPONDENCE

CEREMONIAL

REPORTS

COMMITTEE, BOARD AND LIAISON SUMMARY

Clallam Transit System (CTS)

Dubois attended CTS employee recognition dinner. Bruce Munro, Sequim shuttle driver, was given a safety award for 23 years of no preventable accidents.

Citizen's Park Advisory Board

Hall attended the Park Board meeting on March 8. There was a report on refinishing the band shell, no decision has been made regarding the tennis bubble, they discussed bike racks, and the Guy Cole Center proposal which received unanimous support from the board. Sequim Family Advocates gave a report on soccer day on March 19. The gates open at 12:30 and games start at 2 pm.

Erichsen would like to respond to Pat Clark's comments to him at the last meeting where he requested that Erichsen consider and pray about charitable contributions.

Homeless Task Force

Miller reported the homeless task force met on March 3, the Olycap dental clinic is closed which will create a hardship. March 17 is the homeless resource event at Vern Burton. Free busses are available.

Clallam Transit System

Lorenzen attended the accounting and finance meeting for CTS. CTS is absorbing Paratransit services in Clallam County and hiring 28 employees.

PRESIDING OFFICER REPORT

Mayor Hays reported he sent a letter to the Mayor of Shiso City. They were not affected by the tsunami and earthquake. He attended the Chamber board meeting last week. He gave them an update on City activities. Wil Purser talked about the Carlsborg sewer infrastructure issue. They are developing a program to look at the costs and put to a vote of the people. The Merchants Group wants to discuss a City sound system. They also talked about needing a new downtown map. He told them we could work together to create a map. He will meet with them regarding the sound system.

Hays attended the community strategic plan for the school district. They are in serious need of infrastructure. They will continue to look at critical needs and try to improve student performance.

CITY MANAGER REPORT

Burkett reported there have been meetings with organizations regarding the sign code. Ritchie added that he met with the realtors' association last week. He gave them a preliminary draft of the ordinance. He will make a presentation for the Chamber members on March 24.

Burkett reported departments submitted questions for the survey. This needs to be about six pages so people will fill it out. The first draft will be about 10 pages.

Burkett would like to add an emergency ordinance tonight. Ritchie indicated the topic is based on a case today from Division I of Court Appeals that threw out the City of Auburn's criminal code. This will be added under New Business.

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

Andy Miller, Vintage Apartments, submitted a petition to the City for a crosswalk and signs at Priest and Brackett Roads. There is going to be an accident at that location. It will only get worse with the WalMart addition. The old fence line on Priest Road is out into the road. Brackett Road needs to be widened. Most people use walkers and wheelchairs.

Roger Fell, 1210 Cays Road, on behalf of the Parks Board stated the Parks are for families, kids, etc. There is an unsafe situation. During the Lavender Faire they plan to take busses through the Guy Cole Center. This is a dangerous situation. They were told they couldn't take the busses through the reuse demonstration site. The Park Board is opposed to busses going into the park.

Lorenzen would like to have Council discussion about the Lavender Festival.

Miller would also like to have the Public Works Director address the crosswalk issue on Priest Road.

Paul Haines addressed the crosswalk at Priest and Brackett. He explained this needs to be evaluated. The State of Washington has indicated that every intersection is a legal crosswalk. It is a liability issue when allowing pedestrians to cross. There is a signalized crosswalk nearby. The City has adopted codes and requirements for the trail and signal to be constructed to accommodate pedestrians. Brackett is a narrow road and needs improvements. There are many issues to address before he can make a recommendation about a crosswalk at that location. A particular issue for Sequim is the age of the walkers. Analyses say walkers over the age of 65 have special requirements. Marked crosswalks are a greater hazard for these individuals. This plays well into rethinking transportation in Sequim.

Ritchie added that cities/counties that locate crosswalks must do so carefully. It can be construed as "luring" people to cross because it is safe. Erichsen would like this brought back to Council when the analysis is completed so it can be discussed in public.

Burkett indicated there will also be a meeting with people from The Vintage.

Burkett indicated permits have been approved for both Lavender Festivals. Haines indicated there is a list of conditions on each permit. Traffic, safety and parking are paramount. A safety/parking/access plan must be approved by the City for them to proceed. Safety is paramount to the City, as well as communications. One of the conditions in the permit is for a joint submittal which depicts coordinated plans. This is to be submitted to the City prior to May 20. Plans shall focus on the east side of town. The preferred route will be under construction which is where the playfields are being built. This year there are inconveniences to deal with. We are not certain a joint plan can be established.

Burkett stated the goal is to work with both groups for a successful festival. If people come from out of town, they won't know the difference between each festival.

INFORMATION/COUNCIL QUESTIONS INVITED

PUBLIC HEARINGS (Legislative)

1. Ordinance No. 2010-025 Renewable Energy and Energy Conservation

Mayor Hays read the rules for the public hearing. The public hearing was opened at 6:40 p.m.

Irvin stated this is a new section of the code, Chapter 17.66. This issue is included in the Council's goals. Outreach opportunities have included talking with the PUD and its utilities advisement department. This ordinance includes the Council's recommendation that 65% of the lots in a subdivision must conform to the definition of a solar-oriented lot. The other big part of the code is the shading provision. The previous draft required shading for properties within the development. Research done by the Planning Department indicates it should not be required. It can be considered. An alternative compliance section has been included providing for a procedural process for someone unable to meet the requirements. Staff recommends Built Green of Clallam County or Northwest Energy Star.

Miller suggested changing the hours to center on 12 noon. Huizinga questioned lot lines and north/south. Irvin indicated there are no provisions for rear lot lines.

Huizinga would like to see the rear lot line addressed. Ritchie indicated that paragraph B needs to say adjacent properties "within the development".

Public Comment:

Jacques Dulin, Spruce and Sequim Ave, pointed out there are many types of solar. If talking about PV solar, there are many types of solar panels. The blue ones need to be oriented a certain way to get the maximum. There is another type of solar that can generate electricity under 6" of snow. The home orientation in the future will be less critical for certain types of panels.

Mike East, 110 Ioka, feels it is important to consider the shading on the back along with the front. Many lots face north and southern exposure comes in on the back side. People planted cedar trees several years ago that have grown so high they are shading the backside of a property. This will interfere with the view of the mountains as well as the sun if they wanted to put up solar panels. He would like an ordinance that only allows vegetation to grow to a certain height and not block the sun at the south side of the property.

Pat MacRobbie, 942 E Oak, stated the most efficient are the solar tubes that do have to be at a direct angle to the sun to give hot water.

Mayor Hays asked for additional speakers. Hearing no response, the public hearing was closed at 7:05 p.m.

Miller stated the ordinance only applies to new subdivisions. The issue of regulating landscaping and their height is a separate issue.

Erichsen voiced objection to having Council and the City consider this without a public referendum. The Council is deciding what is best for others. He does not believe we have that right. We will start requiring people to do things that affect their rights on their property orientation, height of shrubbery, fences. We don't have that right. We can encourage but we should not require. People have the right to decide for themselves about their property. He

objects to the process of requiring people to do this.

Lorenzen responded we are not imposing anything on current subdivisions. This is only for the future. We are protecting people who want to have solar energy. They should be able to do that without their neighbor impeding that incoming solar energy. She feels the 15' height limit is good.

Huizinga indicated there is a need to address landscaping height limits. Burkett stated there is not a provision in the ordinance that regulates the height of trees and landscaping. The developer commonly includes these limitations in the CCRs. The intent is to require a certain percentage to be oriented so they will have solar access in the future.

Miller doesn't think the ordinance goes far enough. We want to encourage solar energy. It only applies to new developments. It is important to get an ordinance on the books. He hopes this is just a first step.

Mayor Hays stated the strength of the ordinance is in the orientation. East/west orientation is good practice. This is good design practice. It encourages people to orient their houses for good solar energy. He didn't see anything that restricts anyone. This ordinance heightens the awareness of solar efficiency.

The time frame needs to be defined and reference the solar noon for our area. Solar access for the rear lot line as well as the front lot line was referenced.

MOTION to continue the decision on this ordinance to the March 28 meeting made by Hall; second by Dubois. **Carried Unanimously.**

CONSENT AGENDA

2. Approve/Acknowledge
 - a. City Council Meeting Minutes – February 28, 2011
 - b. City Council Meeting Minutes – March 7, 2011
 - c. Claim Voucher recap dated 3/14/11 total payments \$468,118.54
 - d. Ordinance No. 2011-007 amending standby rates

MOTION to approve the consent agenda as presented made by Dubois; second by Hall. **Carried Unanimously.**

UNFINISHED BUSINESS

3. Approve Health and Human Services Grants and Contracts

Ritchie stated minor technical language changes may be made to the contracts but nothing in respect to the deliverables.

Erichsen this is good to include expectations for deliverables.

MOTION to approve the
proposed contract with the Dungeness Valley Health and Wellness Clinic in the amount of \$15,000;
proposed contract with the Sequim Senior Center in the amount of \$10,000;
proposed contract with the Boys & Girls Club in the amount of \$12,500;
proposed contract with Healthy Families of Clallam County in the amount of \$9,000;
proposed contract with Olympic Community Action Programs in the amount of \$5,000;
proposed contract with Parenting Matters Foundation in the amount of \$5,000;
proposed contract with Peninsula Community Mental Health Center in the amount of \$7,500;
proposed contract with Catholic Community Services of Western Washington Volunteer Chore Services in the amount of \$5,000;
and authorize the Mayor and/or City Manager to sign these contracts made by Dubois;
second by Huizinga.

Hall will vote no because he voted no previously. Huizinga will vote yes because this is something we should be doing but he objects to the Boys & Girls Club being administered through the United Way and it should be funded at least \$50,000.

Miller will vote yes because it's time for the Senior Center to receive funding. He believes the Boys & Girls Club should have received more funding.

Erichsen does approve of the contracts but does not approve of the concept. In response to Pat Clark at the last meeting, he does not object to charity. He donates privately. He objects to using public funds to fund agencies as a public body. There are many good charities. We should all contribute as individuals. He does not think a public body has a right to do that.

Hays will vote in favor. He also would like to see the Boys & Girls Club receive more funding. These dollars are not intended to be directed to the teen center but are a health and human services amount to ensure access for all. He would like the City to continue to work with the club to support youth in the community.

Vote on the motion. Aye by Hays, Huizinga, Lorenzen, Miller, Dubois. Nay by Erichsen and Hall. **Motion Carries.**

4. Ordinance No. 2011-006 amending Chapter 5.20 regulating pawn shops and other entities

Burkett indicated garage sale requirements have been removed, unless someone has more than 7 in a year.

Ritchie added that this is to prevent fencing and sale of stolen goods. The first 7 garage sales have been exempted. After that they are a second hand dealer or business. A second-hand dealer has been defined.

MOTION to adopt Ordinance No. 2011-006 amending Chapter 5.20 relating to pawn shops, second-hand stores and junk yards made by Dubois; second by Miller. **Carried Unanimously.**

5. Ordinance No. 2011-008 amending Planning Commission membership

Burkett stated this was discussed on February 28. Council asked to increase the number of members outside the City limits.

Miller would like to see a sunset clause.

MOTION to adopt Ordinance No. 2011-008 amending section 2.36.010 keeping the number of Planning Commission members at seven and increasing the number of members who may reside outside the City limits from two to three made by Hall; second by Dubois. Aye by Hays, Huizinga, Lorenzen, Erichsen, Hall, Dubois. Miller abstains. **Motion Carries.**

NEW BUSINESS

6. Sequim City Band proposal for Guy Cole Center

Mayor Hays recused himself because he has a relationship with the City Band.

Burkett stated this issue arose at the joint meeting with the Park Board.

Miller would also like to find a way to renovate the kitchen. Burkett indicated this issue was discussed.

Erichsen questioned the use of the facility for a number of years. Ritchie responded it would be fair market value for a number of years to equal their investment.

Hall stated the Park Board unanimously approved this proposal. There was discussion concerning the City Band gifting the center back to the City.

Huizinga stated the Park Board approved this. We have no minutes from the Park Board. It would have been helpful to have those minutes.

MOTION to authorize the City Manager and staff to work with the Sequim City Band to develop a scope and cost estimate for the renovation/remodeling of Guy Cole Convention Center made by Miller; second by Hall.

Dubois stated this is a great proposal from the City Band. Are we able to use park impact fees to improve the kitchen? Burkett responded there may be options for City funding of the kitchen improvements.

Vote on the motion. Aye by Huizinga, Lorenzen, Miller, Erichsen, Hall, Dubois.
Motion Carries.

Mayor Hays returns to the meeting at 8:00 p.m.

7. Emergency Ordinance for Criminal Code

Ritchie distributed the proposed ordinance. The Court of Appeals Division I ruled on a case involving the City of Auburn that the City did not have any criminal laws so they could not prosecute the case, remanded it, and ordered it be dismissed.

This ordinance adopts by reference all the statutes that cover the various crimes and requires the Clerk to have them in her possession. This is an emergency because without this ordinance we will face challenges. It would be harmful to citizens to end up with the possibility of no prosecution for DUI, DV, or assault.

MOTION to adopt Ordinance No. 2011-011 as an emergency ordinance made by Miller; second by Erichsen. **Carried Unanimously.**

GOOD OF THE ORDER

Dubois reminded that SFA is having the Sequim soccer Spectacular Saturday at 12:30 p.m.

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

EXECUTIVE SESSION

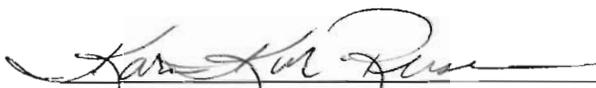
NEXT MEETING DATE

Mayor Hays announced the next meeting dates of March 18, 2011 which is a quorum touring Poulsbo and Bainbridge Island, March 28, 2011 (5:00 p.m.) and April 11, 2011 (6:00 p.m.)

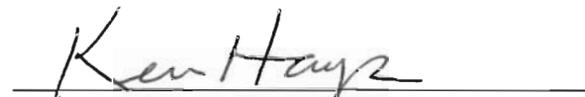
ADJOURNMENT

MOTION to adjourn at 8:10 p.m. made by Lorenzen; second by Erichsen. **Carried Unanimously.**

Respectfully submitted,



Karen Kuznek-Reese, MMC
City Clerk



Ken Hays
Mayor

Minutes approved at a regular council meeting held on March 28, 2011.