

**CITY OF SEQUIM
CITY COUNCIL MINUTES
SEQUIM CIVIC CENTER
152 WEST CEDAR STREET
SEQUIM, WA
SEPTEMBER 9, 2019**

WORK SESSION

1. [Hearing Examiner Presentation – Jeffrey Myers / Kristina Nelson-Gross](#)

Jeffrey Myers, of Law, Lyman, Daniel, Kamerrer & Bogdanovich, representing WCIA, presented “Pros and Cons of the Hearing Examiner System”. Myers stated that pros include the ability to manage large meetings; hearing examiners have legal and land use training; removes the decision-maker from politics; decisions are focused on code requirements; faster, more efficient, predictable process; greater public confidence; separates the quasi-judicial and legislative processes; frees policy makers to focus on long term planning and law-making; reduces appeals and judicial challenges; and, protects constitutional and due process rights. Myers stated that cons include up-front cost to the city; more formal process increases costs to parties; and, a hearing examiner interprets code as written, not necessarily as intended or politically popular. Myers discussed moratoriums.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: William Armacost, Dennis Smith, Ted Miller, Bob Lake, Brandon Janisse, Candace Pratt.

Excused: Jennifer States

CHANGES TO THE AGENDA

None

CEREMONIAL

2. [Presentation to Sgt. Mike Hill for Medical Incident](#)

Judy Reandeau Stipe of the Sequim Museum presented a certificate of appreciation to Sgt. Mike Hill for handling a medical emergency in 2018 in downtown Sequim during the car show.

3. [Clallam Resilience Project](#)

Mayor Smith proclaimed October 2019 to be annual Resilience Awareness Month. Minnie Whalen of Clallam Resilience Project spoke regarding adverse childhood experiences (ACEs), stating that ACEs, including abuse, neglect, parental mental illness and substance use, divorce, incarceration, and domestic violence lead to increased risk for health problems later in life; the common factor for children who develop resilience is having at least one stable relationship with a parent, caregiver, or other adult; we can be those adults; and, hopes this proclamation will prompt citizens in Sequim to take action toward building resilience in Sequim.

PUBLIC COMMENTS

Seven members of the audience spoke against the Jamestown S’Klallam Tribe’s potential medication-assisted treatment (MAT) clinic. Concerns expressed included the potential for the facility to attract drug peddlers; that a hearing examiner process would take decision making power away from elected officials; the potential for MAT clients from out of the area to remain in Sequim; concerns for the safety of Sequim residents; and, that the City should conduct a public opinion survey on the topic.

Bob Sheckler stated that he has served on the Des Moines City Council, and as mayor, is new to the community, and wanted to introduce himself.

CONSENT AGENDA

4. [City Council Meeting Minutes August 12, 2019](#)
5. [City Council Meeting Minutes July 29, 2019](#)
6. [City Council Meeting Minutes July 22, 2019](#)
7. [Claim Voucher Recap Dated Sept. 9, 2019, Total Payments \\$1,461,711.24](#)
8. [Solid Waste Contract Extension through December 31, 2019](#)

Miller stated that corrections are needed on Item 4 page 10; he did not attend Chamber and Shiso meetings. Smith stated that he attended the meetings. Lake stated that on Item 4 page 1 the details provided by Nelson-Gross regarding costs incurred in court cases should be included.

MOTION to approve the consent agenda as amended; moved by Miller; seconded by Pratt.

Carried Unanimously.

OTHER

9. [Ordinance No. 2019-004 Providing for Appointment of a Hearing Examiner](#)

Nelson-Gross stated that the ordinance is based on current authority and limited to certain types of appeals and quasi-judicial decisions; is intended to provide process and procedure, and identify clear levels of authority as to what the hearing examiner can and cannot do; the hearing examiner process is currently authorized for code enforcement appeals; a public hearing is not required but Council can conduct one if they choose; and, \$25,000 could be kept in the budget for appeals, administrative determinations, or other items within the hearing examiner's decision.

Miller stated that this is not an expansion of hearing examiner authority over current law and sees no reason for a public hearing. Lake stated that with what we've learned it is a good idea to go back to Nelson-Gross' recommendation from last March and have her bring it back to Council. Pratt and Smith agreed. Smith asked if the hearing examiner would be focused solely on land use, and Nelson-Gross stated that Council has already directed that code enforcement appeals go to a hearing examiner, and Council has authority to delegate certain other items toward a hearing examiner. Smith asked if there is a pool of qualified people who can be a hearing examiner, and Nelson-Gross stated that the City would issue an RFP, and she may recommend contracting with a primary hearing examiner and a pro-tempore. Lake asked Nelson-Gross, if the Council decides to expand the role of hearing examiner, would it be easier to do this now and add that later, and Nelson-Gross stated that she could update the March draft and have it ready by next meeting. Miller stated that he is opposed to making that change now with new councilors starting in January, and that it might be reversed by the new Council. Lake stated that he feels it is best to expand it now. Pratt stated that courts are defining the direction we should be moving in, and referenced Myers' presentation. Miller stated that it would be easier for citizens to talk to the Council, but there would be no point since the Council would be powerless. Lake stated that in the quasi-judicial role, Council can only look at the law and apply what it says, in which case the answer should be the same as that of a hearing examiner. Miller stated that there is often a gray area, and a hearing examiner can be biased because they are focused on the law, and not on people. Lake stated that it puts Council in a position of making choices which end up not being good judicial decisions. Miller stated that we have a city attorney and if we choose to ignore her we may have a problem. Armacost stated that he respected Myers' presentation, but there was a fearmongering that he emotionally went to; we are fortunate to have an attorney to keep us from making costly mistakes; at some point a hearing examiner would have value, but today people's values need to be taken at greater value than we feel are being heard; and, he likes Miller's suggestion to place this on hold for the new Council to consider.

MOTION to adopt ordinance 2019-004; moved by Lake; seconded by Miller.
Carried Unanimously.

10. Ordinance No. 2019-013 Code Enforcement

Nelson-Gross stated that this ordinance is intended to bring code enforcement to one location in the code, provide clarity to staff issuing code enforcement orders and directions, give clear direction regarding appeals, and move to an administrative penalty system; the City's current nuisance ordinance uses civil infractions that are limited by

State law to \$250; often violators are willing to take the gamble; this makes it a little more painful and provides appeal processes; little changed since this ordinance was last presented; and, there is no need for a public hearing although Council can do so if desired.

MOTION to adopt Ordinance 2019-013 adding Chapter 1.13 - Code Enforcement to Sequim Municipal Code; moved by Miller; seconded by Lake.

Carried Unanimously.

11. Guy Cole Solar Cost Benefit Analysis

Langevin submitted an update revising Attachment 2 footnote 11 to add the name of the city, and revising Attachment 2 footnote 12 to say “-0.5% annually”. Langevin stated that Council goals for 2019 include a cost/benefit analysis on installation of a PV system on the Guy Cole Center; this aligns with Chapter 9 of the Comprehensive Plan; estimates were collected and an average size was determined (44.28), then estimates were divided by the size the roof would accommodate resulting in \$1/kw, and that was multiplied by 44.28 to get a cost estimate of \$127,000; solar degradation, a measure of how output degrades over time, is -0.5% annually; graphs depict the amount the City would pay PUD for electricity at Guy Cole with solar power and without solar; if the PV produces more than is used, excess power would be sold to PUD at retail rate; simple cost recovery is calculated to be 23 years; a solar fee could be added to facility rentals to defray the cost; staff recommends moving forward with installation as is in the CIP for 2021, exploring grant opportunities, and exploring adding a solar fee to facility rentals; and, expected increase in energy cost from PUD is 3% annually based on 3 years of historical data. Regarding whether PUD will continue buy excess electricity at retail rate, Nelson-Gross stated that she would need to investigate. Langevin stated that his understanding is that the customer base that starts participating in the net metering agreement with a utility before they’ve reached a cap set by peak usage continues to get the retail rate, whereas customers who begin participating after they’ve reached the cap may not get the retail rate. Lake stated that the roof at Guy Cole is new and solar panels would shade the roof and prolong its life.

12. Potential Award for the Pavement Preservation Project

Garlington stated that the project is focused on Olympic Crest and Oak Tree Village; trenches were not compacted properly resulting in depressions in the roadway; expenses will be paid through utility funds because the failure was caused by the City’s system; an engineer’s estimate was just over \$482k; three bids were received and the low bid was from Nordland Construction for \$413,169; the amount listed under “recommendation” on the agenda item is incorrect; similar work is needed on Maple between 6th and 7th Avenues where road damage was caused by a sinking water line; work on Maple could be added to this contract as a change order; the work on Maple is about 5% of the value of this contract so he is requesting to change from a 10% to a 15% contingency; there is no record of Maple being dedicated, but the City is obligated to repair the damage; and, researching why there is no record of dedication would fit in with Nelson-Gross’ project.

MOTION to award the contract to Nordland Construction in the amount of \$413,169.00, and to authorize the City Manager, or his designee, to enter into a contract with Nordland Construction, and to authorize a 15% contingency above the award amount; moved by Lake; seconded by Miller.

Carried Unanimously.

INFORMATION

Committee, Board and Liaison Summary Reports

Lake:

August 13 – Health Board; John Graham, U.S. Dept. of Health Services Regional Director asked about public reaction to the MAT.

August 13 - Peninsula Trails Coalition; discussed speed limits for electric bikes.

August 15 - Clallam County Dept. of Health & Human Services, "Tobacco Effects in Adolescence & Pregnancy", and "What Every Clinician Should Know About Marijuana".

August 19 - Park & Recreation Board; people were concerned about docent program at Carrie Blake Park being placed on hold.

August 21 - Clallam County Trails Advisory Committee; discussed speed limits for electric bikes; per State law electric bikes can go 28 mph but local jurisdictions can change that; he suggested basing speed limit on guidelines used for building trail which anticipate 15mph; will go along with the County and reduce the speed on ODT to 15 mph.

August 22 - Peninsula Responders Emergency Program; Patrick Wickland, hazmat program manager attended; Lake encouraged emergency responders to have a map showing hazardous materials by type and offered to do that.

August 23 - Tax Advisory Board; approved budget for next year.

August 29 - LEAN 6-Sigma; Jason Loihle is helping the City to save money, and data should be collected.

Miller:

August 28 - Clallam Transit System Board; lots of interest in whether advertising on buses will stop; primary arguments were legal; the Board postponed; a company appealed that this would put them out of business; looked at performance review being prepared for Clallam Transit Manager.

Armacost:

The Art Council had Open Jam on First Friday and will jury the next exhibit, "Tie One On"; at the last exhibit there were over 50 entries and 30 artists.

Lofstrom:

School back in session; STEM club received grant to implement robots that will plant gardens for the school; Homecoming is on its way; sports have started; lots happening and more to come.

Presiding Officer

Smith:

August 16 - PRPTO; transportation project funding, such as for the Simdars interchange, is influenced by this organization, and Garlington has been a vital part.

August 28 - Dedicated new bocce ball and shuffle ball courts.

September 20 - Will meet with Shiso Sister City students.

September 23 - Shiso Sister City students will attend City Council meeting.

City Manager Report

13. House Bill 1406 - Affordable Housing

Deschenes presented HB 1406, stating that it was passed as an affordable housing sales tax credit; it does not increase sales tax for consumers; cities can adopt a qualifying local sales tax (QLT) to double the sales tax credit; there are four options; Option 1: no participation; Option 2: City doesn't participate, but County does, and they get the full 0.0146% within City boundaries; Option 3: City participates but not with a QLT and would get half, or 0.0073% within City boundaries, and the County would get the other half, and the City would need to pass a resolution of intent by January 27, 2020 and adopt legislation to authorize by July 27, 2020, while timing it so the County adopts final legislation before the City does; Option 4: City participates and imposes QLT, allowing the City to use 0.146% within City boundaries; and, there is a process and deadlines for imposing a new tax option. Miller stated that we want to participate but the question is whether we want to implement the QLT. Nelson-Gross stated that the resolution of intent would need to be adopted by January 28, so there is time after new councilors and commissioners come in to see which direction they are going in. Lake stated that if the County doesn't go forward with it, we should do a tax, and if the County does go forward with it, we should go with them. Smith agreed and stated that we should go forward with the intent. Lake stated that it is a lot of work for staff to administrate but if there is no option we should do it because it is 20 years of revenue; if the decision is made in January it can go on the ballot in February or April; and, it is best to put it on a ballot when others are running something, so it costs less. Miller asked whether 50% or 60% approval would be required, and Deschenes stated that she would need to find out. Lake summarized the Council's direction, stating that Deschenes should pursue it with the County, and report back to Council.

14. 2018 Police Department Annual Report

Chief Crain stated that there was a lot of staff movement in 2018; an FTE was added to support services; the per-capita crime rate is slightly down overall, kidnapping numbers are large but custodial interference is included in that; aggravated assault includes assaulting police such as when resisting arrest; burglary statistics change on a dime if you have a serial burglar, but the current number of 29 is very low; larceny includes a family of thefts, and the numbers have stabilized; shoplifting has stabilized; please lock your car doors; welfare checks have been high because people do call and that's good; drug arrests go up and down, but with cannabis legalized the numbers are down; workload indicators show the front counter is very busy; in 2015 staffing was low and the "officer initiated" number was lower than "calls for service", whereas every other year it is

higher, which shows that with good staffing you get more officer activity in the field; Sequim Police Dept. makes as many traffic stops as the County, if not more; not a lot of arrests or citations, we encourage people to slow down; this is the 20th anniversary of the VIPS program, which started with nine volunteers and there are now thirty; Hopper put a lot of work into ServiceFest; Dailidenas took over the canine program; Leiter went into schools as resource officer; Larson has been assigned as detective; and, asked Council to congratulate staff on awards they have received. Lake stated that medical assistance is provided in two clinics in Sequim, and asked Crain if she has noticed activity different in those areas than in the rest of Sequim, and Crain stated that she had not.

GOOD OF THE ORDER

15. Possible Polco Questions Related to the Potential Medication-Assisted Treatment Clinic

Hanna stated that Polko is an online polling service; the City was offered to pilot the program for free for one year; new questions are posted twice a month; the first questions are what Polko defines as baseline questions; custom questions are posted on the 4th Tuesday; and, there are 140 users signed up and 91 are verified City of Sequim users. Miller stated that he is proposing certain questions regarding the potential MAT facility, and read the proposed questions. Lake suggested adding a question regarding how close you live to the potential MAT, and having a place for comments. Janisse asked Hanna whether people must have an account to complete the survey, and Hanna confirmed. Janisse suggested setting up a station in the lobby. Lake stated that this would generate more use of Polko. Pratt stated that some people do not use the internet and results can be skewed. Lake stated that it is not unusual to hear an opinion expressed loudly while many others who have a different opinion are silent, and suggested a phone poll. Charisse stated staff would need direction on how the information would be used. Lake offered to analyze the results. Pratt stated that there is a lot of incorrect information out there; many seniors would not access Polko; and, someone told her that she lives across the street from the potential location and that she is in favor of MAT. Nelson-Gross advised Council to give serious consideration to the precedent they are setting. A man in the audience stated that Council said this is a done deal because it meets the zoning code, and asked whether Council can do anything. Miller stated that there is nothing Council can do legally but if there is enough opposition maybe the Tribe will change their mind. Nelson-Gross stated that when the City gets an application she will recommend it go to a hearing examiner because they would be subject to an appearance of fairness challenge. Miller stated that he would like the Council to vote on it at the next meeting. Lake stated that he liked the idea and suggested asking the Tribe if they would like to add questions. Armacost stated that we could help seniors use the computer. Miller moved to place the topic on the agenda for the next meeting. Smith stated there was consensus to put it on the agenda, and to see if the Tribe wants to add questions, and to be open to questions from anyone. Miller stated that he will consolidate questions and be the point of contact.

Other Discussion

Lake stated that it is important to have representation on the Economic Development Corporation Board, and Armacost stated that he would like to do it. Charisse stated that she would let Armacost know time and date of the next meeting.

Janisse stated that he met with the skateboard group and encouraged Council to walk the skatepark and look at maintenance issues, and asked Garlington to investigate the cost of repairs. Janisse stated that on October 10th the AWC has their "Cities on Tap" event, and Nelson-Gross said that if four or more Councilors plan to attend to let Charisse know so that a potential quorum can be noticed.

Lake asked Smith if he planned to attend a meeting at Dupuis Restaurant that the transportation group is having, and Smith stated that he was.

ADJOURNMENT at 9:02 pm

Respectfully submitted,



Alisa Hasbrouck
DCD Specialist for the City Clerk



Dennis Smith
Mayor

Minutes approved at a regular Council meeting held on September 23, 2019.