

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

JANUARY 28, 2013

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, Ken Hays, Ted Miller, Candace Pratt, Dennis Smith and Genaveve Starr.

INTRODUCTIONS & CORRESPONDENCE

CEREMONIAL

REPORTS

COMMITTEE, BOARD AND LIAISON SUMMARY

Smith reported that today he attended the planning meeting for the employee recognition event. He also attended the Clallam Transit Board meeting with Pratt.

Pratt reported that Clallam Transit Board voted to increase the fare for Paratransit and Dial a Ride. She was elected Chair and Jim McEntire is vice chair.

Dubois reported on the RC&D and PDD meetings that she attended. The RC&D has reviewed the bylaws and hired a part time staff person for 2013 to try to obtain grants.

PRESIDING OFFICER REPORT

Mayor Hays was appointed as co-chair of the Centennial Finale. He attended the Jamestown S'Klallam Tribe's community network meeting. He briefed them on City projects and activities. The Tribe will open the Centennial street dance with a tribal dance.

CITY MANAGER REPORT

Burkett reported on the meeting with the Tribe concerning the Guy Cole Center. The Tribe will fund the renovation of the building; the City will fund the parking and entrance improvements. The City Attorney is drafting an agreement.

Pratt suggested having a joint meeting with the Tribal Council.

Burkett distributed information on SB5049 and HB1253. HB1253 extends the provision in current law allowing cities some of their funds to support local festivals. The City uses 7.3% of its funding to support festivals and events. This law sunsets in 2013. SB5049 allows jurisdictions to use lodging tax monies to hire new police officers. We don't feel this is a good use of the funds. Ritchie and Hays will put together information and it will be on the February 11 meeting agenda.

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

Sam Woods spoke in support of the Move to Amend issue.

Helga McGhee expressed concern about the resolution to support the school levy and the district purchasing 18 busses all at one time.

Don Hall acknowledged that Candace Pratt holds an important position as chair on the CTS board.

Darlene Schanfeld spoke in support of the Move to Amend resolution.

Andrea Radich stated she has a petition that was signed by several in the county. She addressed the resolution that was provided to the Council and City Clerk on Sunday.

Pam Stinson, Susan Morris, Del Snow, Neil Morris, and Joley Will spoke in support of Move to Amend and adoption of a resolution.

Kuznek-Reese reported that emails of support were received from Andrea Radich, Pat MacRobbie, Anita Matthay, H. James Rhodes, and Harry Bassett.

INFORMATION/COUNCIL QUESTIONS INVITED

1. Remote attendance at Council Meetings

Ritchie stated MRSC has suggested that if we do allow people to participate by means other than in person, we should have a policy. This applies to Councilmembers and staff.

Miller supports this concept. Each Councilmember is elected to represent the people. He attended the Clallam Disability Board meetings by telephone. That way each Councilmember can be involved in each discussion.

Pratt feels this makes a lot of sense.

PUBLIC HEARINGS (Legislative)

2. Ordinance No. 2013-001 Revising Definitions Under Zoning Code (SMC Chapter 18.08.020)

Mayor Hays read the rules for the public hearing. The public hearing was opened at 6:38 p.m.

Hugo explained the changes to the code which will make it much easier to amend definitions in the future.

There was discussion as to whether there should be a definition for “primary use.”

Mayor Hays asked for speakers on the issue. There was no response.

MOTION to continue the public hearing to adopt Ordinance 2013-001 amending Chapter 18.08 of the Sequim Municipal Code to the Council’s next meeting on February 11, 2013 made by Miller; second by Dubois. **Carried Unanimously.**

3. Ordinance No. 2013-002 Adding SMC Chapter 18.59 – Accessory Uses/Structures, including Incidental Food Service Uses/Structures

Hugo described the addition to the code for incidental food service uses. The Planning Commission recommends approval.

There was discussion concerning the 50,000 square foot requirement.

Mayor Hays asked for speakers. There was no response.

MOTION to continue the public hearing on the Planning Commission’s recommendation to adopt Ordinance 2013-002 amending SMC 18.59 to the Council’s next meeting on February 11, 2013 made by Dubois; second by Miller. **Carried Unanimously.**

4. Ordinance No. 2013-003 Temporary Activities and Special Events (SMC Chapter 18.68)

Hugo stated this change will help to obtain clear and consistent rules. This establishes a classification of activities and requires any temporary activity to obtain a permit.

Erichsen feels this is too restrictive and he cannot support the ordinance. Ritchie stated the code revision provides for activities to take place that are allowed in that current zone.

It was suggested to have a “notice requirement” included in the code.

MOTION to continue the public hearing on the Planning Commission's recommendation to adopt Ordinance 2013-003 amending SMC 18.68 to the Council's next meeting on February 11, 2013 made by Miller; second by Pratt. **Carried Unanimously.**

CONSENT AGENDA

5. Approve/Acknowledge
 - a. City Council Meeting Minutes – January 14, 2013
 - b. Claim Voucher recap dated 1/28/13 total payments \$1,153,316.86

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

UNFINISHED BUSINESS

6. Proposed Resolution R-2013-01 in support of school levy

Ritchie advised to ask for speakers in support or against this issue. The Council can vote on these ballot issues because school is one of the essential functions dealt with in the city's Comp Plan. There is no difficulty in deciding on that issue because it is within the realm of the City Council.

Michael McAleer responded to the earlier comment about 18 busses purchased up front. The state has a system that every taxpayer pays into. They pay depreciation back to the school for the first 18 years of its life. There are currently 32 busses on the fleet. Many are off that depreciation system and the school receives no money. The busses will be purchased over 2 years. It allows the district to collect the depreciation payments. The depreciation payments will fund the bus purchases.

MOTION to adopt Resolution No. R-2013-01 supporting Sequim School District Ballot Propositions 1 and 2 made by Erichsen; second by Dubois. **Carried Unanimously.**

7. South Sequim Avenue Improvements Final Acceptance

Garlington stated he has determined the work has been performed in accordance with the contract and requirements.

MOTION to authorize final acceptance of the South Sequim Avenue improvements, with total payments of \$509,671.14, contingent upon receipt of any necessary documents as part of contract closeout procedure made by Pratt; second by Miller. **Carried Unanimously.**

8. Contract approval of Infiltration Basin Facility – Phase I Construction Management at Reuse Demonstration Site – **Deleted from Agenda**

9. Proposed Resolution Recommending the Washington State Legislature Propose a United States Constitutional Amendment or Proposed Resolution Stating Objection to Citizens United and Big Money Influencing Elections

Ritchie explained the recent U.S. Supreme Court decision invalidated rulings of the federal elections committee dealing with money spent by corporations on campaigns. The Move to Amend seeks to do what is often done when courts do something unpopular. There are two proposed resolutions. One deals directly with the issue that the Supreme Court said Congress cannot pass a law regulating speech of corporations. That is included in Resolution 2013-02. The second resolution says it is an issue and that citizens can express their opinions. A third resolution was provided by Move On. A fourth choice is not to take any action.

Burkett recommends talking about whether the Council wants to take action on this. A Constitutional amendment is a significant issue and not normally within the purview of the Council. Once the Council begins to address global, national issues, or issues not directly related to city government, many issues will be brought to Council in the future.

Miller feels we should discuss whether we wish to proceed. If we do, which version of the resolution should be approved or discussed.

MOTION to proceed to consider a resolution to support a Constitutional amendment made by Miller; second by Pratt.

Miller agrees with the City Manager. Our job is to represent the people of Sequim. There are exceptions. The Citizens United decision was so outrageous. We do need to consider this as a one-time exception.

Erichsen is concerned about setting a precedent allowing political issues to be something that the City wastes time debating. The next thing we will have is someone wanting us to support someone running for Congress or whatever. We have personal rights as citizens to vote how we feel. We have been asked to look at the City's business and help direct how that will be run. He does not support moving forward with this.

Dubois stated there are a large number of cities, counties and state legislatures that have adopted resolutions. She thinks this shows that it is important to local politics. She supports moving forward to discuss the issue.

Pratt supports moving forward to discuss.

Starr feels we should take up this issue. Our constituents are asking for help to deal with this issue. This is an unusual issue. This is something we need to do.

Smith believes this is an important issue and individually he will contact representatives. This is not a City issue. We should not press forward and we should do it on an individual basis.

Hays does not think this is appropriate use of citizens' taxpayer dollars. We take an oath to uphold the Constitution that gives us a right to question. We should at least hear a motion to support some resolution.

Vote on the motion. Aye by Starr, Dubois, Pratt, Miller. Nay by Smith, Erichsen, Hays.
Motion Carries.

Hays expressed his frustration that the group bringing this forward does not support our proposed resolution. This is something the people should take to the state first and the state should contact cities for support. He is concerned about the details that keep coming up in the recommended resolutions. They seem to dilute the fact that we are concerned about the Citizens United decision affecting elections.

Miller concurs with Hays. The alternative resolution from Move On goes too far. He prefers the first of the alternate resolutions

MOTION to approve resolution 2013-02 which is Attachment 1 in the packet made by Miller; second by Dubois.

Dubois stated citizens have less and less ability to bring issues forward for election by the people. Only the state can suggest a Constitutional amendment. She thinks we need to keep it short and simple. This asks our state legislature to take action.

Starr stated there is a resolution before the state legislature right now. She would like this to say corporations are not entitled to the rights afforded to natural persons.

Vote on the motion. Aye by Starr, Dubois, Pratt, Miller, Hays. Erichsen and Smith abstain. **Motion Carries.**

NEW BUSINESS

10. Contract award of Infiltration Basin Facility – Phase I at Reuse Demonstration Site –
Deleted from Agenda

GOOD OF THE ORDER

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

Kelly Shea, superintendent of Sequim Schools, thanked Council for support of their levy issues. He invited Councilmembers to call and make an appointment to meet with him about issues of mutual interest.

Sam Woods thanked the Council for discussing this issue. He thanked them for supporting the school levies as well.

EXECUTIVE SESSION

Mayor Hays announced an executive session to discuss potential litigation and property acquisition. It is anticipated to last approximately 10 minutes and no action is anticipated. Adjourned at 8:15 p.m. Reconvened at 8:30 p.m.

Mayor Hays stated we are elected as non-partisan officials. He has strong beliefs and he believes we need to keep partisan politics out of the discussions. He has worked hard to keep his personal feelings out of the discussions. We need to stay focused on City business.

Miller does not believe this is a partisan issue.

NEXT MEETING DATE

Mayor Hays announced the next meeting dates of February 11, 2013 at 6:00 p.m. The Council's retreat and goal setting is set for February 19 and 20 and a meeting is scheduled for February 25, 2013 at 5:00 p.m.

ADJOURNMENT

MOTION to adjourn at 8:31 p.m. made by Pratt; second by Dubois. **Carried**
Unanimously.

Respectfully submitted,

Karen Kuznek-Reese, MMC
City Clerk

Ken Hays
Mayor

Minutes approved at a regular council meeting held on February 11, 2013.