10-03-90 PUBLIC HEARING - Sequim City Council, Sequim Community Center, Sequim, Washington 7:00 p.m.

Pro-Tem Mayor Barry called the meeting to order. Deputy Clerk/Treasurer Kenoyer called the roll.
Present: Pro-Tem Mayor Barry. Councilmembers: Brumbaugh, Corbett, Engel, Kirner, and Sievers.
Excused absence: Mayor Beggs and Councilmember Schlaffman.
Also Present: Clerk/Treasurer Muirhead, Supv. Bay, Engineer Carlsen, Police Chief Hawe, Supt. Util/Bldg Inspect. Parker, Attorney Williams.

Public Hearing #1 - Thompson PUD
There was no representation for this hearing. No questions or comments were heard.

Public Hearing #2 - Spencer Subdivision
Louie Torres, (dba Olympic Development Planning, 662 1/2 W. Sequim Bay Road) is representing the proponent on this subdivision. Two plans have been submitted for consideration. This subdivision would be the division of a nearly level, 5 acre parcel of land into 18 lots, with an existing home on the proposed lot 18, which faces Hendrickson Road. The westerly side of this, is in the area of 7th Street where area residents were interested in local access neighborhoods. This subdivision is proposed accordingly. The developed properties around this property are not connected to it. (ie: Sherwood Manor and Sequim Medical Plaza to the east, Sherwood Village to the north. The McCord property is not yet developed.) Current zoning is RS9000. This proposal is for a single 500' cul-de-sac, with dry wells on sight for storm water retention and disposal. A gravity sewer line is proposed which would flow north to northeast through Sherwood Village. Two plans have been submitted for the roads - the original plan is for a curb and gutter with sidewalks adjoining the curb on one side. The alternate plan consists of rolled asphalt curbs and no sidewalks. There are no specific standards on neighborhood streets that would apply, this is the discretion of the Planning Commission. The Planning Commission did approve the project with conditions as noted from Engineer Carlsen in his memo dated September 4, 1990. In closing Torres asked the Council to concur with the Planning Commission and grant approval for the Subdivision.

Pro-Tem Mayor Barry adjourned Public Hearing #2.

Public Hearing #3 - Peterson et al Annexation
Ken Clark (P O Box 713, Sequim, WA) is representing the proponent. The annexation proposal covers approximately 5 acres. The exact location is at 5th Avenue and Hendrickson Road. 300' fronts Hendrickson Road and 800' would adjoin the easterly projection of Hendrickson if built. The proposed annexation contains two parcels. Peterson has 77.4% of the assessed valuation. The proponent has agreed to conditions of annexation, as stated in the petition. Mr. Peterson has already deeded the necessary street right of way for 5th Avenue improvements. No additional rights of way are needed at this time.
There were no further questions or comments on this proposal. Pro-Tem Mayor Barry closed Public Hearing #3 at 7:18 p.m.

10-03-90 Regular Council Meeting, Sequim Community Center, Sequim, WA. 7:30 p.m.

Pro-Tem Mayor Barry called the meeting to order. Deputy Clerk/Treasurer Kenoyer called the roll.

Present: Councilmembers Brumbaugh, Corbett, Engel, Kirner and Sievers.
Excused absence: Councilmember Schlaffman, Mayor Beggs.
Also Present: Supv. Bay, Engineer Carlsen, Police Chief Hawe, Clerk/Treasurer Muirhead, Supt. of Util/Bldg. Insp. Parker, Attorney Williams.

Flag Salute

Minutes:
The minutes of 09/19/90 were approved as written.
No motion.

Bills:
Deputy Clerk Kenoyer reported the bills for September total approximately $261,000. Gross payroll totals $65,393.44. There is an additional $15,000. for legal fees on the Sewer Fund Lawsuit. Also included in this total is nearly $33,600. for the 1983 Sewer Bond interest payments.
No motion for approval on payment of September bills.

Bid Openings: None.

Department Head Reports:
Police: Police Chief Hawe reported the department had prepared a new report and map on accidents which have occured on Highway 101 within the City. The last report was done in 1987. Karl Hatton of the police department explained the report. Over a 2 year period there were approximately 200 accidents along the 101 corridor within the city. During the 18 month period there were 253 accidents, which is nearly double. Corbett asked the difference between accidents which had been investigated and those that were not. Hatton explained the officer called to the scene determines to the best of his ability if damage is over $500. If over this amount, further investigation follows. Chief Hawe again addressed the council asking them to keep this report in mind when reviewing traffic issues pertaining to the City. The Police Dept. is going to submit this updated report to the Dept. of Transportation. The majority of accident problems occur on the 101 corridor, in the afternoon and in the west end of Sequim. Hawe and Parker have fought to get a traffic light in the Dairy Queen, McDonald's and Safeway area. Problems have developed on 101 from the looping and lane changes done by the State. He asked the press to inform the public of the changes particularly on Sequim Ave. and 5th Avenue.
Streets and Utilities: No report.
Clerk Treasurer: Muirhead reported the new position in the Clerk's office has been filled. The new person will start on October 16th. She then read a memo to Council explaining voting procedures during council meetings. In summary of the memo: Under common law, if nothing is said and a councilmember does not vote, their vote will be included with the majority. This is according to Paul Sullivan, an Attorney with Municipal Research and Services Center of Washington.

Committee Reports:
Finance Committee: Engel reported the committee met with Police Chief Hawe on September 25th. She referred to the report the council had, pointing out the police car model should be changed to 1982. The committee also recommends the council to direct Attorney Williams to draw up an ordinance to increase the sanitary sewer rates. They have no firm recommendation on the amount. If the Attorney could be directed to draw up the ordinance, they could then discuss and arrive at a decision as to the amount of the increase before voting on October 17th.
Barry informed the council the Finance Committee would be meeting at 11:30 on Friday, October 5th.
Williams explained the necessity of introducing the rate increases prior to the meeting they are enacted. The purpose of this is to allow the council to act upon a proposed rate increase at the next meeting. The purpose of bringing it up prior to the next meeting is to allow public input prior to the actual vote on rate increases. This does not require a public hearing for the consideration of the increase.
Police Committee: No report.
Streets and Utilities: Brumbaugh reported the committee met on September 26th regarding the Truck Parking Ordinance. The only recommendations at this time are: The gross weight should be increased to 12,000 pounds, each end of town should be posted with a sign stating there is an ordinance in effect. There should also be a six month waiting period before the ordinance goes into full force. Brumbaugh had the impression the police chief was not happy with the ordinance in regards to the enforcement and feels this requires more discussion. Barry asked if the committee would like council to work on defining commercial and private vehicles. Brumbaugh responded by saying they would like to include private vehicles, such as vehicles that are under repair or being stored. Further discussion followed regarding the need for more positive definition on private vehicles and enforcement. Attorney Williams was asked to draw up an enforcement clause. Williams informed the council they need to determine specific regulations and enforcement for the ordinance. It can then be drafted. Barry would like the committee to discuss and make changes in the proposed ordinance with the exception of the enforcement at the October 17th meeting.
C.T.S. Governing Board: Brumbaugh reported he had received a letter from the Transit System commemorating 10 years of service. A proclamation has been signed recognizing the Transit System. They will offer 10 cent rides during the week of October 8 through 13, (on fixed routes).
Capital Improvements: No report.
Transportation Committee: No report.
Parks: No report.

New Business:
Results of Public Hearing #1 - Thompson PUD
Mr. Curt Dier of Polaris Engineering is present to answer any questions the Council might have. None were heard.
Engineer Carlsen stated the Planning Commission had addressed his comments. There is one optional condition they chose not to include which was a landscape plan. A major concern was the number of driveways. The center driveway has been changed to an egress only. The applicant will have to provide adequate parking required by ordinance as the development progresses. Engel asked whether the sidewalks were the responsibility of the developer. Carlsen replied the only sidewalks in the area were put in by Thompson in conjunction with their parking. Engel stated if we are doing forward planning, sidewalks need to be addressed. Carlsen said

these are the option of the council. Sidewalks along 5th Avenue need to clarified.
Motion by Corbett second by Sievers that we approve this Planned Unit Development with the conditions as approved by the Planning Commission "A through G" plus H. Item H includes sidewalks along 5th Avenue.
Kirner questioned the need for sidewalks, Carlsen explained the standard street section which is currently being worked from has sidewalks on both sides. Walking has become more prevalent than in the past. Having sidewalk on both sides of the street is a better safety factor. In addition to this, the Aquatic Center is located there. As further development occurs in this area, there will be more foot traffic and it is best to plan for this now.
The proponent had no objection to this condition.
Vote on the motion. Carried.

Results of Public Hearing #2 - Spencer Subdivision
Engel emphasized the need for sidewalks and the need to plan for the future. Louis Torres explained sidewalks were part of the original application. Considerable discussion has taken place about this. The city ordinance provides for sidewalks to be built on both sides of an arterial. The proposed Spencer Subdivision is a neighborhood environment. The Planning Commission did a comparison about rolled asphalt curbs which create smooth environments with the lawn coming up to the road, versus concrete curbs and sidewalks. The current mode of development in these smaller, more expensive quality neighborhoods is to use the asphalt rolled curbs. A sidewalk would lead nowhere and be of no merit. He pointed out that Sherwood Village operates very nicely without curbs or sidewalks. Traffic volume would be miniscule. Engel stated she would agree to rolled asphalt curbs within the development, but concrete sidewalks should be included along Hendrickson Road. Torres had no objection to this condition, or participation in an LID. Engel referred to Engineer Carlsen's recommendations to the Planning Commission, citing item "D": The proponent agrees not to oppose the formation of an LID which would bring Hendrickson Road up to city standards. The LID assessment would go against each lot. Kirner said we are letting 5th Avenue go by without the sidewalks. He also interjected by saying this was more than a short cul-de-sac since it was 500 feet long, which should require sidewalks. Carlsen pointed out the maximum length for a cul-de-sac is 400 feet, this is a city code provision. This is what prompted his requirement for a stub street to the west, so that as the McCord property is developed there would be a second access. If there are no stub streets, we would end up with several dead end cul-de-sacs just accessing onto arterials, with no means of internal circulation. Provisions should be made to alleviate this problem. Engel feels growth management is part of planning, and streets and sidewalks should be considered. Carlsen refered to the recommendations which had been made to the Planning Commission: Lot 1 cannot access onto Hendrickson Road. Lot 18 could still abandon one of the driveways, and a new driveway run into the new street - Spencer Place. Vehicles should not be backing onto an arterial, provisions should be made within the lot for turn around. Sidewalks should be required on both sides, the road surfaces will have to be 3" crushed rock, and 3" of asphalt. There is no variance from these items. Council should consider the type of curb. Standard is concrete and gutter, this is an individual preference. Parker's only recommendation for the subdivision is proper access for emergency vehicles with adequate turn around area for fire trucks. Police Chief Hawe requests a street light be included at the intersection of Hendrickson and Spencer Street.

Muirhead suggested the council seriously consider the sidewalk issue for the sake of those confined to wheelchairs.
The proponent has no objection with regards to lots 1 through 17, all accessing onto Spencer Place. There is no objection to Lot 18 having access Spencer. The applicant does want to maintain the existing driveway onto Hendrickson for the existing home. Torres pointed out that our ordinance does not mandate sidewalks for this development. Replying to Muirheads questions regarding zoning, Williams stated zoning variance standards would not apply. There is no provision for a variance in the subdivision ordinance. Carlsen read an excerpt from street design standards chapter 17.32 undersection 050 paragraph "C" "that all streets will be surfaced with asphalt, concrete or portland cement paving and have concrete curbs, gutters, and sidewalks. Williams stated there is however, no specific provision on sidewalks under 17.48.030, which does state that on primary arterials you shall create sidewalks with a minimum width of 5', additional sidewalks shall be installed to provide continuity. The planning commission can recommend sidewalks. They could also recommend not to have the sidewalks. Carlsen interjected by saying the comparison made earlier to Sherwood village is not valid because it is a PUD. Sherwood Village contains private streets, Spencer will be a public street.
Motion by Corbett, second by Engel this be refered back to staff and brought back to council as soon as possible.
Carried.

Results of Public Hearing #3 - Peterson et al Annexation
Williams informed the council that an advantage of the form prepared by the Clerk's office was the petition could be approved without additional motions since all conditions are included.
Motion by Sievers, second by Corbett that we accept the petition.
Carried.

New Business
Engel asked for council consideration regarding an ordinance on sidewalks to enable forward planning. Williams explained Municipal Research keeps copies of model ordinances, which contain parts from several ordinances adopted by other cities and towns. His suggestion is we obtain some of these and have an appropriate committee review them. A committee could be formed of 3 councilmembers or perhaps the Streets and Utilities. Issues which need to be addressed are construction, maintaining sidewalks and legal liabilities. These are not legal issues, but policy decisions that need to be made.
Corbett suggested Supv. Bay, Engineer Carlsen, Util. Bldg/Insp. Parker, and Councilmembers Kirner and Sievers form the committee. Engineer Carlsen suggested the scope be expanded to include rolled asphalt or concrete curb gutter. Barry is going to check with the Planning Commission to see if any of their members would like to be included.

Burrowes Latecomers Agreement:
Barry asked the city Attorney if he had a recommendation. Engel asked for an update on some problem solutions. Williams stated he is confident that record title has been properly transferred to the City of Sequim. He had previously suggested we refrain from approving the latecomers agreement. If we do approve the agreement, and the city determines they wish to resolve any dispute with the Stringers by waiving latecomers fees, the city would not be in the position to do that having entered into a contract with Burrowes. His recommendation is that since they are in fact separate although interrelated issues we should get on with either approving or rejecting the latecomers agreement. If further actions are necessary to resolve the issue concerning the Stringers we would need to approach Burrowes about contributing to the resolution at that time. It appears that a resolution with the Stringers is not likely to be forthcoming. Sievers asked if this included any discussion with Stan Burrowes. Attorney Williams responded it came from a discussion with the Mayor and Mr. Parker. Barry said it was her understanding these 2 issues were separate. Kirner asked why this was separate since the sewer line runs across the Stringer property. Williams agreed saying the sewer line is located almost exactly on the boundary line of property owned by Stringers. Records held by the State of Washington indicate the property is also subject to an old state highway right of way, which was on file as the right of way. The issue we are talking about is the sewer line which had been constructed and dedicated to the city. The city has accepted the dedication including 10 feet for ingress and egress necessary for maintaining and repairing the sewer line. Record title appears to indicate the dedication was appropriate, Mr. Burrowes has asked for compensation from anyone connecting to the sewer line to reimburse his cost for putting the line in. This is the latecomers agreement issue. The Stringers are not satisfied that they have not somehow been deprived of their property without compensation. This is the second issue. Initially he had suggested we resolve them at the same time. It now appears this cannot be done. Carlsen explained state requirements are that no pollution sources can be within 100' of a well. Even the roadway is considered to be a source of pollution. The Department of Health is looking into this. Williams stated we can solve these issues one at a time. The latecomers agreement can be granted subject to the requirement that Burrowes will be responsible for defending the sewer line and right of way which was dedicated to the City of Sequim. Engel said we could enter into the latecomers agreement with the understanding that any future litigation or claim regarding that sewer line be the responsibility of Burrowes. Sievers said he still does not think this is likely to keep us out of it. He suggests even though construction is complete, the 10 feet north on the right of way is okay, the 10 feet to the south is apparently a Stringer problem, we have clear title by record and we have right of way from the state and county there are still too many questions. There is a well within 27 feet of the line, where another distance of some 80 feet should be added. The sewer system is important to us, and based on all these facts we should offer to waive the general facility charges for the Stringers. As compensation for their question of right of way and construction near the well no latecomers fee should apply. We should approve the latecomers agreement with Stan Burrowes. Engel added, subject to those conditions. Sievers said this eliminates the question. Williams stated only if the Stringers will accept that as compensation for their claim, then it waives it back, we do not want to grant that without there being a requirement that this ends the dispute. Engel said subject to the agreement. Sievers would like to see this written up and offered to the Stringers.

Barry asked if this was written up in the form of a motion. Sievers stated no, but he thinks Williams can get it from that.

Motion by Sievers, second by Engel that counsel write up an agreement whereby the general facilities charged to the Stringers would be waived and there would be no latecomers fee to Burrowes from the Stringers and this would be in compensation for the question of sewer line and right of way dedicated to the city.
This would resolve any claim from Burrowes and eliminate any cloud on title Stringers might have on the sale of their property.
Mrs. Stringer asked whether the right of way would be a 10 foot or a 30 foot right of way. Williams explained this would be a 10 foot utility easement only.
Vote on the motion: Carried.
Barry said we may be able to act on the latecomers agreement at the next council meeting.

Grinnell et al Annexation:
Councilmember Barry stated she will not be participating in the discussion or voting on this. She also suggests that since councilmember Kirner has not listened to the tapes of the preceeding public hearings, he will be precluded from taking part.
Muirhead presented new maps showing an outline of the areas to be annexed. Parcels that are opposed are indicated including their names. The seven parties not wanting to be included in the annexation are: Anderson, Munza, Butcher, Pfiefer, Erda, Schroeder and the Russell Trust. Their property has been included in annexation total of 145 acres. She explained where each parcel is in relation to the annexation, including their acreage. A new mailing of the petition was sent out, 3 did not respond. The total of favorable responses and percentage equal 79% of the total assessed valuation.
Kirner told Muirhead he had not been notified of the available tapes of the meetings. Engel stated the tapes were always available.
Corbett asked if we had a quorum to vote on this. Barry suggested council hold this until councilmember Kirner could listen to the tapes and Schlaffman could also be present.
Motion by Corbett, second by Engel to table the Grinnell Annexation request until October 17th.
Carried. Councilmembers Barry and Kirner abstained from voting.

Garry Oaks Final Plat:
Parker explained the name of the plat has been changed to Oak Tree Village. This is the first phase of the final plat which totals 32 lots. Paving is not complete due to rain. The request is for council to approve this and the Mayor sign the plat upon receipt of written information by the City Engineer and Parker that the plat has been completed.
Motion by Sievers, second by Engel the Mayor be allowed to sign off on Oak Tree Village formerly known as Garry Oaks when everything we have called for before has been accomplished.
Carried.

Sewer Rate Increases:
Util./Bldg Insp. Parker met with the Finance Committee regarding the upcoming budget. He prepared a memo for the council and has asked Attorney Williams to draw up an ordinance for rate increases. He feels the increase should be no less than $4.00 per month with a possible increase in 1991 of $3.00. The main reason for the increase is to cover legal fees for the present lawsuit with PPF. Parker is also considering an additional employee to help at the plant full time. He also supplied a rate study done by the City of Bellingham in conjunction with the American Public Works Association, Washington State Chapter. The City Engineers Association and the City of Bellingham compiled the information. The city of Sequim has 1,046 accounts. They are currently being billed at $16.00 per month. The overall average of the study was $14.17 for sewer rates. Parker also stated we are going to apply for a grant in 1991 which would assist with the sludge program. If we do receive the grant, the rate may stay the same. Lawsuits are expensive. The $4.00 increase would be over and above the present $4.00 surcharge. This generates in excess of $100,000. per year. If this is not adequate we would look at the additional $3.00 increase in 1991. Barry stated the Finance Committee had looked at, and plans to review it again. Williams explained we could not act on this tonight. Barry said we were asking for the ordinance on increases. Kirner asked Parker if the prior increase had been covering the outfall line. Parker stated no, the increase was being used to cover the legal fees for 1990. We do have money in the fund from the previous year, but we were not able to transfer it into the outfall fund because we needed to pay for the lawsuits. Parker is in agreement with Kirner that this should be used for the outfall extension. Muirhead said we are keeping track of the amount of money due the other fund. This will need to be transfered because the council has earmarked it for a spefic purpose. Part of the reason for the rate increase is to replace the money which should have gone in to that account.

Public Hearing has been set for the Athay Annexation request for October 17th at 7:15 p.m. Barry also reminded Council an executive session would be held on October 17th at 4:00 p.m. in the Sequim Community Center for the purpose of discussing some pending lawsuits. There will be no action taken following the meeting.

Motion by Kirner, second by Engel to adjourn the meeting. Carried. The meeting closed at 9:30 p.m.

Respectfully submitted,

Lonna L. Muirhead
Clerk/Treasurer

Julie Lyckman
Assistant Clerk

Edward Boggs
Mayor