

GIG HARBOR CITY COUNCIL MEETING OF JANUARY 27, 2003

PRESENT: Councilmembers Ekberg, Young, Franich, Owel, Dick, Picinich, Ruffo and Mayor Wilbert.

CALL TO ORDER: 7:05 p.m.

PLEDGE OF ALLEGIANCE

CONSENT AGENDA:

These consent agenda items are considered routine and may be adopted with one motion as per Gig Harbor Ordinance No. 799.

1. Approval of the Minutes of City Council Meeting of January 13, 2003.
2. Point Fosdick Landscape Median Project – Survey Contract.
3. Point Fosdick Landscape Median Project – Construction Contract Award.
4. Award of Bid – Official Newspaper.
5. Appointments to the Design Review Board.
6. Contract for Specialized Police Services.
7. Special Occasion Liquor License: Gig Harbor H.S. Sports Boosters.
8. Liquor License Change of Corporate Officers: Harvester Restaurant.
9. Approval of Payment of Bills for January 27, 2003.
Checks #38991 through #39153 in the amount of \$364,485.30.

Councilmember Franich asked that the minutes be amended on page three, paragraph six, to reflect that he asked if an ordinance would be legally sustainable.

Councilmember Young asked to remove Item #5 from the Consent Agenda, and place it under New Business.

MOTION: Move to approve the consent agenda as amended.
Picinich/Ruffo – unanimously approved.

OLD BUSINESS:

1. First Reading of Ordinance – Shooting Sports Facilities Ordinance. Carol Morris, Legal Counsel, explained that she has addressed the remarks in the letter from the Sportsman's Club stating that there were infirmities in the proposed ordinance. She said that her response outlined the reasons why the ordinance is not pre-empted under state law, adding that she has also prepared a short memo to explain why Council could adopt the ordinance if they chose to do so.

She began with the first issue, a claim by the Sportsman's Club that it is a legal, non-conforming use and that they retain rights to continue their operations. She said that their property is not a legal, non-conforming use, as is in the mixed-use zone. She explained the definition of non-conforming use of land is when the use is originally permitted, and then subsequently, due to zoning changes, or in this case, annexation, the regulations prohibit the use. In the city's mixed-use zone, commercial and recreational uses are permitted, which allow for shooting facilities. She stressed that the proposed ordinance is not a land-use ordinance, but a business licensing ordinance.

Carol addressed the second issue that the Sportsman's Club has the right to shoot on Sunday from 7 a.m. to 10 p.m. Carol said that she has not been able to locate the WAC 3.70 that they reference, adding that they may be referring to WAC 173, the state's noise code. She said that this code describes which noise regulations can be adopted for certain types of property, adding that it would not apply until adopted locally, as Pierce County has done. This has allowed the county the exemption from the noise code for authorized gun clubs between the hours of 7 a.m. and 10 p.m. For the club to say that they are authorized to shoot under Pierce County's Code is inaccurate. Because the city has not adopted the state's noise code, this exemption does not apply.

Carol continued to explain that Pierce County Codes are also adopted under nuisance regulations, and state law does not allow a nuisance to continue as a non-conforming use.

Carol explained that the Sportsman's Club argues that the proposed ordinance was preempted under RCW 9.41.290 and 9.41.300. She pointed out that there are a number of cases that interpret these statutes, citing one case in which the court stated that the legislature has given local government limited authority to enact laws involving the discharge of firearms under the preemption statute. It appears that the legislature's purpose in creating 9.41.300 2(a) would give unlimited authority in the discharge of firearms in areas where people, domestic animals or property would be endangered.

The developing record has established that people believe that their property is jeopardized either because of errant rounds from the gun club, or because of the noise, and now Council is considering adopting an ordinance because of these claims. This exemption would allow Council to do so. Carol pointed out that there is also case law that allows the city to adopt this type of ordinance under police powers based upon public safety, health and welfare.

Carol discussed a recent 9th Circuit Court appeals decision on a challenge to California's adoption of state laws that significantly strengthen the restrictions on the possession, use or transfer of assault weapons. The challengers alleged that the Second Amendment to the U.S. Constitution pre-empted those regulations. The 9th Circuit Court of Appeals found that the 2nd amendment imposed no limitation on California's ability to enact legislation regulation or prohibiting the use of firearms including dangerous weapons, because they interpreted the 2nd amendment not to apply to an individual's right to bear firearms, but to the more regulated militia to be able to keep and bear arms.

Mayor Wilbert asked if this memo would be available to other interested parties. Carol said that she would have copies made.

Councilmember Franich said that he had reviewed the Kramer One survey and asked Carol how she had come to her conclusion. Carol explained that she hadn't reached any conclusion, but was informing Council that a record had been established based upon allegations made by property owners that the gun club is jeopardizing their health and property. Councilmember Franich added that because those people came to Council, a safety study had been ordered which resulted in a report that the club was operating in a safe manner. Carol stressed that she was referring to what had been established in the record that would support this ordinance.

David Gordon – Attorney and member of the Sportsman's Club. Mr. Gordon said that he was impressed with the imperiousness of this discussion and asked Council to separate the "wheat from the chaff." Mr. Gordon asked why the pistol and rifle shooting was included in the closure on Saturdays if the complaint was due to the shotgun noise? He said that if the members were

not allowed to shoot on Saturdays, if would have a negative impact on the club economically. He continued to say that once the club was regulated, it would be the first step in putting them out of business. He stressed that there is no basis to close the range to rifle and pistol shooting on Saturdays, as this is one day that is convenient for members who work to come and use the range.

Mr. Gordon continued to say that the Kramer One study proves that the club is operating safely, and that he personally believed that the state law has pre-empted the noise ordinance. He then asked where the club would go if regulated out of business, and whether the club is worthy to be allowed to continue business? He concluded by asking Council to be reasonable about the hours of operation if they had to pass an ordinance.

Councilmember Owel asked Mr. Gordon why hadn't come forward before tonight in regards to the hours of operation. He responded that he didn't know that rifle/pistol shooting was an issue before now.

Councilmember Ekberg asked Mr. Gordon if his reference to economic impact on the club referred to loss of membership. Mr. Gordon responded that the rifle/pistol range is quite small, with the ability to handle only 10-12 people at a time safely. He said to close this function on a convenient day would be unfair and arbitrary. He explained that the club charges for this function, as it has to be closely monitored.

Doug Tenzler Mr. Tenzler clarified that the rifle/pistol range was off the docket in discussions between Mark Schaeffer and himself, and in the meetings, Mark claimed that rifle/pistol shooting was not an issue, so they proceeded with working on the shotgun hours alone. There were three meetings at two hours apiece to discuss the hours of operation. He stressed that they were totally under the impression that the rifle range was off the docket from comments from the Avalon Woods residents.

Councilmember Owel said that if the club wanted rifle and pistol shooting excluded from consideration on the Saturday hours, they should have mentioned it at the time this was discussed.

Mr. Tenzler read from the letter that had been submitted, which stated, "Fortunately, for negotiations, Avalon Woods is not concerned with rifle/pistol range hours." He continued to read the proposed rifle and pistol range hours, Monday through Sunday, 10 a.m. to 6 p.m. He pointed out that just as Carol believes her research is correct, the club also believes that the research that they have conducted is correct. He asked that Council use common sense in this particular issue and to note that Carol's comments were as a city attorney to her client, and may not include what may be brought from an attorney representing their side.

Mark Schaeffer – Avalon Woods. Mr. Schaeffer said that he concurred with Doug's statement about the hours of operation and apologized to Doug if he misinterpreted this. He said that he and Doug did not talk much about the rifle/pistol range, and that he didn't think it was an issue until he reported back to his people, and then they stated that the rifle/pistol shooting was an issue to them. He said that their proposed hours reflect this result.

Mark continued to address the legality issues of adopting an ordinance. He said that King County has an ordinance similar to the one being proposed to Gig Harbor City Council located in their code under Title 6, Business License and Regulations, 6.84 – Shooting Ranges. He added that it does not include hours of operation. He discussed the Ravensdale facility, which

changed their hours of operation to shoot no later than 9 p.m. because of a request by King County, from whom they lease their property.

Mark continued, stressing that they feel very strongly about the hours of operation. He referred to the sound analysis conducted last summer that identified the extent of the problem, reading from the summary of principal findings of the study. He asked Council to keep in mind that the noises that were identified as louder at times than the gun club were in very short intervals and explainable by neighborhood dogs, lawnmowers and typical everyday events. He also asked Council to remember that the noise generated from the gun club is close to one-quarter mile away and still impacted the receivers.

Mark continued to read from the report, which stated that noise levels during hours of intense activity at the club are several dpa higher than typical levels when the club is closed, indicating that the club is a source of adverse noise impacts upon the residents of Avalon Woods.

He said that there are several solutions to the problems; one, a noise abatement program; the second, a noise ordinance; the third, hours of operation. This third option would not resolve the issue of excessive noise levels, but gives a reprieve from the amount of exposure. It limits the times that the club members can shoot at night and gives one weekend day off to allow for family events. He said that they would also like to see the hours of operation that were modified at the last meeting be changed so that there would be no shooting on Tuesday or Thursday beyond 8:00 p.m.

David Jepson – 9810 43rd Ave. NW Mr. Jepson stressed that the rifle range and handgun shooting is a nuisance, adding that his wife has called to complain on several occasions on Monday mornings when law enforcement is there and shooting at 7 or 8 am, before the stated hours. He said that the shotguns are almost unbearable at times, but the handguns are loud. He said that the comments by the Sportsman's Club that they didn't realize that the rifle/pistol shooting had been included in Saturday's closure was a "red herring," as Councilmember Young made it clear in the worksessions that a "down day" meant a day closed to all shooting. He said he was concerned with the lack of compromise on the part of the gun club, adding that the residents had compromised on hours of operations. He asked why, if the club was concerned with their longevity, they were unwilling to work with the neighbors?

Dave O'Dell - Avalon Woods. Mr. O'Dell said that he moved here 9 years ago, and has seen much change since the annexation of Gig Harbor North and referred to the city projects implemented since then. He said that although the gun club had been here for fifty years, it has only been a member of the community since Gig Harbor North was annexed, the same as Avalon Woods. He added that Councilmembers, who know many of the old-name members of the club, face a monumental task in dealing with the problems that have developed over time.

Mr. O'Dell insisted that the gun club knew these problems were coming, and is why they had the county put the club on the plat map for Avalon Woods. He discussed the development and logging that had occurred over the years, as well as the increase in membership; all issues that have contributed to the present problems. He stressed that the club should not have to go away, they should just be good neighbors. He said that Council has the responsibility to accomplish what the Gig Harbor North residents and the members of the gun club had been unable to do.

Mr. O'Dell discussed the comment that there were no other ordinances regulating gun clubs and referenced those from King, Cowlitz and Kitsap Counties. He voiced concern that the gun club hadn't shown any concern about their neighbor who could have been killed and said that

anyone could conclude from reviewing the report and trajectory of the slug, that it came from the gun club and not the gravel pit.

Mr. O'Dell mentioned hearing someone say that if an ordinance passed, the city would be buying the city attorney a new Mercedes. He said that he also heard other threats to sue the city. He discussed the amount of property tax paid by both the club and by the Avalon Woods neighbors, adding that he guessed that not very many members of the club lived here.

He asked Council to pass the ordinance the way Avalon Woods would like to see it passed with no shooting after 6 p.m. and no Saturdays, and if necessary, buy the City Attorney her new Mercedes.

Jack Bujacich – 3607 Ross Avenue. Mr. Bujacich stated that he didn't hear Mr. Tenzler say that he was going to sue; what he heard was that there was a difference of opinion between attorneys. Mr. Bujacich stressed that all the noise requirements that had been set for the club had been met. He said that he wondered how many of the Avalon Woods folks had retained the 30-foot greenbelt that was required on their plat.

Mr. Bujacich continued to say that hours of operation do not create safety, again stressing that the club's record is clear. He commented adding that you don't use slugs to shoot traps.

He addressed the comment that the club hasn't negotiated anything, stressing that the club is willing to give up Saturdays except for the special shoots, and some evening hours. He explained that Thursday nights used to be the only night they shot...and Council should consider allowing them to continue until 10 p.m. on that one evening. He touched on the rumor that the gun club is going to move to the Bremerton Industrial Airport and asked Council to take this into consideration. He said that passing an ordinance that is too restrictive would create unnecessary friction.

Don Bennett – Avalon Woods. Mr. Bennett said that he was the one who brought the information from the neighbors about the pistol / rifle range being a noise problem adding that the noise report substantiates this. He said that he doesn't agree that the range is enclosed, as it is only covered and had baffling, but still emanates noise in a "grand fashion." He mentioned that there are two issues, safety and noise. He agreed that the steps taken by the club to ensure that they are operation safely should be applauded. He then said that he had second hand information that a neighbor on another street claimed to also have a round go through his window. He referenced exemptions in WAC 173, item 'B' of 60-5, paragraph six, which states "nothing in these exemptions is intended to preclude the department from requiring installation of the best available noise abatement technology consistent with economic feasibility." He said that in a manner of cooperation, the pistol/rifle range could be better enclosed to absorb sound.

Mr. Bennett concluded by reading a quote from the President's column of the Amateur Trap Shooting Association, Tom E. Akland, which reads "These are very interesting times regarding the future of ATA. With the relocation of our shooting home grounds on the horizon, a changing world around us, the sport of trap shooting, as we know it will like have to change. Many things continue to influence and reshape the sport; government regulations, a changing population and restrictive gun laws among others, and the effects continue. We must all work together for the betterment of this sport that we all enjoy."

Carolyn Whitson – 1818 99th St. Gig Harbor. Ms. Whitson said she was compelled to come and talk to the Council. She continued to say that last Thursday she attended a Navy League

function at the Avalon Woods Clubhouse. After the meeting, one of the members went to his car and came running back in and exclaimed, "My God...they're shooting guns in the neighborhood." Others ran out, heard the noise and couldn't believe it. Ms. Whitson said that while living in Canterwood for four months, she could hear the gun club, and she can hear it where she lives now. She asked Council how this can be allowed, especially on Thursday nights when children have to go to bed early for school. She stated that this isn't fair and is a total lack of consideration.

Dick Dadisman – Avalon Woods – Mr. Dadisman commented on something said at the last Council meeting when establishing the hours of operation. The comment was regarding the "tradition" of the club. He said that due to new development, the cutting of trees, and increased membership, tradition should no longer have any bearing on the hours of operation. He said that he agreed with the proposed hours except that Tuesday and Thursday evenings should be limited to 8:00 p.m.

Councilmember Ruffo said that safety was the first issue that came forward, which he is sensitive to, but the argument now is about the hours of operation, and no matter what the hours of operation, it's not going to solve the fundamental problem of safety.

Mr. Dadisman explained that the hours of operation are the one thing that there is some control over. He added that they are not interested in closing the club completely, but in improving the quality of life.

Councilmember Ruffo then asked that if the hours of operation are the issue, why couldn't the neighbors and the Sportsman's Club come to an understanding without coming to Council to pass an ordinance focusing primarily on hours of operation?

Mr. Dadisman said he was not privy to the conversations between the club and Avalon Woods, and deferred to Mr. Schaeffer.

Hal Hanson – Fox Island. Mr. Hanson said he has been a member of the Sportsman's Club for many years and is currently a range officer. He said that in years past, he has participated in the entire spectrum of activities at the club. He said that the noise issue would be a fair comparison to someone who bought a house under the runway at SeaTac. They knew the airport was there; yet complain about the noise levels. He continued to say that unfortunately, there isn't much that can be done about the noise at the gun club, but the comments about assault rifles, and the slug hitting the house, typifies the inaccuracies made in the Avalon Woods arguments. He said that there have never been slugs used at the shotgun range at the club that anyone is aware of. He said that he understood that the study done later indicated that the slug came from an unauthorized shooting at the gravel pit, and couldn't have come from the club.

Mr. Hanson said that Saturday is typically when people mow lawns, use yard blowers, run errands and run around, and he doubt that the noise would be reduced if the club were to be closed on that day. He addressed the health and safety issue by inviting Councilmembers to the range when he is acting as officer, so that he could demonstrate the extensive safety measures taken to prevent accidents.

Mayor Wilbert asked if there were any questions of the public, then made a recommendation to hold a worksession to consider the information given.

Councilmember Picinich asked Mr. Tenzler about the comment regarding the club moving to Bremerton.

Mr. Tenzler explained that there are confidentiality issues, but most are aware of the rumor that steps being taken to move the club. He continued to say that optimistically, it could be one and one-half to two years until completion. Mr. Tenzler then addressed Councilmember Ruff's question about hours. He said that he and Mr. Schaeffer were very close to having resolution on the hours of operation until Mark returned to his group, at which time a totally different set of times came about. He said that he and Mark, as presidents of their organizations, can't speak for every person in the group, and are directed to take certain action. He then addressed the tax base comments, claiming that over 200 of their members live within city limits.

Councilmember Ruffo voiced concern that the draft ordinance did not serve the city well, using the term "all gun clubs" as an example, asking just how many gun clubs do we want in Gig Harbor? The ordinance focuses on some specific issues, but is all too general in other areas to respond to the needs of the entire citizenry. He said that the Mayor's idea to discuss this further has merit, and offered his services as a mediator for any meetings that are scheduled between the two parties.

Mark Schaeffer agreed with Doug's statement that they had come to an agreement on the hours for every day except for Tuesdays and Thursdays, as the club requested to shoot until 10 p.m. and they countered with an offer to allow it to remain open until 8 p.m. This is where the conflict arose. He then addressed the safety issue, adding that the neighborhoods agree with what is contained in the ordinance, and that it is only the hours of operation left to be ironed out. He continued to say that the ordinance, as written, would assure that any gun club in Gig Harbor would continue to operate with the same level of safety, which would ensure safety regulations and a means to deal with complaints that was not present 16 months ago. He said that what the ordinance won't do is solve the secondary issue of noise, but it would give the neighbors reprieve and allow them to plan for an event. He added that originally, they had asked for Sunday's off, but the club insisted that they needed Sundays for special shoots, so they traded Sunday for Saturday. He said that he and Doug did a lot of work, restating that the only thing they disagreed upon was the closing time on Tuesdays and Thursdays. He said that he might have given Doug the wrong impression about allowing rifle/pistol shooting on Saturdays.

Councilmember Ruffo asked Mr. Schaeffer if the city should pass an ordinance if there were no gun clubs in the city. Mr. Schaeffer responded that if there were no club, the issue would never have been brought up. Councilmember Ruffo asked him, that because this is directed at this particular club, why they couldn't work through the remaining issues? Mr. Schaeffer responded that they tried, but the two sides don't agree. The gun club thinks an ordinance will drive them out of business, and the neighborhood believes that the ordinance would legitimize the operation. He said that they have come to Council to hear both sides and come up with an ordinance to mesh both ideals.

Andrew Costner – member of the Sportsman's Club. Mr. Costner explained that he attended the meetings when Mark and Doug toured the range, and assured Council that there was no mention of the rifle/pistol range being a problem. He discussed the different factions at both the gun club and Avalon Woods who are willing to go to court, but instead, chose to elect representatives to work out an ordinance that everyone could live with. He said that he attended the workshops that resulted in an eight-page ordinance as opposed to the original fifteen pages, and thought that something had been accomplished. He said now, Council is back to considering a fifteen-page ordinance just as if the workshops never happened. He continued to

stress that a lot of effort has gone into this and a lot of money has been spent by both Council and the club to ensure safety. He stated that now that safety is no longer a factor, it is the noise. He asked when noise is no longer a factor, what will be next?

Councilmember Ekberg pointed out that there are strikeouts left in until the final version. He said it wouldn't be fifteen pages when it is finalized. Councilmember Young responded to Mr. Costner's comment regarding generalizations that had returned in the ordinance since the worksessions, and asked him to point out any objections. He explained that he had been unable to get a copy until tonight and he would review it and get back with comments.

Hal Hanson said that Avalon Woods has made it sound like there is general public shooting solid from 7 a.m. until 10 a.m. at night. He asked to recite the hours of operation for the range. The Mayor asked him to submit these hours in writing and to cut his comments short.

She then closed the public comment portion of the meeting.

Councilmember Ruffo asked if they chose to hold a worksession, if they needed to act upon tonight? He proposed a motion to schedule a mutually convenient time to hold at least one public workshop to discuss this matter further, as he was uncomfortable with the draft ordinance as it stands. Councilmember Young said it would be simple to remove gun clubs from permitted uses, grandfathering the existing club.

Carol explained that this is a land use issue that would have to go before the Planning Commission. Councilmember Young stressed that Sportsman's Club is generally non-compatible with city functions, and recommended that this be forwarded to the Planning Commission to make a determination rather than holding a worksession.

Councilmember Franich said that he thought that might be appropriate for outdoor ranges, but not necessarily to exclude indoor ranges.

Councilmember Owel said that this issue has gone on for over a year, allowing plenty of time for discussion. She said she is concerned for those citizens impacted by the club and what relief can be given to them now. She said that this is a first reading of the ordinance and there is no reason that it cannot continue on to the next meeting for a second reading. If substantive changes are made, it will require another first reading. She gave a brief summary of the worksessions and meetings that have been held on this issue, adding that there had been very good testimony on both side of the issue.

Councilmember Ruffo said that he believes that it is bad law and made this motion.

MOTION: Move to schedule a mutually convenient time to hold at least one public workshop to discuss this matter further.
Ruffo/Franich -

Councilmember Young said that he thought the issue had been discussed at length, and Council was hearing the same testimony over and over. He said that the reality is that the two parties will not come to a resolution, and in some respects, both parties are right. He said that is what makes this tough, there is no right answer, and the only solution would be for the club to leave. He said that it has reached the point where the city could assist, rather than hinder that process. He said that a consensus had been reached regarding the framework for an ordinance, and reasonable hours for quiet enjoyment of property had been identified. He recommended

moving forward on passing the ordinance, but extending the effective date to leave a reasonable amount of time to allow the gun club to sort things out.

Councilmember Ruffo disagreed that the two parties cannot come to an agreement.

Councilmember Ekberg said that he agreed that there has been a year and a half of public input, and an ordinance that had been discussed line-by-line with both parties agreeing on most of it. He said that it is down to the one point that cannot be agreed upon, and the ordinance should proceed to the second reading. He said that between now and the second reading, if negotiation skills could find an amendment that would solve all the problems, he would be in favor of it. He said that another workshop is not in the citizen's best interest.

Mayor Wilbert said that she was not suggesting a public hearing, but a Council Workshop to fine-tune the ordinance before a second reading, asking for a representative from each side to come and sit in the room. Councilmember Ekberg said that the issues had been worked through at the last meeting and this meeting, and amendments could still be made at the second reading. Councilmember Ruffo called for vote on the motion on the table.

RESTATED MOTION: Move to schedule a mutually convenient time to hold at least one public workshop to discuss this matter further.
Ruffo/Franich – roll call results:

Ekberg – no; Young – no; Franich – yes; Owel – no; Dick – no; Picinich – yes; Ruffo – yes.

The motion failed, four to three.

Councilmember Picinich asked to discuss the times again. He said that he would like to allow pistol and rifle activity on Saturday, from 10 a.m. to 4 p.m., and leave Sunday the way it is, with five full weekends from 8 a.m. to 6 p.m. and 9 a.m. to 6 p.m. Councilmember Ekberg asked him to clarify his recommendation. He said he just wanted to add 10 a.m. to 6 p.m. on Saturdays rifle and pistol only, as this seems to be the last issue. He said he would be in favor of bringing this back for a second reading with this amendment.

MOTION: Move to amend the hours of operation to allow pistol and rifle shooting on Saturdays from 10 a.m. until 6 p.m.
Picinich/Ruffo –

Councilmember Franich said that noise is a problem, and the residents need to depend on one day with no noise, so he would like to keep Saturday closed.

Councilmember Ruffo said that noise is a problem, and anything that Council does is a compromise. He said again that he wondered why the parties couldn't have further discussion on what makes sense to them.

Councilmember Franich said that Council should be considering this ordinance in a broader manner. He said it is important to hear the Avalon Woods people, as they are directly affected, but the issue needs to be considered on a broader, citywide basis.

Councilmember Picinich asked about Mr. Bennett's testimony that more effort could be made to baffle the noise from the pistol and rifle range. Mr. Bennett said that he was suggesting that this was an area for common ground in which the club could make an effort.

Councilmember Young pointed out that this impacts the greater northern part of Gig Harbor, which has also been affected, but they have no representative speaking for them. He continued to say that Avalon Woods might agree to something, but it up to Council as elected officials to represent all the citizens.

Councilmember Ruffo agreed, but once again stressed that there is a way to resolve the issue with a few more meetings. He once more offered his services.

Councilmember Dick said that a decision needs to be made, adding that the question is how to tailor the hours to accommodate the competing concerns. He said that he was sensitive to the request for one day without shooting, but he also understands the club's need for hours when people can come. He said that Jake's suggestion has merit, and would allow the club to be open until 10 p.m. on Thursdays as it has been historically; leaving Saturday closed to all shooting. This would be a compromise by both parties.

AMENDED MOTION: Move to amend the motion to remove the 10 p.m. – 6 p.m. rifle and pistol only shooting on Saturday and to extend the Thursday hours from 8 a.m. – 10 p.m.
Dick/Owel –

Mayor Wilbert objected to the extension of hours on Thursday to 10:00 p.m. and recommended 9:00 p.m. due to bedtimes for children, as requested by the neighbors.

Councilmember Owel recited the hours as amended by the last motion.

Councilmember Young said that he was not comfortable with the amendment as financially, it may be worse for the club and it might be worse for the residents. He said that he would like to pass the ordinance as it is now, with an extended effective date that would allow the parties to work toward an agreement. Councilmember Owel pointed out that if the hours were to be extended from 8 a.m. to 10 p.m. on Thursdays, then Tuesday's hours would be cut back to 8 a.m. to 6 p.m. as opposed to the 8 a.m. to 9 p.m. as it is currently proposed.

Councilmember Ekberg said that the club asked for 10 p.m. and the neighbors asked for 8 p.m., and his recommendation for 9 p.m. was a compromise. He said that 10 p.m. is too late and he would be opposed to this amendment. Several other Councilmembers agreed. A vote was taken.

RESTATED AMENDMENT: Move to amend the motion to remove the 10 p.m. – 6 p.m. rifle and pistol only shooting on Saturday and to extend the Thursday hours to 8 a.m. – 10 p.m.
Dick/Owel – roll call vote.

Ekberg – no; Young – no; Franich – yes; Owel – yes; Dick – yes; Picinich – no; Ruffo – no.

The motion failed four to three.

ORIGINAL MOTION: Move to amend the hours of operation to allow pistol and rifle shooting on Saturdays from 10 a.m. until 6 p.m.
Picinich/Ruffo – six voted in favor. Councilmember Owel voted no.

Councilmember Owel asked for the motion to be restated. Councilmember Franich explained that he also was confused about the motion asked for reconsideration. He added that he felt strongly that the club should be closed to all shooting on Saturdays.

MOTION: Motion to reconsider.
Franich/Owel – roll call vote.

Ekberg – no; Young – yes; Franich – yes; Owel – yes; Dick – yes; Picinich – no; Ruffo – no.

The motion carried four to three.

MOTION: Move to have the Sportsman's Club closed to shooting on Saturdays.
Franich/Owel – roll call vote.

Ekberg – no; Young – no; Franich – yes; Owel – yes; Dick – yes; Picinich – no; Ruffo – no.

The motion failed, four to three. The club will remain open to pistol/rifle shooting on Saturday, 10 a.m. to 6 p.m.

2. Second Reading of Ordinance Relating to Street Vacations – Amending GHMC 12.14.018(A). John Vodopich explained that this ordinance would amend the Municipal Code to bring it into consistency with a recent amendment to state statute in regards to the ability to collect the full fair market value of a street from the abutting property owners in a street vacation, when the property has been right of way in existence for 25 years or more.

MOTION: Move to adopt Ordinance No. 924.
Young/Picinich – unanimously approved.

3. Second Reading of an Ordinance Amending the Title of Ordinance No. 921. John Vodopich described this ordinance, which corrects an error in the title of an ordinance adopting the Comprehensive Plan Updates.

MOTION: Move to adopt Ordinance No. 925.
Young/Dick – unanimously approved.

NEW BUSINESS:

1. Resolution - Sister City Activity – Takuma, Japan. Mark Hoppen presented this resolution that adopts a relationship with the Cultural Arts Commission relative to the sister city activities with Takuma, Japan. He said that it sets funding limits for all possible city support not to exceed \$5000, and appoints Councilmember Bob Dick and city staff member, Laureen Lund, as liaisons for the program.

Councilmember Franich said that he did not believe that the city should be spending money on this type of activity. He said that the Narrative of Objectives for the Gig Harbor Arts Commission states that the function is to provide events and art projects for city residents. He continued to say that the sister city program only gives benefit to a few individuals.

Mark addressed these comments. He stressed that the expenditures would be contracted with the organization and legal under state law. He said that the funds would be largely related to

program costs for arts activities in the local area for both students visiting and the accompanying local students that will be with them. He said that it is important to remember that this activity is not just a cultural exchange of students, but also an exchange of students between cultures for the purpose of exploring the arts.

Councilmember Young said that this sounds like a great program, but he agreed that it doesn't touch that many lives, whereas a \$5000 public art display would benefit all citizens.

Mayor Wilbert stressed that the students will be bringing adults that would be staying in the area and spending money.

Councilmember Ekberg said he was more at ease with the agreement now that there are two liaisons representing the city. He asked how the funds would be spent. Mark explained that the money would relate to supplies, entry costs, and event travel costs.

Councilmember Franich said he would be amenable to a one-time expenditure, but voiced concern that this would set a precedent.

Councilmember Ruffo said that a sister-city program is generally well received and would benefit both communities. He added that Gig Harbor needs to expand its horizons and look at cultural diversity.

Mayor Wilbert agreed, and discussed the partnering opportunities with the school district and the Cultural Arts Commission to bring cultural diversity to our area.

Councilmember Franich said that the city should take a more long-term approach to the money. Mark stressed that this is a pilot program, and no guarantee that the money would be available in the future.

MOTION: Move to adopt Resolution No. 602, establishing Sister City affiliation with the Gig Harbor/Key Peninsula Cultural Arts Commission for the purpose of encouraging cultural youth exchange activities during the summer of 2003 with Takuma, Japan.
Owel/Ruffo – five voted in favor. Councilmembers Young and Franich voted no.

2. Stormwater Facilities Maintenance Agreement - Pierce Transit Park & Ride. John Vodopich, Community Development Director, presented this agreement for the stormwater facility located at the Kimball Drive Park & Ride. Carol Morris pointed out that there were several special provisions in Section 8 of the agreement to address the fact that Pierce Transit does not own the property, but leases it from the City of Tacoma.

MOTION: Move to approve the Stormwater Facilities Maintenance Agreement with Pierce Transit.
Ruffo/Picinich – unanimously approved.

3. Ray Nash Country Estates – Quit Claim Deed. John Vodopich presented this quit claim deed a 15 foot sewer line easement back to the property owner, as it was not longer needed, as the sewer line was located in the street.

MOTION: Move to approve the Quit Claim Deed for Ray Nash Country Estates. Young/Picinich – unanimously approved.

4. Resolution – Surplus Property. John Vodopich presented this resolution declaring city property surplus.

MOTION: Move to Resolution No. 603. Picinich/Franich – unanimously approved.

5. Appointments to the Design Review Board. Councilmember Young explained that he would like to table this until the next meeting to allow time to review the other applications before accepting the Mayor's recommendation, as this committee was the within the sole power of the City Council to appoint. He pointed out that the members must live within limits.

MOTION: Move to table this until the next meeting. Young/Picinich – unanimously approved.

STAFF REPORTS:

1. GHPD – December Stats. Mayor Wilbert asked Chief Barker about the comment that law enforcement officers were using the Sportsman's Club at 7 a.m. Chief Barker explained that there were several agencies, including the Department of Corrections and State Patrol that use the facility. He assured her that the Gig Harbor Police Department was not shooting before the posted hours.

2. David Rodenbach, Finance Director – 2002 Fourth Quarter Report. Mr. Rodenbach said that there were no surprises with this report and offered to answer any questions.

PUBLIC COMMENT: None.

COUNCIL COMMENTS / MAYOR'S REPORT:

Councilmember Owel reported that she would be receiving a memo from her about current bill placed by the Entertainment Industry Coalition and its impact upon cities in regards to lack of land use control.

Councilmember Young said that he had gone to Olympia to speak with our local legislators and committee members from finance and local government regarding a proposed bill to raise sales tax in Pierce County by .3%. He explained that the distribution based upon population, and urged other Councilmembers to voice their concerns to all of Pierce County's delegation.

Mayor Wilbert said that she had attended the Pierce County Cities and Towns meeting. She said that Jim Justin, Association of Washington Cities, strongly recommended that Councilmembers read the Legislative Bulletins that are distributed during session. She said that Steve Bailey, Pierce County DEM, was also present and spoke about the Citizen's Corp, Homeland Security and the neighborhood training programs. She added that she also attended the Communities and School meeting this evening, and said that she encouraged them to create after-school activities that would the talents of our retired community.

EXECUTIVE SESSION: For the purpose of discussing property acquisition per RCW 42.30.110(b) and pending litigation per RCW 42.301.110(i).


MOTION: Move to adjourn to executive session at 9:20 for approximately ten minutes to discuss property acquisition and pending litigation.
Picinich/Ruffo – unanimously approved.

MOTION: Move to return to regular session at 9:33 p.m.
Ruffo/Owel - unanimously approved.

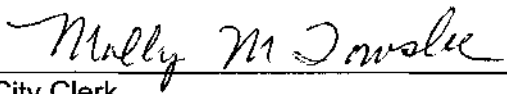
ADJOURN:

MOTION: Move to adjourn at 9:33 p.m.
Ruffo/Picinich - unanimously approved.

CD recorder utilized:
Disc #1 Tracks 1-12
Disc #2 Tracks 1-9



Gretchen Wilbert, Mayor



Mally M Dowdle
City Clerk

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