

GIG HARBOR CITY COUNCIL MEETING OF OCTOBER 13, 2003

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

CALL TO ORDER: 7:03 p.m.

PLEDGE OF ALLEGIANCE

PUBLIC HEARING: Hazen Annexation Request.

Mayor Wilbert opened the public hearing at 7:05 p.m. John Vodopich, Community Development Director, presented this proposed annexation of property located east of Soundview Drive and north of 64th Street. He explained that Council met with the Hazens in June 23rd of this year and made recommendations to modify the boundaries of the annexation area. Council then approved the modified legal description in August and authorized the circulation of the petition for annexation. The petition was subsequently certified by the Pierce County Office of the Assessor-Treasurer and Pierce County Auditor as being legally sufficient. John added that Council should have received several pieces of correspondence regarding the annexation and gave an overview of the content of the mail. He added that this morning, he received an additional notice of intent to commence annexation proceedings for property adjacent to the Hazen Annexation. He explained that Council had the option to accept the petition as presented or decide to modify the boundaries to include the newly proposed annexation. He cautioned that this would start the process over.

Councilmember Ruffo asked if the citizen with a new septic system would be allowed to continue its use, or would be required to hook up to the city sewer system. John explained that the code provides for working septic systems, and although it doesn't specifically address newly annexed areas, it states that within 120 days of notice from the city, the property owners within 200 feet are required to hook up. He added that the ordinance speaks to city installed and city paid for utilities. The provision may not apply in this case because the cost of the sewer system would be paid by the developer. He said that an alternative would be for Council to direct staff to not send out the notice.

Mark Hoppen, City Administrator, explained that over a decade ago, Council made a motion to not require newly annexed properties to hook up to the city system. He asked clarification of this policy.

Ron Hardy – 6520 27th Ave NW. Mr. Hardy said that he is part owner in two parcels in the proposed annexation. He asked about notification requirements, explaining that he had not received anything about the public hearing. John Vodopich said that all property owners within 300 feet of the property had been sent notification. Mr. Hardy gave a history of previous annexation efforts and how he hired a hydraulic engineer to address concerns of surface water run-off. He said that at the time, the engineer faulted

the County for allowing homes to be built on that hillside because of the drainage issues. Mr. Hardy explained that 27 years ago he drafted an easement to prevent the running of utilities through the greenbelt and causing water damage to his property. He continued to discuss other damage in that area caused by surface-water runoff and the potential for future damage. Mr. Hardy said that he has no plan to grant an easement for the continuation of the sewer line.

John Vodopich explained that in accordance to state statute, notice had been posted in three conspicuous places on the property and legal notice was published twice in the Gateway. He located Mr. Hardy's name and address on the affidavit of mailing for the notice that was sent to property owners within 300 feet of the proposed annexation on September 25th.

Gary Kucinski – 6650 Cascade Avenue. Mr. Kucinski said that he owns the last lot on the west side of Cascade Avenue. He voiced his concern that if the sewer that terminates at the end of Cascade is extended to the newly annexed area, it would damage his aggregate driveway. He said he would like assurance that these improvements would be restored. He then asked if there had been any pre-annexation zoning discussions for this proposal and when construction of the sewer-line extension could be expected.

John Vodopich explained that the petition stipulates that the area would be a R-1 zoning. He then said that the Sewer Comprehensive Plan had been amended to allow the extension of this sewer line through to 64th Street, adding that the Hazen's had shown an interest in subdividing the property, but it would be up to the developers to obtain any necessary easements to continue the sewer line. John said that there is no time frame for the construction of a line. In answer to Mr. Kucinski's concern with replacement of his driveway, John asked if he had obtained the proper encroachment permits for construction of the improvements. Mr. Kucinski explained that the city had approved the building plans showing the improvements. John said that the contractor would be required to restore his driveway improvements.

Dan Bailey – 6421 27th Ave. NW. Dr. Bailey explained that the hillsides located on the high-bank waterfront properties directly below the proposed annexation area are sloughing. He said that he too had hired a hydraulic engineer and consulted with Pierce County to check the surface water drainage. His major concern with development of the proposed annexed property is how the runoff of the surface water will be handled.

He said that he had organized the neighbors on the high bank who are interested in an annexation effort. He said that the properties are outlined in the letter that had been distributed to Council. He explained that he is not opposed to the annexation as long as the city takes responsibility to protect the high bank from surface water runoff.

John Vodopich said that the city's stormwater guidelines are more restrictive than those of Pierce County.

Linda Hazen – 2811 64th Street. Ms. Hazen said she wanted to address some misinformation. She said that she met with neighbors of Dr. Bailey to explain that if they request to be added to this annexation proposal, it will delay the process several months. She said that she offered to help them in any way possible to move forward with their own, separate process. Ms. Hazen said that there seems to be a negative feeling surrounding the sale of their property. She gave a brief overview of process that led to the decision to sell part of their property to cover the cost of the extension of the sewer line. Councilmember Ruffo asked if the issue of easements had been explored. Ms. Hazen said that they have spoken with the Carlson's, owners of the greenbelt who are willing to grant the easement.

Mike Shipman – 6516 27th Ave. Mr. Shipman said he lives just below the Hazen property and is the proud owner of the Glenden Biosystem, which cost \$18,000 when he built his house five years ago. He spoke in support of the annexation, adding that he has the same concerns with surface water runoff. Mr. Shipman said that he would be willing to support the effort for a sewer system as it is the right thing to do.

Janie Michaelson 6511 27th Ave NW. Ms. Michaelson said she wanted clarify that those property owners recently organized to annex do not wish to delay the Hazen Annexation. She explained that when the neighbors saw that the Hazen Annexation would split 27th down the middle, they decided to consider their own annexation petition. She said there was some miscommunication regarding submitting the paperwork by this evening.

Ron Hardy. Mr. Hardy said that because the neither the city nor the county have a definition of a greenbelt, it is up to the person that writes the greenbelt to determine its use. He said that when he wrote the greenbelt, it was not intended for a utility easement. He stressed that at the 20-30 foot depth required to install the line, it would take the entire width of the easement. He said that during the last annexation effort, representatives from the city and county were present when his hydraulic engineer recommended that the city or the developer accept full responsibility for the damages incurred to Mr. Hardy's property if a utility line was placed in the easement. Mr. Hardy said that neither the county nor the city was willing to sign such an agreement.

Charles Knowles. Mr. Knowles asked how this annexation would affect the domestic water supply. Mark Hoppen explained that nothing would change.

Linda Hazen. Ms. Hazen apologized to Janie Michaelson for the misunderstanding.

There were no further comments and the Mayor closed the public hearing at 7:57 p.m.

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 September 22, 2003.
2. Correspondence / Proclamations: a. Emergency Preparedness b. QwestDex.

3. Liquor License Renewals; Maritime Mart, JT's Original BBQ, Finholm's Market, Gig Harbor Chevron.
4. Approval of Payment of Bills for October 13, 2003.
Checks #41293 through #41480 in the amount of \$428,196.31.
5. Approval of Payroll for the month of September.
Checks #2807 through #2865 and direct deposits in the amount of:
\$247,802.62.

MOTION: Move to approve the consent agenda as presented.
Ekberg / Picinich – unanimously approved.

OLD BUSINESS:

1. Resolution – Hazen Annexation (03-02). John Vodopich explained that the resolution would accept the annexation petition as proposed. He said that Council could propose a geographic amendment to the boundary, which would start the process over.

MOTION: Move to adopt Resolution No. 616 accepting the annexation petition for the Hazen Annexation (ANX 03-02) and further refer it to the Pierce County Boundary Review Board for consideration.

Councilmember Franich asked if it would be appropriate to make a motion that clarifies that property owners in newly annexed areas would not be required to hook up to city services. Mark said that a motion to direct staff to return with a resolution for consideration would be sufficient.

Councilmember Young commented that it appears that most people are not opposed to the annexation, but development of the property. He added that this would be handled in a different forum. He said that he saw no reason to deny the application.

Councilmember Ruffo said he was concerned with Mr. Hardy's comments regarding the impact of extending the utility line and the impact on his property. John Vodopich explained that even though it would be a developer-funded improvement, any utility installation would have to comply with the city's Public Works Standards and be subject to city inspection.

Councilmember Dick said that he too shared concerns regarding the stormwater, but agreed with Councilmember Young that the problem would be better mitigated by following city standards. He reinforced that the decision before Council is not for development, but for annexation of the properties. John Vodopich added that the developer would be required to submit geotechnical information.

RESTATED MOTION: Move to adopt Resolution No. 616 accepting the annexation petition for the Hazen Annexation (ANX 03-02) and further refer it to the Pierce County Boundary Review Board for consideration.

Dick / Ekberg – unanimously approved.

MOTION: Move to direct staff to bring a resolution for consideration that will address newly annexed property and the requirement to connect to city services.
Franich / Ruffo – unanimously approved.

2. Second Reading of Ordinance – Latecomer Agreements. John Vodopich presented this agreement regarding the collection of latecomers' agreements. He explained that the City may contract with owners of real estate for the construction of certain utility facilities within City limits or within ten miles of the City's corporate limits, to connect such facilities to the public water or sewer system and serve the area in which the real estate is located. He recommended that this ordinance be adopted to incorporate a formal process for the approval of such contracts, or latecomer agreements in the City's code.

MOTION: Move to adopt Ordinance No. 942 as presented.
Picinich / Ruffo - unanimously approved.

NEW BUSINESS:

Mayor Wilbert explained that Councilmember Young requested that agenda item number one under New Business, Nomination to Growth Management and Transportation Policy Board, be pulled from the agenda as the nomination comes from the Pierce County Regional Council, not the Gig Harbor City Council.

1. First Reading of Ordinance – Vacation of Rust Street – Sorensen. John Vodopich presented this request by the Sorensen's to vacate a portion of Rust Street, which is part of the Artena Plat. This portion of Rust Street was platted in Pierce County in 1891 and was not opened or improved by 1905, therefore it automatically was vacated by operation of law in 1896. The city's ability to open this portion of Rust Street is barred by lapse of time and the city has no interest in the street. In order to ensure that this portion of Rust Street is placed on tax rolls and the ownership is formally recorded, the property owner has requested that the city vacate the street. This ordinance will return for a second reading at the next meeting.

3. Sanitary Sewer Facilities Maintenance Agreement – Horizon West. John Vodopich explained that a condition of approval of the Utility Extension Agreement for the plat of Horizon West is to execute a Maintenance Agreement for sewer service. This agreement will ensure the system will be constructed, operated and maintained in accordance with the approved plans and all applicable rules and regulations. The city will not be responsible for the operation and maintenance of this system.

MOTION: Move to approve the Sanitary Sewer Facilities Maintenance Agreement with Horizon West.
Picinich / Ekberg – unanimously approved.

4. Extension of Closing Date – Hific Six Associates. Mark Hoppen, City Administrator, explained that due to wetlands assessment currently in progress, the closing date to the purchase and sales agreement with Hific Six Associates needs to be extended to October 30. The closing date extension was signed in order to fix the date and retain the terms of the purchase and sale agreement, but requires Council ratification.

MOTION: Move to approve the extension of the closing date to the purchase and sale agreement with Hific Six Associates to October 30th.
Ruffo / Picinich - unanimously approved.

5. 36th / Point Fosdick Agreement for Intersection Improvements. John Vodopich explained that the settlement agreement between the City and the State requires the Washington State Department of Transportation (WSDOT) to construct an exclusive left turn lane for southbound or eastbound travel from Point Fosdick Drive to 36th Avenue, installation of a traffic signal when traffic signal warrants are met, and the acquisition of right of way for the left turn lane. He said that completion of the improvements is required prior to the opening of the new Tacoma Narrows Bridge. It was the unanimous consensus of the Public Works Committee to make recommendation to the City Council to proceed with the construction of a modern day roundabout at this intersection.

Under the terms of this agreement, the originally proposed left turn and signal intersection improvements and right of way acquisition will not be completed by the State. In consideration for this deferral, the City will now be the lead agency responsible for the design, right of way acquisition, SEPA, construction, and inspection of the roundabout at this intersection. In consideration of this change, the City will receive a lump sum payment of three hundred and thirty thousand dollars (\$330,000.00) from WSDOT. This agreement further stipulates if the City does not award a contract for construction of a roundabout on or before September 5, 2005, the City shall return the money to WSDOT, unless the parties agree to extend this deadline through a supplemental agreement.

Councilmember Franich indicated that he doesn't support the agreement because it limits the options to a roundabout.

Mark Hoppen gave a history of the process, explaining that this intersection was not subject to mitigation. However, after negotiation, the Department of Transportation was convinced to assist in improvements. He continued to explain that the use of a traffic light works when there is equal traffic coming from all directions, but in the case of this particular intersection, the roundabout is a superior design.

Councilmember Owel asked if a roundabout would be sufficient to address the traffic problem. Mark answered that engineers from three jurisdictions all agreed that this would be the best solution.

Councilmember Young praised the efforts of Steve Misiurak for negotiating the \$330,000. He added that there is no scientific reason for WSDOT or Pierce County to contribute to improvements at this intersection.

Councilmember Dick explained that rather than waiting for the city to come back to ask for money later, WSDOT decided to participate now. He added that Pierce County is also willing to help, and the amount of money being offered will allow a solution that will also accommodate the traffic if 36th is extended.

Walt Smith – 19216 Vaughn. Mr. Smith explained that he was a previous property owner on the Westside, and has watched the traffic increase. He said that he salutes the city for going forward to gather the funds. He urged Council to go one step further and extend 36th, which would give the Point Fosdick area a “back door.” He explained that a citizens group appointed by the County Commissioner to make recommendations for that area overwhelmingly voted for the extension of 36th, but the plans were subsequently shot down. Mr. Smith, speaking on a previous agenda item, complimented city staff for their cooperation during the process for the Horizon West Facilities Maintenance Agreement.

MOTION: Move to authorize the Mayor to sign the approval of the 36th/Point Fosdick Agreement for Intersection Improvements with the Washington State Department of Transportation as presented.
Ruffo / Picinich - five voted in favor. Councilmembers Franich and Owel voted against the motion.

STAFF REPORTS:

John Vodopich, Community Development Director - Park Signage. John explained that City staff would like to purchase and install new park signs at the Skansie, Donkey Creek and Jerisich parks. Funds are available within the Park budget for these purchases. Mark Hoppen gave a history of the signage and the choice to work with Toby signs. He said that in the future, staff would seek additional bids.

PUBLIC COMMENT:

Julie Tappero, 15221 14th Ave. Ms. Tappero explained that she is the new President of the Chamber of Commerce and introduced Kim Hails, the Executive Director. She praised the efforts by Council to maintain Gig Harbor as a good place to be in business and offered to partner with the city on any upcoming issues or challenges. She said that the Chamber has a great relationship with Mark Hoppen, Mayor Wilbert and Laureen Lund.

Mayor Wilbert said that she would like to involve the Chamber in the city’s efforts to develop a Town Around Bus system.

COUNCIL COMMENTS / MAYOR'S REPORT:

Councilmember Owel asked for an update on the progress for the ordinance on dangerous animals. Mark Hoppen explained that two drafts had been developed. Carol

Morris said that she and Steve Osguthorpe were reviewing the documents and an ordinance would be brought to Council in the near future.

Councilmember Franich inquired about the Certified Local Government process. Mark Hoppen explained that Steve Osguthorpe met with representatives of the CLG and has forwarded a draft ordinance to Carol for review.

Mayor Wilbert asked for assistance from the Chamber of Commerce to get the word out to the local businesses regarding an upcoming Emergency Preparedness for Businesses meeting. Ms. Hails said that the notice had already been distributed.

EXECUTIVE SESSION: For the purpose of discussing pending litigation per RCW 42.30.110(1)(i).

MOTION: Move to adjourn to Executive Session for approximately five minutes at 8:30 p.m. for the purpose of discussion pending litigation.
Picinich / Ruffo - unanimously approved.

MOTION: Move to return to regular session at 8: 35 p.m.
Ruffo / Franich – unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 8:36 p.m.
Ruffo / Young – unanimously approved.

CD recorder utilized:
Disc #1 Tracks 1 – 21.
Disc #2 Tracks 1 – 4.

Gretchen Wilbert, Mayor

Molly Towslee, City Clerk