

**AGENDA FOR
GIG HARBOR CITY COUNCIL MEETING
October 24, 2005 - 7:00 p.m.**

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

PUBLIC HEARING:

1. Revenue Sources - 2006 General Fund Budget.
2. Rainbow Burnham (ANX 04-03) Annexation.

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 October 10, 2005.
2. Approval of Payment of Bills for October 24, 2005:
Checks #48445 through #48613 (check #48465 missing due to printing error) in the amount of \$436,152.33.

OLD BUSINESS:

1. Appointment of the Friends of the Parks Commission.
2. Second Reading of Ordinance – Allowing Reconstruction of Nonconforming Structures.
3. Second Reading of Ordinance – Amendment to Title 15 Clarifying the Authority of the Building Official/Fire Marshal with Respect to Housing Safety.
4. Wastewater Comprehensive Plan Population Update – Contract Amendment No. 1.

NEW BUSINESS:

1. First Reading of Ordinance - 2005 Property Tax Levy.
2. Proposed Annexation – McCormick Ridge LLC (ANX 04-04).
3. Utility Extension, Capacity Agreement – Canterwood Business Park.
4. Sanitary Sewer Facilities Easement and Maintenance Agreement – Canterwood Business Park.
5. Resolution – Accepting the Rainbow Burnham Annexation Petition (ANX 04-03).
6. First Reading of Ordinance – Relating to Annexation and Zoning – Wright Annexation.

STAFF REPORT:

1. Mark Hoppen, City Administrator – St. Anthony's Update.
2. David Rodenbach, Finance Director – Third Quarter Financial Report.

PUBLIC COMMENT:

COUNCIL COMMENTS / MAYOR'S REPORT:

ANNOUNCEMENT OF OTHER MEETINGS:

1. Eddon Boat Park Project Public Meeting - Wednesday, October 26th at 5:30 p.m. in the Community Rooms at the Gig Harbor Civic Center.
2. Budget Worksessions: Monday, November 7th and Tuesday, November 8th at 6:00 p.m. in the Community Rooms at the Gig Harbor Civic Center.

EXECUTIVE SESSION: For the purpose of discussing personnel matters per RCW 42.30.140(4)(a).

ADJOURN:

GIG HARBOR CITY COUNCIL MEETING OF OCTOBER 10, 2005

PRESENT: Councilmembers Ekberg, Young, Conan, Dick, Picinich, and Mayor Wilbert. Councilmembers Franich and Ruffo were absent.

CALL TO ORDER: 7:03 p.m.

PLEDGE OF ALLEGIANCE:

PUBLIC HEARING: Revising School Impact Fees.

Mayor Wilbert opened the public hearing at 7:04 p.m. and asked John Vodopich, Community Development Director, to introduce the item. Mr. Vodopich explained that this ordinance would revise the existing school impact fees to be commensurate to those being charged in Unincorporated Pierce County. The rate change would go into effect for the remainder of 2005, with a scheduled increase effective January 1, 2006.

No one signed up to speak and the public hearing was closed at 7:05 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 26, 2005.
2. Correspondence / Proclamations: a) Letter to Belinda Stewart
3. Department of Natural Resources Outfall Lease Holdover Agreement.
4. Eddon Boatyard Property Remediation Clean-up Action Plan – Amended Consultant Services Contract – Anchor Environmental LLC.
5. Franklin Avenue Improvement Project - Construction Contract Authorization.
6. Grandview Forest Park Tank Repainting Project - Contract Authorization.
7. Wastewater Comprehensive Plan Population Update – Consultant Contract Amendment.
8. Resolution – Hall Street Vacation Request.
9. Liquor License Application: Old Harbor Saloon.
10. Liquor License Renewals: Maritime Mart; Finholm's Market; Shell Food Mart.
11. Approval of Payment of Bills for October 10, 2005:
Checks #48331 through #48444 in the amount of \$468,534.42.
12. Approval of Payroll for the month of September: Checks #3935 through #3993 and direct deposit entries in the amount of \$390,955.16.

Mayor Wilbert explained that Councilmember Conan had requested that item number seven, Wastewater Comprehensive Plan Population Update Contract, be moved to New Business for further discussion.

MOTION: Move to approve the Consent Agenda as amended.
Ekberg / Picinich– unanimously approved.

OLD BUSINESS:

1. Second Reading of Ordinance – Revising School Impact Fees. John Vodopich explained that the information had been presented during the public hearing and recommended adoption.

MOTION: Move to adopt Ordinance No. 1017 as presented.
Picinich / Dick – unanimously approved.

NEW BUSINESS:

1. First Reading of Ordinance – Allowing Reconstruction of Nonconforming Structures. John Vodopich presented this ordinance that would increase the acceptable level of damage for reconstruction of nonconforming structures from seventy-five percent to one-hundred percent. He explained that the Washington State Department of Ecology has begun review of similar proposed changes to the Shoreline Master Program, and has requested that this ordinance be adopted prior to their final approval. This will return for a second reading at the next meeting.

Councilmember Young asked how this could be implemented in other areas of town, if this was being done through the Shoreline Master Program. Carol Morris, City Attorney, explained that this could be done by changing the non-conforming chapter in the zoning code. She further explained that the zoning code applies unless there is an overlay such as the Shoreline Master Program. The most restrictive controls.

2. Utility Extension Capacity Agreement – Veitenhans. John Vodopich presented this request for water service to property located on Crescent Valley Drive. He explained that the two parcels are located within the city's Water Service Area, but outside the Urban Growth Area. He read the criteria for approval outlined in the municipal code and recommended approval.

Councilmember Dick asked for clarification on how this meets the special requirement that does not permit urban development, if the property is changed to R-1 zoning.

Mr. Vodopich explained that the contract itself doesn't change the zoning. The intent of the residential language is that the applicant intends to do single-family residential development. He offered to change the zoning designation to reflect the current designation of Reserve Five.

Councilmember Dick continued to voice concern regarding extending service beyond the Urban Growth Area and meeting the test that doesn't permit urban development. He said that providing water would allow one unit per acre.

Mr. Vodopich responded that the lots were created before the County implemented the Reserve Five designation. They are legal lots of record and they would not be promoting any further subdivision of land. Councilmember Young stressed that currently, they can legally build on the lots and that the city should be considering this as a water purveyor.

Councilmember Picinich asked why the owner doesn't hook up to another water purveyor. Mr. Vodopich responded that the closest point of connection would be one-half mile away, and the city would have to deny the request and relinquish the area. Washington Water would then have to agree to accept the area into their service area, and both would have to amend their Water Comprehensive Plans.

Carol Morris agreed that the points brought up by Councilmember Dick are valid. She suggested an amendment to the ordinance to allow individuals to take advantage of the exception to address this concern. She offered to bring case law in which the Growth Board interprets this issue of permitting urban development.

Councilmembers directed Mr. Vodopich to bring the request for water extension back after the ordinance has passed.

3. First Reading of Ordinance – Amendment to Title 15 Clarifying the Authority of the Building Official/Fire Marshal with Respect to Housing Safety. Dick Bower, Building Official / Fire Marshal, presented the background on this ordinance that would give the city the authority to seek legal abatement of unsafe dwellings. This will return at the next meeting for a second reading.

4. Wastewater Comprehensive Plan Population Update – Consultant Contract Amendment. Councilmember Conan asked for clarification on the cost breakdown. John Vodopich explained that he has asked the contractor to clarify not on the cost of the overhead but the other fees. He suggested that the contract be brought back at a later date.

STAFF REPORT:

Mike Davis, Chief of Police – September Stats. Chief Davis offered to answer any questions regarding the report.

PUBLIC COMMENT:

Lita Dawn Stanton – 111 Raft Island. Ms. Stanton submitted a petition to protect the Millville District. She read from the petition which states that new development must comply with all comprehensive plan, GHMC's, and design review regulations, maintain the mass and scale and patterns of development of our historic district. She said that 82 residents living within the district were asked if they would like to sign, and everyone signed except one. Everyone agreed that mass and scale of structures within the historic district matters. She

said that there is no question that a property owner has the right to develop his or her property, but all development must strictly conform to the regulations set for that zone or be forwarded to the appropriate review body. She quoted from the historic section of the Design Review Manual; "One of the most characteristic design features of Gig Harbor's Historic area is the small scale and simple mass of the older homes." Chapter 17.99.520 of the Design Manual says: "Structures shall be designed to reflect the width and height proportions of adjacent structures." Ms. Stanton said that if new structures are smaller or the same size as adjacent structures, they are okay. She then asked what happens if they are bigger and who decides. She said that she thought it important that Council hear this request from more than four or five people and hopes that by delivering this petition, it clearly demonstrates the opinions of a neighborhood asking to be represented. She then asked the Mayor to not allow new development to redefine the historic Millville.

Jack Bujacich – 3607 Ross Avenue. Mr. Bujacich asked for clarification regarding the demolition of the dock and house on the Steele property. He said that he had been told by John Vodopich that they had been issued a demolition permit and that they could not do any more grading or hauling dirt until they met certain requirements. He said that in the last couple of days, they have been bulldozing, grading, and hauling dirt from the property.

John Vodopich responded that a stop-work order had been issued this afternoon.

Harry Davis – no address given. Mr. Davis said that he is offering his services to be written in as a Mayoral Candidate on the "Pirate Party." He asked why the business owners and people living in future annex areas were not allowed to vote in the city elections. He said that they need equal rights and pointed out that they have Gig Harbor addresses. The Mayor explained that only those who live within city limits can vote in city elections, and that voting registration is tied to your residence. Mr. Davis suggested that Councilmembers write a new law that would allow these others to vote.

Councilmember Picinich said that he didn't agree that people who didn't live here should vote on what affects the citizens. Councilmember Young attempted to explain that state statutes set the voting parameters.

COUNCIL COMMENTS / MAYOR'S REPORT:

Councilmember Paul Conan commented that Chief Davis participated in a fundraiser for the youth entitled "Chief for the Day." This was auctioned for \$1750.00, and he thanked the Chief for being a part of the community outside of his job.

The Arts are Alive and Well in Gig Harbor. Mayor Wilbert commented briefly on her report. She talked about woodcarvers for the parks. She then talked about recent emergencies, and urged everyone to work with Pierce County in establishing a Neighborhood Emergency Team. She stressed that we are on our own for 72 hours and neighbors need to take care of each other.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Marina Fire Protection Public Meeting – October 12, 2005 at 7:00 p.m. in Community Rooms A & B, Gig Harbor Civic Center.
2. GHN Traffic Options Committee – November 16, 2005, 9:30 a.m. Community Rooms A & B, Gig Harbor Civic Center.

ADJOURN:

MOTION: Move to adjourn at 7:44 p.m.
Picinich / Conan – unanimously approved.

CD recorder utilized:
Disk #1 Tracks 1-18.

Gretchen A. Wilbert, Mayor

Molly M. Towslee, City Clerk



ADMINISTRATION

TO: CITY COUNCIL
FROM: MAYOR GRETCHEN A. WILBERT
SUBJECT: FRIENDS OF THE PARKS COMMISSION
DATE: OCTOBER 24, 2005

Now it is your turn to select the five members of the Friends of the Parks Commission. The word finally circulated and seventeen applications were received. A copy of each application, together with a list of all applicants, is included here for your review.

You may mark your five choices and return this list to me. Your selections will then be tallied and a report given. Any action you wish to take before we adjourn will be in order.

I am sending a thank you note to each applicant inviting them to attend and be introduced at the 7:00 p.m. Council Meeting on Monday, October 24, 2005.



"THE MARITIME CITY"

Memorandum

TO: Council Members

FROM: Sonia Billingsley *SB*

DATE: October 19, 2005

SUBJECT: Friends of the Parks Commission Applications

Here are seventeen applications for the Friends of the Parks commission Recruitment. I have checked each of the applicants address to make sure they are within the city. Please see below.

1) Jacquie Goodwill	3303 Grandview Street	Within the city
2) Michael Perrow	3022 Grandview Street	Within the city
3) Steve Derebey	9221 Peacock Hill Ave. NW	Within the city
4) John Moist	3323 Harborview Drive	Within the city
5) Ken Malich	3515 Ross Ave NW	Within the city
6) Robyn Dupuis	9520 Randall Drive NW	Within the city
7) Charles Wegner	9715 43 rd Ave. Ct. NW	Within the city
8) Steve Earnshaw	2724 37 th Street NW	Within the city
9) Kent Keller	10411 27 th Ave. NW	Outside the city
10) Jim O'Donnell	4220 35 th Ave NW	Within the city
11) Scott Wagner	6507 27 th Ave NW	Within the UGA
12) Nick Tarabochia	8021 Shirley Ave	Within the city
13) Michael Stebor	7814 Stinson Ave	Within the city
14) Peter Hampl	7898 Greyhawk Ave	Within the city
15) Edgar (Ted) Sanford	6846 Windlass Lane	Within the city
16) Mark Bonsell	9608 Jacobsen Lane	Within the city
17) Robert Winskill	4554 Hidden Haven	Within the city

1	Jacquie Goodwill	
2	Michael Perrow	
3	Steve Derebey	
4	John Moist	
5	Ken Malich	
6	Robyn Dupuis	
7	Charles Wegner	
8	Steve Earnshaw	
9	Kent Keller	
10	Jim O'Donnell	
11	Scott Wagner	
12	Nick Tarabochia	
13	Michael Stebor	
14	Peter Hampf	
15	Edgar (Ted) Sanford	
16	Mark Bonsell	
17	Robert Winskill	



Jacquie Goodwill

PO Box 2685
Gig Harbor, WA 98335
Cell: (253) 549-6339

September 9, 2005

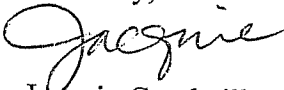
Mayor Gretchen Wilbert
City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335

Dear Mayor Wilbert,

I am writing you today to respectfully request your consideration for my appointment to the Gig Harbor "Friends of the Parks" commission. As a resident of the city of Gig Harbor, as well one who has worked on behalf of local business for more than five years, I am keenly interested in the quality of life associated with a vibrant parks program.

If my skills in team-building, communications and community relations can be of use, I am eager to support and help in any way that you and the City Council members see fit. Please contact me at your convenience regarding my request. I thank you for your thoughtful consideration of my application.

Sincerely,


Jacquie Goodwill

RECEIVED

JUN 24 2005

CITY OF GIG HARBOR

Michael Perrow
PO Box 1266
Gig Harbor, WA 98335
253-853-2318
June 24, 2005

Mayor Wilbert
City of Gig Harbor
3510 Grandview St.
Gig Harbor, WA 98335

Dear Mayor Wilbert:

This letter is to express interest in the Friends of the Parks Commission. I regularly recreate within Gig Harbor, which gives me a good perspective to share. Please let me know if you have any questions. Thanks for your consideration.

Sincerely,

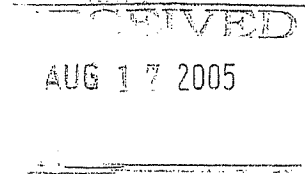


Michael Perrow

*Home address
3022 Grandview St.
GH, 98335*

August 16, 2005

Mayor Gretchen Wilbert
City of Gig Harbor
3510 Grandview St.
Gig Harbor, WA 98335



Dear Mayor Wilbert:

I would like to be considered to serve on the Friends of the Parks Commission.

I have a strong interest in quality of life issues and our community's parks are vitally important to maintaining our quality of life here in Gig Harbor. I have a strong background in budgeting and finance as President of the Air Line Pilots Association Federal Credit Union. I served as a volunteer on the Friends of Eddon Boatyard Committee and have a keen interest in the development of that property.

I am a pilot for United Airlines and own and also operate a Communications and Public Relations firm here in Gig Harbor and would like to contribute a portion my time and energy to the betterment of our community.

Thank you for your consideration.

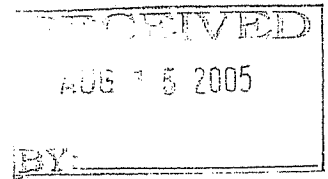
Sincerely,

A handwritten signature in black ink, appearing to read "Steve Derebey".

Steve Derebey
9221 Peacock Hill Ave. NW
Gig Harbor, WA 98332

Ph. 253-279-8260
e-mail: derebeyS@aol.com

John R. Moist
3323 Harborview Drive
Gig Harbor, WA 98332
253-255-5050



August 10, 2005

The Mayor
City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335

Subj; Letter of Interest re; GH#101/33,34; Gig Harbor Friends of the Park Commission.

Dear Madam Mayor,

I am requesting an appointment to the Gig Harbor Friends of the Parks Commission. My experience in the field of parks and recreation is varied. I am a design Engineer. I served on the Richmond, California YMCA Board of Directors; I am a former employee of the Richmond, California Parks and Recreation Department; I was a Special Services officer in various United States Marine Corps squadrons; and currently I am the Harbor Master for a major Gig Harbor marina, as well as the secretary for the Gig Harbor Waterfront Retail & Restaurant Association. I have experience working with City Staff members on various projects. In addition I have a great deal of managerial experience having served as a Marine Corps officer, the owner of an environmental engineering firm, and a business manager. I feel that I am qualified and would make an excellent choice as a commissioner.

Gig Harbor is my home, and the quality of life the city ensures it's citizens is of paramount importance. Maintenance and controlled growth of our recreational facilities is an essential element to ensuring that quality of life. So far the City has done a wonderful job. The acquisition of Wilkinson Farm, Skansie Brother's Park, the Eddon Boat Yard, and Joint City/County Cushman Trail serve as examples of the City's commitment to it's citizens.

But this is just the beginning. The City was successful in obtaining a crucial grant to improve the Skansie Brother's net shed. We still need the funds to build the Eddon Boat Yard Park, to restore the Wilkinson Farm barn and beyond. If we hope to attract the Generation Xers to our city we must provide the hiking, biking, and jogging trails to make this a liveable community for them. We must take a look at our 30 year growth projections and work towards filling the recreational needs of our future citizens. The "plans" to construct a maritime pier need to move forward as well as shoreline walking trails.

As a commissioner I would remain committed to progress through planning and managed growth. What a wonderful opportunity for the average citizen to get involved with such a worthwhile civic endeavor, and to serve the community in which he lives and works.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large loop followed by a horizontal line extending to the right.

John R. Moist

October 14, 2005

From: Ken Malich

To: Mayor Gretchen Wilbert and the Gig Harbor Town Council

Subject: Request for an appointment to the Gig Harbor Friends of the Parks Commission

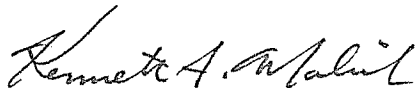
Dear Madam Mayor and Council;

Please accept my request for appointment to the Gig Harbor Friends of the Parks Commission. Recently, I participated in the Ad Hoc Committee for the development of Skansie Park. We emphasized the historical preservation of the buildings along with the open space concept. I believe this has worked well so far. I have a unique understanding of the community and its history as a long time resident living in Millville. What happens in our new parks affects me personally. I'm a believer in the idea that parks are for the general public.

In 1989, with a Bachelor of Science Degree in Mechanical Engineering, I worked for Puget Sound Naval Shipyard. I have had extensive experience in design and development of various projects for the navy for the last 15 years. I'm familiar with drawings, site plans, and structural design as well as landscaping. I'm familiar with the shoreline development process involving our waterfront parks and piers. I was a commercial fisherman for 20 years prior to working at PSNS in 1982.

I'm an avid amateur gardener and landscaper. I belong to the Gig Harbor Historical Society. I was a member of the Gig Harbor City Council from 1976 through 1980. I enjoy the benefits of my city in biking and boating. Thank you very much for considering me for this appointment.

Sincerely,



Kenneth A. Malich
3515 Ross Ave NW
Gig Harbor, WA 98332
253-851-5257
[Email to: ken1barb@harbornet.com]

Mayor Wilbert
City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335

September 28, 2005

Dear Mayor Wilbert:

I am writing to express my interest in serving on the Gig Harbor Friends of the Park Commission. My husband and I moved to Gig Harbor in January from Connecticut in order to accommodate my position of Research Analyst for the Washington House of Representatives Housing Committee and I am anxious to set down roots and get involved in our new community.

In our admittedly short time here, we have become smitten with the vivaciousness of Gig Harbor and the involvement of residents. In fact, we recently purchased a home in town and are thrilled to be able to walk or bike downtown and take advantage of all the activities, shopping, dining and, of course, parks!

I am look forward to contributing to Gig Harbor's continued success and, given my interest in the outdoors, open space and recreation, I believe the Parks Commission will be a perfect fit. Our new home is on Randall Drive across the street from the Crescent Creek City Park and we are already so grateful to have such a fantastic resource for our family to enjoy.

My background is in planning and development for human and social service agencies with a specialty in institutional development (primarily grant writing and administration). I have vast experience working with cities, state agencies and the federal government in securing funds for projects including employment and training, small business incubators, senior housing facilities, lead abatement, case management for troubled parents, at-risk youth programs, fatherhood initiatives and many others. Although outdoor recreation has not been a professional focus for any of the organizations for which I have worked, I have served as the volunteer Institutional Development Chair for a "Boundless Playground" project in Willimantic, Connecticut and personally raised over \$70,000 in grant funds for the playground. Since moving to Gig Harbor, my husband and I have also become involved with "Harbor Wild Watch" and look forward to helping the group achieve it's goal of educating the community about Puget Sound and, of course, the amazing natural diversity of our very own Gig Harbor.

I am an avid outdoors woman and take great pleasure in running, hiking, backpacking and kayaking (now, happily from our own back yard)! Our daughter, only 3 ½ months old has inherited my love of the outdoors and is happiest in a park or on a trail. I look forward to instilling in her a sense of responsibility to help preserve such space and also work to increase the amount of open space available for public enjoyment.

Please feel free to contact me with any questions or for additional information at: Robyn Dupuis, 9520 Randall Drive NW, Gig Harbor, WA 98335, email robynndupuis@hotmail.com, or please feel free to call me at 360-609-6765.

Sincerely,



Robyn Dupuis

9715 43rd Ave. Ct. NW
Gig Harbor, WA 98332
October 4, 2005

OCT 7 2005

Gretchen Wilbert, Mayor
City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335

Dear Mayor:

I would like to apply for a position on the Friends of the Parks Commission.

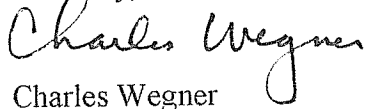
I am a retired high school teacher from Ohio and Indiana. I have my license for teaching in Washington but have not done so, 38 years was enough and I am enjoying retirement. I taught math and coached at the high school level during those 38 years.

I have a degree in Math Education from The Ohio State University. I also have a Masters Degree in Health, Physical Education and Recreation from Bowling Green State University.

I saw the article in the *Gateway* last week talking about the need for one more person on this commission and thought I might be of some service as I do now have time to do something like this. We are starting our third year here in Gig Harbor and love the community.

Hope to hear from you. My phone number is 851-8338. We will be out of town from October 12 through October 21 and October 27 through November 6.

Sincerely,



Charles Wegner

To: Mayor Gretchen Wilbert, City of Gig Harbor
From: Steve Earnshaw
Date: October 3, 2005

OCT 4 2005

Re: Letter of Interest, Friends of the Parks Commission

Dear Mayor Wilbert,

I am interested in filling a seat on the Friends of the Parks Commission. As a Gig Harbor resident, I care about our great city. I also care about the individuals and families here. I see participation on the commission as a way for me to give back to our community and do my part to help the City of Gig Harbor remain an outstanding place to live.

Let me briefly share a little about myself. I am employed by a successful, high-technology firm as a business development manager. I am a full-time telecommuter; I work from my home every day and I also set my own work hours. Because of my work situation, I find myself in and around town every day.

I am married to a wonderful lady, Suzanne, and we have four children ranging in age from fourteen to four. All of our children live with us here in Gig Harbor, and attend school here as well. One of the reasons we value living here is because of the recreational opportunities we have; we make frequent use of the parks and recreational facilities already in place.

The parks, open spaces, and recreational facilities in Gig Harbor are exceptional. We should actively maintain them and carefully consider growth, updates, or improvements to keep pace with the growing and changing needs of Gig Harbor and its residents. Input from the commission to the city council and the mayor should balance the needs for preservation, growth, and quality of life with the desires and expectations of city residents, city officials, and a responsible economic perspective.

If you or the city council would like more information or to meet with me, please do not hesitate to have someone from the city reach out to me. My contact information is included below.

Regards,



Steve Earnshaw
2724 37th Street NW
Gig Harbor, WA 98335
(253) 851-3128

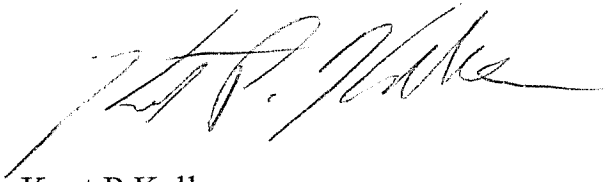
OCT 14 2005

Dear Mayor Wilbert,

My name is Kent Keller. I have been a resident of Gig Harbor for the last 2 years. I read the article in the paper about the Friends of the parks and would like to put my name into the hat to be considered for this position. I understand that it is a volunteer position that would only give input into what current or future parks may need or ideas as to how to make them better. I would love to be of help to the city and my fellow towns folk in having some input into these decisions. Both my wife and I love the city and the area that surrounds it, if there is any way I could help to make it even better I would be happy to.

My wife and I moved here 2 years ago after a 5 year stint as traveling medical professionals, I as a Respiratory Therapist and my wife as a critical care nurse. We are both currently working in Tacoma, my wife at St Joseph and I am at St Claire. During our traveling we had the chance to use many city parks in several towns. Some of these were very nice and others were not. We are originally from Montana where we worked in Billings for 13 years at St Vincent Hospital. It has been through these travels and of our use of parks that I feel I could help out even in some small way. If this would be a possibility I would like to hear back from you, and would enjoy working on this issue in the future.

Thank you,



Kent P Keller
10411 27th Ave NW
Gig Harbor WA 98332
253-853-3024

RECEIVED
SEP 30 2005
CITY OF GIG HARBOR

Jim O'Donnell
4220 – 35th Ave NW
Gig Harbor, WA 98335
(253) 857-9230

September 28, 2005

Mayor Gretchen Wilbert
Gig Harbor City Hall
Gig Harbor, WA 98335

Dear Gretchen,

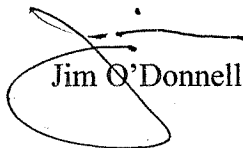
Please consider this letter my request to be nominated as a member of the Gig Harbor City Parks Commission.

As you know, I am a certified forester and certified wildlife biologist, and with my wife own Forest and Wildlife Management, a consulting business. I am a Fellow of the Society of American Foresters; a member of The Wildlife Society; a founding officer of the Tahoma Audubon Society; member of the Great Peninsula Conservancy; a volunteer with Friends of Eddon Boatyard; member of the Gig Harbor Chamber of Commerce; and a resident of Gig Harbor. In addition, I belong to many outdoor clubs and will be "Santa at the Harbor" for the 3rd year in December.

I walk my dog almost every day when I am home, and our regular routes take us through Skansie park, Jeresich park and Donkey Creek park. Gretchen, you have done a great job in securing and improving these park areas.

Please let me know what else I can do to assist in making Gig Harbor an ever better place for my grandchildren and great grandchildren.

Sincerely,


Jim O'Donnell

p.s. I still want to help to inventory trees worth saving, as we discussed earlier.

RECEIVED
OCT 11 2005
CITY OF GIG HARBOR

SCOTT WAGNER
6507 27th Av NW
Gig Harbor, WA 98335
253.225.1718

Mayor Gretchen Wilbert
City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335

October 8, 2005

RE: Friends Of The Parks Commission

Dear Madam Mayor,

It has come to my attention, your desire to find applicants for the City's Friends Of The Parks Commission. After reading the article in the September 28, 2005 Gateway and talking with my wife, I have decided to offer my name for consideration to this commission.

As I think you know, my primary residence is within the City of Gig Harbor's urban growth boundary, yet my home sits just three lots outside of the current City limits. I own or am partners in three properties within the City of Gig Harbor, the Gig Harbor Financial Center, the Haakon Wagner Building, and the 20 acre parcel on the corner of 72nd and Skansi.

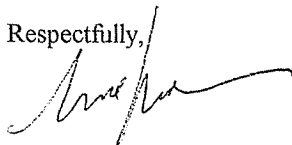
I believe my extensive public works, commercial construction, and park construction experience make me a good candidate for a position. I designed and built the Tallman Nature Park, built the first phase of the Cushman Trail, built the play fields at St. Nicholas Catholic School, and have been involved in numerous maintenance projects to play fields around the City, in just the last five years.

When I moved home from California in 1990, I took the job of General Manager at Vlahovich Boat Corporation where I primarily managed ship refits. My close working relationship with Mike Vlahovich, which continues today, has given me opportunities to work on many historic maritime projects. I commercial fished with George Ancich and Nick Jerkovich senior for nine seasons. I worked for Manson and Foss on tug boats. I believe these experiences as well as my construction knowledge will be helpful when working through issues surrounding Eddon Boat improvements.

I am very involved in youth sports. I currently coach youth baseball, basketball, and soccer. As a parent of two young boys and a coach, I have an interested in the continued maintenance of our existing facilities as well as the expansion of active recreational opportunities in new parks, as the City continues to grow.

I have a very positive outlook on the steps you and the City Council have taken to expand our park facilities. I look forward to the opportunity to serve on the commission to help make our City's park system the best in the State.

Respectfully,



Scott Wagner

October 6, 2006

OCT 11 2005

Mayor Gretchen Wilbert
City of Gig Harbor
3710 Grandview
Gig Harbor, Washington

Honorable Mayor:

I wish to serve on the City of Gig Harbor's "Friends of the Parks Commission". I live within city limits.

As a 3rd generation Gig Harbor native I can offer insights to our culture and history that few can match. My personal experience gives me a unique perspective to what was once a driving economic force for Gig Harbor: commercial fishing. My family names, Ancich and Tarabochia, are imbedded in local history and I wish to continue in our family's tradition of giving back to the community.

Seining, gillnetting and tendering took me to the Bering Sea, Kodiak and Southeast Alaska. My familiarity with those areas can be a resource as we plan for and maintain open space in our area.

I am a member of the Gig Harbor Fishermans Civic Club and currently serve on the Bristol Bay Reserve Insurance Pool Board. I believe that my past experience on the Economic Development Board for our local Chamber of Commerce will also be beneficial. I served in the USAF and am a Vietnam Veteran.

Thank you for your consideration.

Sincerely,



Nick Tarabochia
8021 Shirley Avenue, Gig Harbor

Michael Stebor
7814 Stinson Ave
Gig Harbor, WA 98335
253-857-5681

OCT 12 2005

October 12, 2005

The Mayor of Gig Harbor
C/O Friends of the Parks Commission
3510 Grandview Street,
Gig Harbor, WA 98335

Dear Mrs. Mayor:

I would like to become a part of the growing movement of improving the quality of life in Gig Harbor by giving my voice and weight to the social, economic and environmental benefits of providing open spaces, create and acquire parks and improve existing parks within the city and the entire community. With that said, I would like to submit my name as a candidate for the Friends of the Parks Commission board.

My family and I have been living in the Gig Harbor area for 12 years and recently moved within the Gig Harbor city limits. Since that time, we have become aware of Gig Harbor's limited open spaces, continued struggles with private land ownership development, congested streets and the lack of connection between people who live outside the city and those who reside within. Along with the decentralization of downtown, increasing population and traffic and the shrinking of open spaces makes it necessary to improve the infrastructure and reconnect the city through "green infrastructure". Building a "green infrastructure" helps build exciting, comprehensive and community-driven visions for current parks and future parks.

There needs to be a broader coalition between government and the citizens when it comes to developing parks, acquiring land and maintenance of parks. Parks provide recreation and relaxation for a uniquely diverse population. Parks need to sustain natural systems, enhance the economic vitality, connect people to the natural world and increase individual and community wellbeing. I believe we need to strike a balance between private land ownership development and the need for open space development by the city government and the community. By working constructively and communicating consistently with the City Council, Friends of the Parks Commission and the community will help increase awareness and meet the needs of all parties involved.

The following is a list of my visions and expectations of a strategic plan on how the Friends of the Parks Commission could strike a balance between development, acquisition and maintenance of present and future parks and the community.

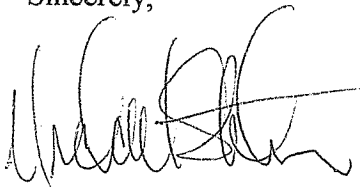
Friends of the Parks Commission would...

1. ensure that sufficient public land is reserved for active and recreational use.
2. maintain park and recreation facilities for the enjoyment of the Community.
3. ensure that the Community is provided with a balanced program of cultural, athletic and other recreational services.
4. stimulate involvement of the private sector in developing and delivering appropriate recreational services
5. Increasing awareness of current and future plans for development of parks
6. Building and strengthening partnerships with groups who share open space values
7. Strengthening volunteerism outreach programs
8. Attraction of visitors
9. Acquire appropriate open space(s) for future development

I appreciate the splendor of Gig Harbor's open space and its natural features, and strongly support reasonable and appropriate efforts to preserve it. I am delighted that the City of Gig Harbor has expressed its commitment to preserving and protecting the parks and future of open spaces in the area by reaching out for community support.

I am extremely interested in participating and developing solutions that are truly workable for all the inhabitants and users of the parks and developing open spaces.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Stebor', with a stylized, cursive script.

Michael Stebor

PETER F. HAMPL

7898 Greyhawk Ave
Gig Harbor, WA 98335-4926
253-857-7784
Fax: 253-853-1985
jphampl@centurytel.net
www.phampl.com

October 12, 2005

Mayor Gretchen Wilbur
City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335

Dear Mayor Wilbur,

I would like to be considered for a position on "Friends of the Parks" committee. I have been a resident of the Gig Harbor peninsula since 1970 and a resident of the city of Gig Harbor since 1999. I am a retired dentist and have the necessary time to devote to this endeavor. I am a citizen that uses both Grandview and Wilkinson Parks almost daily and would like to be part of the continued improvement in the city's park system. For further information about me and my background please view my web page at www.phampl.com Thank you for considering of my request.

Sincerely,

Peter F. Hampl

Billingsley, Sonia

From: Jeanne and Peter Hampl [jphampl@centurytel.net]
Sent: Wednesday, October 12, 2005 4:52 PM
To: Billingsley, Sonia
Subject: Application for a position for Friends of the Park
Attachments: Letter to mayor Wilbur 10-12-05 wps.wps

Dear Sonia,

Attached to this email as a MS Word document is a letter to Mayor Wilbur advising her that I would be interested in being on the committee "Friends of the Park". If you have any questions please feel free to contact me.

Sincerely,

Peter Hampl

10/12/2005

RECEIVED
SEP 30 2005
CITY OF GIG HARBOR

Edgar L. (Ted) Sanford
6846 Windlass Lane
Gig Harbor, WA 98335
253/858-2704

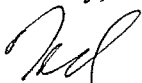
Mayor Gretchen Wilbert
Gig Harbor, Washington
September 30, 2005

Dear Gretchen:

If you feel I could help by serving on the Parks Board I will do so.

I enclose a resume. It was written many years ago. To update it, since retiring I have been a guest columnist with the *Gateway*. I served as a volunteer with Remann Hall (briefly), CASA and, for eight years, teaching math to groups of fourth and fifth graders at Geiger Elementary (public). I received "Volunteer of the Year" awards from CASA and Geiger. I am something of an artist and have had works accepted for national juried shows. I am an outdoor enthusiast, life member of the Sierra Club and still hike regularly.

Sincerely,


Ted Sanford

Edgar L. (Ted) Sanford
202 Woodland Ave.
Wilmington, DE, 19809
302-762-4119 res.
302-656-4944 bus.

Professional Experience *now also Editor, Ideas & Perspectives and Director of Research*

1987- Associate Consultant, Independent School Management, Wilmington, DE.

1976 - 1987 Headmaster, Fort Worth Country Day School, Ft. Worth, TX. (coeducational day, enr. 900)

1969 - 1975 Headmaster, Thacher School, Ojai, CA. (boys boarding, enr. 180)

1959 - 1969 Headmaster, Charles Wright Academy, Tacoma, WA. (boys day, enr. 350)

1951 - 1959 teacher - coach: Cushing academy (MA); Trinity School, NYC; Taft School, CT. Have taught all grades 4-12, history & math.

1950 - 1951 Attorney, Wilkie, Owen, Farr, Gallagher & Walton, NYC. Member, NY State Bar.

Military Ensign, U.S. Navy. 1944-1946. Underwater Demolition, Pacific, India, Japan.

Civic & Professional (partial)

elected to membership Country Day School Headmasters Association and Headmasters Association; formerly: trustee, Independent Educational Services; trustee, Crane Country Day School; United Way section head, budget committee, community delegate; Education Task Force, Ft. Worth Chamber of Commerce; Director, Texas Association of Non-Public Schools; keynote speaker, NAIS National Convention, Houston; Chairman Standards Committee, ISAS; chair, numerous school evaluations; only Independent school member, Washington State Committee on Teacher Certification.

Education

Yale Law School, LLB, 1950
Columbia Teachers College, M. Ed., 1954.
Univ. of Pennsylvania, BA, 1947
Moorestown, NJ, High School

Personal

married Diane Mitchell; Smith, BA; three grown children.
Interests include painting & sketching (illustrated 3 childrens' books); sports; hiking & the out-of-doors; history & current affairs; fitness; travel.

Mark J. Bonsell
9608 Jacobsen Lane
Gig Harbor, WA 98332
(Home) 253-858-4032 (Cell) 206-550-7557

2005

October 1, 2005

Mayor Gretchen A. Wilbert
City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335

Dear Mayor Wilbert,

I would like to express my interest in applying for the fifth seat on The Friends of the Parks Commission. My family and I have lived in the Gig Harbor area for over ten years. Four years ago, we moved within the city limits. We currently reside at 9608 Jacobsen Lane, which is one-half block from the City Park at Crescent Creek. We wanted to move into town to enjoy the area more completely and become more involved in such a neighborly and picturesque community.

One of my interests entails creating input for the Wheeler Street End Park, which has been budgeted for completion this year. Wheeler is one of the few streets owned by the City, which has access to the Bay. This would be a fine extension of the existing park for families and citizens in our community. I am also interested in creating public access to the water for small non-motorized craft within the Gig Harbor city limits.

My past involvement has been attending City Council meetings and being supportive of the Eddon Boat Park acquisition. I also asked for benches at City Park where citizens can more thoroughly enjoy the beauty of the water and wildlife with their family and friends. Public


Works coordinated the project with some local Eagle Scouts who were happy to find a good project.

I support keeping the charm and history of Gig Harbor as one of our greatest assets. The decisions made today will influence the future of not only our growth, but also the quality of our community as it expands and develops. Recreational facilities are important to not only young families, but also citizens of all ages. The recent addition of the new Skansie Park has provided a wonderful meeting place for members within and outside our community to share their interests and skills.

My professional occupation is area sales/service manager for an international company providing products for the dry-cleaning and laundry industries. I have been employed with them for twenty-two years.

I appreciate your time and consideration in my application for becoming a member of The Friends of the Parks Commission.

Best regards,



Mark J. Bonsell

RECEIVED

OCT 17 2005

CITY OF GIG HARBOR

DEAR CITY COUNCIL,

I'M WRITING TO APPLY FOR THE POSITION OF GIG HARBOR PARKS COMMISSIONER. I BELIEVE I AM

QUALIFIED FOR THE POSITION BECAUSE OF THE FOLLOWING REASONS:

1. - I HAVE BEEN A RESIDENT OF GIG HARBOR FOR 28 YEARS.
2. - I AM A SHEPHERD BY TRADE, AND HAVE WORKED THAT TRADE ALMOST EXCLUSIVELY IN GIG HARBOR FOR 26 YEARS.
3. I HAVE BEEN INVOLVED WITH THE EDDON BOAT SHOP AS AN EMPLOYEE OF BLUE HERON YACHTS (1979 - 1983) AND AS AN ASSOCIATE WITH NORTHWEST YACHTS AND BOATYARD FOR THE LAST 16 YEARS.
4. I AM THE CURRENT CARETAKER-CURATOR OF THE HISTORIC EDDON BOAT SHOP.

OVER →

APPLICATION CONT.

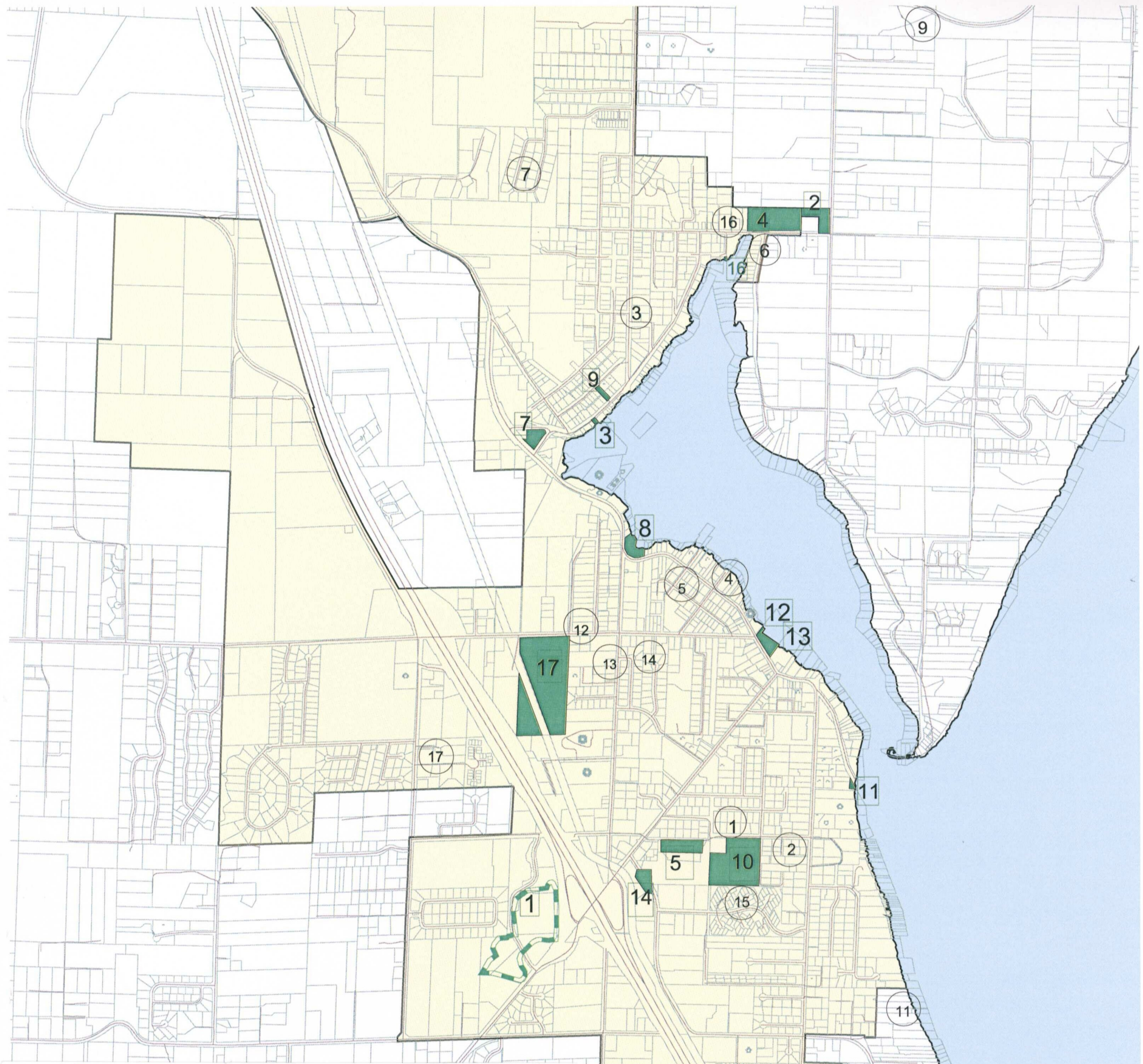
5. I HAVE RAISED THREE CHILDREN
IN GIG HARBOR - GROWN AND GONE -
AND PRESENTLY HAVE AN EIGHT
YEAR OLD.

I HAVE WATCHED THE EVOLUTION
OF PARK SPACE CHANGE IN THESE
YEARS, AND BRING NEW APPRECIATION
AND PERSPECTIVE TO PARK DECISIONS
THAT I BELIEVE COULD BE VALUABLE
TO THE CITY.

I THANK YOU FOR THE
OPPORTUNITY TO APPLY FOR THE
POSITION, AND WOULD APPRECIATE
YOUR CONSIDERATION.

THANK YOU,

ROBERT WINSKILL
4554 HIDDEN HAVEN
GIG HARBOR, WA
858-7700 (BOATSHOP)
468-2913 (CELL)



CITY OF GIG HARBOR PARKS

PARK NAME	PARK ADDRESS	ACRES
1 Adam Tallman Park	6626 Wagner Way	8.7500
2 BMX Bike Park	9702 Crescent Valley	1.6047
3 Bogue Viewing Platform	8803 North Harborview Drive	0.1100
4 Crescent Creek Park	3303 Vernhardson	4.7864
5 Civic Center	3510 Grandview Street	2.3000
6 Cushman Trailhead Park	2626 Hollycroft Street	0.6000
7 Donkey Creek Park	8714 North Harborview Drive	0.4800
8 Eddon Boat Park	3805 & 3711 Harborview Drive	2.8968
9 Finholm View Climb	8917 Franklin (top) 8826 North Harborview Drive (bottom)	0.1570
10 Grandview Park	3488 Grandview Street	8.5800
11 Harborview Drive Street End	2700 Harborview Drive	0.0300
12 Jerisich Dock	3209 & 3211 Harborview Drive	1.3665
13 Skansie Brothers Park	3207 Harborview Drive	1.1103
14 Skate Park	3510 Grandview Street	0.3400
15 Westside Park	3500 50th St. Ct. NW & 4800 34th Ave. NW	5.7600
16 Wheeler Street End Park	End of Wheeler Street	
17 Wilkinson Park	4118 Rosedale St. NW	17.0000
TOTAL ACRES OF PARKS		55.8717

FRIENDS OF THE PARKS APPLICANTS ARE THE CIRCLED NUMBERS ON THE MAP

(1) Jacquie Goodwill	3303 Grandview Street	Within the city
(2) Michael Perrow	3022 Grandview Street	Within the city
(3) Steve Derebey	9221 Peacock Hill Ave. NW	Within the city
(4) John Moist	3323 Harborview Drive	Within the city
(5) Ken Malich	3515 Ross Ave NW	Within the city
(6) Robyn Dupuis	9520 Randall Drive NW	Within the city
(7) Charles Wegner	9715 43rd Ave. Ct. NW	Within the city
(8) Steve Earnshaw	2724 37th Street NW	Within the city
(9) Kent Keller	10411 27th Ave. NW	Outside the city
(10) Jim O'Donnell	4220 35th Ave NW	Within the city
(11) Scott Wagner	6507 27th Ave NW	Within the UGA
(12) Nick Tarabochia	8021 Shirley Ave	Within the city
(13) Michael Stebor	7814 Stinson Ave	Within the city
(14) Peter Hampf	7898 Greyhawk Ave	Within the city
(15) Edgar (Ted) Sanford	6846 Windlass Ln	Within the city
(16) Mark Bonsell	9608 Jacobsen Lane	Within the city
(17) Robert Winskill	4554 Hidden Haven	Within the city



COMMUNITY DEVELOPMENT DEPARTMENT

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: PARKS COMMITTEE MEMBERS
SUBJECT: FRIENDS OF THE PARKS COMMISSION APPOINTMENTS
DATE: OCTOBER 24, 2005

INFORMATION/BACKGROUND

On October 5th and 12th, 2005, a third notice was placed in the Peninsula Gateway and on the City's website seeking letters of interest from individuals who wished to serve on the Friends of the Park Commission. After a third notice was published, the Mayor received a total of 17 applications.

The Parks Committee has selected five members from the list below to be suggested to the Council Members to be appointed to the Friends of the Parks Commission. The commission members will serve on the commission for one, two and three year staggered terms, consistent with the Friends of the Parks bylaws. The Commission members will decide their term's of one, two or three years at the first meeting which will be scheduled after this council meeting.

The five applicants that the Parks Committee recommends are as follows:

Jacquie Goodwill
Michael Perrow
Ken Malich
Robyn Dupuis
Peter Hampl

POLICY CONSIDERATIONS

None.

FISCAL IMPACTS

None.

RECOMMENDATION

Recommend that the council members select five commission members for the Friends of the Parks.



COMMUNITY DEVELOPMENT DEPARTMENT

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: ROB WHITE, PLANNING MANAGER
SUBJECT: SECOND READING OF AN ORDINANCE
- ALLOWING RECONSTRUCTION OF NONCONFORMING
STRUCTURES (ZONE 05-794)
DATE: OCTOBER 24, 2005

INFORMATION/BACKGROUND

At the August 8, 2005 City Council meeting, council approved proposed modifications to the Shoreline Master Program, (to increase the damage threshold from 75 percent to 100 percent), and directed staff to submit them to the Washington State Department of Ecology for their review. The Washington State Department of Ecology has begun review of the proposed changes and requests that the proposed Ordinance be fully adopted prior to their final approval.

POLICY CONSIDERATIONS

The proposed Ordinance will raise the acceptable level of damage for reconstruction of nonconforming structures from seventy-five percent to one-hundred percent.

ENVIRONMENTAL ANALYSIS

The SEPA responsible official has reviewed the Ordinance and determined that it is exempt from SEPA, pursuant to WAC 197-11-800(20).

FISCAL IMPACTS

None.

RECOMMENDATION

I recommend that the City Council approve the Ordinance as presented at this second reading.

ORDINANCE NO. ____
AN ORDINANCE OF THE CITY OF GIG HARBOR,
WASHINGTON, RELATING TO SHORELINE
DEVELOPMENT, ELIMINATING THE LIMITATION ON THE
RECONSTRUCTION OF NONCONFORMING SHORELINE
DEVELOPMENT AFTER DAMAGE TO THE STRUCTURE
NOT EXCEEDING SEVENTY-FIVE PERCENT OF THE
REPLACEMENT COST OF THE STRUCTURE SO THAT
THE PROPERTY OWNER MAY RECONSTRUCT
NONCONFORMING SHORELINE DEVELOPMENT AFTER
DAMAGE OF ANY EXTENT TO THE STRUCTURE,
AMENDING SECTION 4.15(C) OF THE SHORELINE
MASTER PROGRAM OF THE CITY OF GIG HARBOR,
WASHINGTON.

WHEREAS, the City of Gig Harbor has adopted the Shoreline Master Program, which has not been codified in the Gig Harbor Municipal Code; and

WHEREAS, the City is required to periodically review its Shoreline Master Program and to make amendments deemed necessary to reflect changing local circumstances (WAC 183-26-090); and

WHEREAS, any amendments to the Shoreline Master Program must be consistent with RCW 90.58.080; and

WHEREAS, prior to submittal of an amendment to the Shoreline Master Program to the Washington State Department of Ecology (DOE), the City is required to solicit public and agency comment (WAC 173-16-100); and

WHEREAS, the City plans under the Growth Management Act, and local citizen strategies must be implemented through early and continuous public participation consistent with WAC 365-195-600; and

WHEREAS, the City has submitted a copy of this ordinance to the Washington State Department of Community Trade and Economic Development (CTED), signifying intent to adopt this ordinance, pursuant to RCW 36.70A.106; and

WHEREAS, the Gig Harbor SEPA Responsible Official has reviewed this Ordinance and determined that it is exempt from SEPA, pursuant to WAC 197-11-800(20); and

WHEREAS, the City has complied with the minimum requirements of public participation for adoption of this ordinance, pursuant to WAC 173-26-100, as follows:

1. A public hearing on the ordinance was conducted by the City Planning Commission on July 21, 2005 to solicit comments and local citizen involvement; and
2. Notice of the public hearing was provided as set forth in WAC 173-26-100(2); and
3. The City has solicited comments from appropriate state agencies through CTED about the proposal prior to local approval; and

WHEREAS, on August 30, 2005 the City submitted this ordinance to the Department of Ecology for review and formal action, as required by WAC 173-26-110; and

WHEREAS, on _____, the City Council considered this ordinance during its regularly scheduled Council meeting;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 4.15 of the City's Shoreline Master Program is hereby amended to read as follows:

4.15 Nonconforming Development. Nonconforming development is a shoreline use or structure which was lawfully constructed or established ~~prior to the effective date of the Act or the Master Program, or amendments thereto,~~ but which does not conform to present regulations or standards of the Master Program or policies of the Act. In such cases, the following standards shall apply:

A. Nonconforming development may be continued provided that it is not enlarged, intensified, increased or altered in any way which increases its nonconformity.

B. A nonconforming development which is moved any distance must be brought into conformance with the Master Program and the Act.

~~C. If a nonconforming development is damaged to an extent not exceeding seventy-five (75) percent replacement cost of the original structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, so long as restoration is completed within one year of the date of damage, with the exception that, exempt single family nonconforming development may be one hundred (100) percent replaced if restoration is completed within three years of the date of damage.~~

If a nonconforming structure is damaged or destroyed by earthquake, fire, flooding, other act of nature, or other unintentional act, it may be reconstructed to not more than the dimensions existing immediately prior to the time such structure was damaged or destroyed if application for a development permit is submitted within twelve (12) months of the date of damage or destruction; however, the department may grant not more than two (2) one-year extensions based on good cause. The reconstruction shall comply with all applicable building codes in force at the time of reconstruction.

D. If a nonconforming use is discontinued in conjunction with the circumstances set forth in subsection C above, such use may be resumed upon completion of reconstruction.

E. If a nonconforming use is otherwise discontinued for twelve (12) months or for twelve (12) months during any two year period, any

subsequent use shall be conforming; it shall not be necessary to show that the owner of the property intends to abandon such nonconforming use in order for the nonconforming rights to expire.

~~E-F.~~ ~~A nonconforming use shall not be changed to another nonconforming use, regardless of the conforming or nonconforming status of the building or structure in which it is housed~~ A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that:

1. No reasonable alternative conforming use is practical; and
2. The proposed use will be at least as consistent with the policies and provisions of the shoreline master program and as compatible with the uses in the area as the pre-existing use.
3. In addition, such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the shoreline master program and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.

~~F-G.~~ An undeveloped lot, tract, parcel, site or division which was established prior to the effective date of the act and the Master Program but which does not conform to the present lot size or density standards may be developed as long as such development conforms to all other requirements of the Master Program and Act.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance shall take effect and be in full force upon receipt of notice of final approval from the Department of Ecology.

PASSED by the Gig Harbor City Council and the Mayor of the City of Gig Harbor
this ___th day of _____, 2005.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:

By: _____
CAROL A. MORRIS, CITY ATTORNEY

FIRST READING:
DATE PASSED:
DATE OF PUBLICATION:
EFFECTIVE DATE:

**SUMMARY OF ORDINANCE NO.
of the City of Gig Harbor, Washington**

On _____ the City Council of the City of Gig Harbor, Washington, approved Ordinance No. ____, the summary of text of which is as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO SHORELINE DEVELOPMENT, ELIMINATING THE LIMITATION ON THE RECONSTRUCTION OF NONCONFORMING SHORELINE DEVELOPMENT AFTER DAMAGE TO THE STRUCTURE NOT EXCEEDING SEVENTY-FIVE PERCENT OF THE REPLACEMENT COST OF THE STRUCTURE SO THAT THE PROPERTY OWNER MAY RECONSTRUCT NONCONFORMING SHORELINE DEVELOPMENT AFTER DAMAGE OF ANY EXTENT TO THE STRUCTURE, AMENDING SECTION 4.15(C) OF THE SHORELINE MASTER PROGRAM OF THE CITY OF GIG HARBOR, WASHINGTON, AS ADOPTED IN ORDINANCE ____.

The full text of this ordinance will be mailed upon request.

APPROVED by the City Council at their regular meeting October 10, 2005.

BY: _____
MOLLY M. TOWSLEE, CITY CLERK



"THE MARITIME CITY"

COMMUNITY DEVELOPMENT DEPARTMENT

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: DICK J. BOWER, CBO
BUILDING OFFICIAL/FIRE MARSHAL
SUBJECT: SECOND READING OF AN ORDINANCE - AMENDMENT TO TITLE 15
CLARIFYING THE AUTHORITY OF THE BUILDING OFFICIAL/FIRE
MARSHAL WITH RESPECT TO HOUSING SAFETY
DATE: OCTOBER 24, 2005

INFORMATION/BACKGROUND

GHMC 15.20 adopts the Uniform Code for the Abatement of Dangerous Buildings. UCADB Section 302, Dangerous Buildings defines a dangerous building as among other things. Definition 15 states that "whenever a building or structure used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that it is likely to cause sickness or disease." The City does not have a health officer to make this determination therefore an amendment is necessary to clarify for the purposes of this section, the building official/fire marshal is authorized to make this determination.

The Pierce County Health Department does not take action to remedy unsafe housing conditions resulting from inadequate maintenance of building systems such as plumbing, heating and ventilation. From time to time, the City is called on to respond to situations in which dwellings are clearly unfit for human habitation. This amendment will clarify that the building official/fire marshal is authorized to determine whether a dwelling is fit for human occupancy based on inadequate maintenance of buildings and their systems.

POLICY CONSIDERATIONS

While this rarely used section has been in the UCADB as adopted by the City for many years, this amendment will clarify the building official/fire marshal's authority to take actions to abate dwellings that are deemed to be unsafe due to conditions not necessarily related to structural safety.

FISCAL CONSIDERATIONS

Some additional staff and attorney time will be required when the City is forced to seek legal abatement of unsafe dwellings.

RECOMMENDATION

Staff recommends that the Council approve the Ordinance at this second reading.

ORDINANCE NO. ___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO AMENDMENT OF THE CITY BUILDING CODE TO REMOVE REFERENCES TO A HEALTH OFFICER AND CLARIFY THE AUTHORITY OF THE BUILDING OFFICIAL/FIRE MARSHAL WITH RESPECT TO HOUSING SAFETY.

WHEREAS, the City of Gig Harbor has adopted the 1997 edition of the Uniform Code for the Abatement of Dangerous Buildings (UCADB) under GHMC 15.20;

AND WHEREAS, The City has amended the UCADB to designate the building official/fire marshal as the authority responsible for the interpretation and enforcement of the UCADB;

AND WHEREAS, the UCADB and Title 15.20.020 of the Gig Harbor Municipal Code make reference to a “health officer” having authority to enforce the code;

AND WHEREAS, the City of Gig Harbor does not have a health officer position.

Now, therefore:

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 15.20.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

15.20.020 Amendment to UCADB Section 201. Section 201 of the Uniform

Code for the Abatement of Dangerous Buildings is amended as follows:

201.2 Inspections. The ~~health officer and the building official/fire marshal~~ are is hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code

* * *

15.20.041 Amendment to UCADB Section 302 (15). Section 302 (15) of the UCADB is amended as follows:

302 (15) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise is determined by the ~~health officer~~ building official / fire marshal to be unsanitary, unfit for human habitation or in such condition that is likely to cause sickness or disease.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause or phrase of this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this ___ day of _____, 2005.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By _____
Molly Towslee, City Clerk

APPROVED AS TO FORM;
OFFICE OF THE CITY ATTORNEY

By _____
Carol A. Morris

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.

**SUMMARY OF ORDINANCE NO.
of the City of Gig Harbor, Washington**

On _____, 2005 the City Council of the City of Gig Harbor, Washington, approved Ordinance No. _____, the summary of text of which is as follows:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF GIG HARBOR, WASHINGTON, RELATING TO
AMENDMENT OF THE CITY BUILDING CODE TO
REMOVE REFERENCES TO A HEALTH OFFICER AND
CLARIFY THE AUTHORITY OF THE BUILDING
OFFICIAL/FIRE MARSHAL WITH RESPECT TO HOUSING
SAFETY.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR:

The full text of this ordinance will be mailed upon request.

APPROVED by the City Council at their regular meeting of _____, 2005.

BY: _____
MOLLY M. TOWSLEE, CITY CLERK



COMMUNITY DEVELOPMENT DEPARTMENT

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: STEPHEN MISIURAK, P.E.
CITY ENGINEER
SUBJECT: WASTEWATER COMPREHENSIVE PLAN POPULATION UPDATE
- CONTRACT AMENDMENT
DATE: OCTOBER 24, 2005

INFORMATION/BACKGROUND

In March 2005, Council awarded a consultant services contract to HDR Engineering, Inc. in the amount of \$31,547.39 to prepare an updated 20-year wastewater population forecast and model database. In their preliminary analysis, HDR reviewed two alternative means and forecasting for use in their population forecast allocation model: (1) Use of Puget Sound Regional Council (PSRC) data by Transportation Analysis Zones (TAZ); and (2) Extension of current buildable lands analysis to the entire City Urban Growth Area (UGA). Results of their comparative study revealed that the PSRC approach diverged from the accepted Pierce County forecasts by 15 percent in 2000 and 26 percent in 2020. Factors contributing to this divergence included the large size of the PSRC TAZs which do not match well with the City UGA. They concluded use of the PSRC data would require numerous adjustments and assumptions and the results would be difficult to update for future utility and transportation planning projects.

In order to more accurately forecast both the City and UGA population estimates and area allocation, it is necessary to extend the City's buildable lands analysis to provide for greater accuracy and consistency. This will allow the forecast to be more readily updated for recurring utility and transportation planning needs. This amendment will provide for completion of the buildable lands study outside of the City limits and completion of the population projections and model.

FISCAL CONSIDERATIONS

Previously, an inquiry from one Council member was raised questioning the 172 percent labor markup (overhead) and 12 percent job profit associated with this particular contract. These specific markups and profit rates are in compliance with the requirements of the Federal Acquisition Regulations, 48 CFR, and State Auditing requirements. Attached are two audit review letters for both HDR Engineering, Inc. and another City utilized consultant, David Evans and Associates, Inc. substantiating their overhead billing rates. Their respective labor markup (overhead) rates are 173 and 183 percent. Note that these markups do not represent any profit but is a representation of

the actual costs associated in the performance of their business. Additionally, the rates depicted are identical to the originally contract Council authorized at the March 2005 Council meeting.

This work was anticipated in the adopted 2005 Budget and is within the 2005 Sewer Operating Fund allocation of \$100,000.00, Objective No. 19.

RECOMMENDATION

I recommend that Council approve the Consultant Services Contract Amendment No. 1 in the amount of \$26,320.61 with HDR Engineering, Inc. for a revised contract amount not to exceed \$57,868.00.



Deloitte & Touche LLP
First National Tower
1601 Dodge Street, Ste. 3100
Omaha, NE 68102-9706
USA

Tel: +1 402 346 7788
Fax: +1 402 342 1820
www.deloitte.com

INDEPENDENT AUDITORS' REPORT

To the Board of Directors of
HDR Engineering, Inc.

Re: Statement of Direct Labor, Fringe Benefits and General Overhead and Schedule of
Facilities Capital Cost of Money Prepared in Accordance with the Federal Acquisition
Regulations Part 31

We have audited the accompanying Statement of Direct Labor, Fringe Benefits and General Overhead and the Schedule of Facilities Capital Cost of Money of HDR Engineering, Inc. and subsidiaries for the year ended December 27, 2003. This information is the responsibility of HDR Engineering, Inc. and subsidiaries' management. Our responsibility is to express an opinion on the accompanying statement and schedule based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the aforementioned statement and schedule are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the Statement of Direct Labor, Fringe Benefits and General Overhead and Schedule of Facilities Capital Cost of Money. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall statement and schedule presentation. We believe that our audit provides a reasonable basis for our opinion.

The accompanying statement and schedule were prepared on a basis of accounting practices prescribed by Part 31 of the Federal Acquisition Regulations and certain other federal and state regulations as discussed in Note 1 and is not intended to be a presentation in conformity with accounting principles generally accepted in the United States of America.

In our opinion, such statement and schedule present fairly, in all material respects, the Direct Labor, Fringe Benefits and General Overhead Rate and Facilities Capital Cost of Money Rate of HDR Engineering, Inc. and subsidiaries for the year ended December 27, 2003, calculated in accordance with the Federal Acquisition Regulations Part 31 and certain other federal and state regulations as discussed in Note 1.

In accordance with *Government Auditing Standards*, we have also issued our report dated April 16, 2004, on our consideration of HDR Engineering, Inc. and subsidiaries' internal control over financial reporting and our tests of its compliance with laws and regulations. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be read in conjunction with this report in considering the results of our audit.

This report is intended solely for the use and information of HDR Engineering, Inc. and subsidiaries and government agencies or other customers related to contracts employing the cost principles of the Federal Acquisition Regulations and is not intended to be used and should not be used by anyone other than these specified parties.

Deloitte & Touche LLP

April 16, 2004

**INDEPENDENT AUDITORS' REPORT ON COMPLIANCE AND ON INTERNAL CONTROL
OVER FINANCIAL REPORTING BASED UPON THE AUDIT PERFORMED IN
ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS***

To the Board of Directors of
HDR Engineering, Inc.

We have audited the Statement of Direct Labor, Fringe Benefits, and General Overhead and the Schedule of Facilities Capital Cost of Money of HDR Engineering, Inc. and subsidiaries for the year ended December 27, 2003, and have issued our report thereon dated April 16, 2004. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Governmental Auditing Standards*, issued by the Comptroller General of the United States.

Compliance

As part of obtaining reasonable assurance about whether HDR Engineering, Inc. and subsidiaries' aforementioned statement and schedule are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, and contracts, including the provisions of the applicable sections of Part 31 of the Federal Acquisition Regulations, noncompliance with which could have a direct and material effect on the determination of the statement and schedule amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance that are required to be reported under *Government Auditing Standards*.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered HDR Engineering, Inc. and subsidiaries' internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the statement and schedule and not to provide assurance on the internal control over financial reporting.

The management of the Company is responsible for establishing and maintaining internal control over financial reporting. In fulfilling this responsibility, estimates and judgments by management are required to assess the expected benefits and related costs of internal control over financial reporting. The objectives of internal control over financial reporting are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or disposition, and that transactions are executed in accordance with the Federal Acquisition Regulations Part 31. Because of inherent limitations in any internal control structure, errors or irregularities may nevertheless occur and not be detected. Also, projection of any evaluation of the structure to future periods is subject to the risk that procedures may become inadequate because of changes in conditions or that the effectiveness of the design and operation of policies and procedures may deteriorate.

Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control over financial reporting that might be material weaknesses. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements in amounts that would be material in relation to the statement and schedule being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. We noted no matters involving the internal control over financial reporting and its operation that we consider to be material weaknesses.

This report is intended solely for the information and use of HDR Engineering, Inc. and subsidiaries and government agencies or other customers related to contracts employing the cost principles of the Federal Acquisition Regulations and is not intended to be used and should not be used by anyone other than these specified parties.

Deloitte Touche LLP

Omaha, Nebraska
April 16, 2004

HDR ENGINEERING, INC. AND SUBSIDIARIES

STATEMENT OF DIRECT LABOR, FRINGE BENEFITS AND GENERAL OVERHEAD FOR THE YEAR ENDED DECEMBER 27, 2003

	Actual	Unallowable	FAR Reference	Allowable
DIRECT LABOR	\$ 88,006,126	\$ -		\$ 88,006,126
FRINGE BENEFITS:				
Vacation	8,617,060	-		8,617,060
Holiday	4,143,748	-		4,143,748
Sick leave	2,615,580	-		2,615,580
Payroll taxes	11,472,830	-		11,472,830
Group insurance	8,065,311	-		8,065,311
Retirement benefits	8,355,991	(3,469,515)	31.205-6(j)(8)	4,886,476
Total fringe benefits	<u>43,270,520</u>	<u>(3,469,515)</u>		<u>39,801,005</u>
GENERAL OVERHEAD:				
Indirect labor:				
General	35,717,948	(246,419)	31.205-6(p)/ 31.205-35(c)(4)	35,471,529
Marketing	14,649,814	-		14,649,814
Travel and expenses - general	3,140,937	(231,406)	31.203(a)/ 31.205-46	2,909,531
Employees' expenses	4,145,852	(738,650)	31.205-13,14,22,51/ 31.205-46	3,407,202
Supplies	(1,429)	-		(1,429)
Building rental and expenses - net	15,035,409	-		15,035,409
Autos	303,707	(12,771)	31.205-6(m)(2)	290,936
Taxes - general	801,612	-		801,612
Depreciation and amortization	1,479,542	(372,500)	31.201-1	1,107,042
Postage	427,020	-		427,020
Telephone	2,019,152	-		2,019,152
Subscriptions	125,816	-		125,816
Donations	164,027	(164,027)	31.205-8	-
Insurance and self-insurance	3,689,190	469,049	Insurance and self-insurance/ 31.205-19	4,158,239
Bad debts	79,799	(79,799)	31.205-3	-
Office expenses	1,997,433	-		1,997,433
Interest - net	136,366	(136,366)	31.205-20	-
Professional Services	405,869	-		405,869
Printing	(247,478)	-		(247,478)
Temporary help	443,592	-		443,592
Marketing	6,354,146	(1,391,922)	31.205-1(f)(1)/ 31.205-14/31.205-46	4,962,224
Allocated expense	6,253,074	(2,470,306)	Allocated expense	3,782,768
Computer expense	6,624,512	(9,626)	31.205-14/31.205-46 31.205-1(f)(1)/	6,614,886
Administrative costs	3,203,570	(227,357)	31.205-14/31.205-46 31.205-14/31.205-15(a)/	2,976,213
Other - net	417,443	(74,030)	31.205-20/31.205-46	343,413
State income tax expense	103,816	7,681	31.205-41(b)(7)	111,497
Total general overhead	<u>107,470,739</u>	<u>(5,678,449)</u>		<u>101,792,290</u>
Total fringe benefits and general overhead	<u>\$ 150,741,259</u>	<u>\$ (9,147,964)</u>		<u>\$ 141,593,295</u>
Total fringe benefits and general overhead rate	<u>171.29 %</u>			<u>160.89 %</u>

See notes to statement and schedule.

HDR Engineering, Inc.
Breakdown of Overhead Cost per Federal Audit

Direct Labor, Fringe Benefits and General Overhead (Pg 3)	160.89%
Facilities Capital Cost of Money Rate (Pg 5)	0.48417%
Computer Allocation (Pg 8. paragraph m.)	11.37%
Total Calculated Overhead Rate	172.74%



Washington State
Department of Transportation
Douglas B. MacDonald
Secretary of Transportation

Transportation Building
310 Maple Park Avenue S.E.
P.O. Box 47300
Olympia, WA 98504-7300

360-705-7000
TTY: 1-800-833-6368
www.wsdot.wa.gov

May 25, 2005

Mr. Roland L. Gasper
David Evans & Associates, Inc.
2100 SW River Parkway
Portland, OR 97201-8005

Re: David Evans & Associates, Inc. Overhead Schedule
Fiscal Year Ended October 30, 2004

Dear Mr. Gasper:

On May 10, 2005, WSDOT representative, Laura Julius, met with representatives from KPMG LLP for the purpose of reviewing their workpapers documenting their audit of David Evans' FYE October 30, 2004, overhead schedule for compliance with the requirements of the Federal Acquisition Regulations, 48 CFR.

KPMG conducted their work in compliance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States. We reviewed KPMG's workpapers in compliance with the AASHTO Uniform Audit & Accounting Guide for Transportation Consultants, Chapter 10. The information supplied included, but was not limited to, notes to the schedules of the indirect cost rate and facilities capital cost of money factor, a description of the company, basis of accounting and description of David Evans' accounting system, basis of indirect costs, and other state regulatory requirements, in addition to a review of the firm's internal control structure.

Based on our review and incorporating adjustments documented by KPMG, we are issuing this letter of concurrence with establishing David Evans' overhead rate for the year ended October 30, 2004, at 182.87% of direct labor. This rate includes a facilities capital cost of money factor of .51% of direct labor.

Costs billed to actual agreements will still be subject to audit of actual costs.

If you or any representative of David Evans have any questions, please contact me at 360-705-7006.

Sincerely,

Raymond R. Robinson
External Audit Manager

RR:br
Enclosure

cc: Steve McKerney

David Evans & Associates, Inc.
Overhead Schedule
FYE October 30, 2004

Classification	General Ledger	Adj.	Ref.	Audited Costs	%
Direct Labor Base	<u>\$28,661,597</u>			<u>\$28,661,597</u>	
Labor Burden					
Holiday/Vacation/Sick	\$5,596,771			\$5,596,771	19.53%
Termination/Severance	103,363			103,363	0.36%
New Employee Signing Bonus	98,530			98,530	0.34%
Dept. of Labor Compliance	2,494			2,494	0.01%
Group Medical/Life Insurance	5,904,961			5,904,961	20.60%
Workers Comp Insurance	342,690			342,690	1.20%
401K & ESOP Contributions	962,698			962,698	3.36%
Profit Sharing Expenses	2,474,424	(1,263,954)	I	1,210,470	4.22%
Payroll Taxes	4,946,021			4,946,021	17.26%
Union Benefits	699,127			699,127	2.44%
Total Labor Burden	<u>\$21,131,079</u>	<u>(\$1,263,954)</u>		<u>\$19,867,125</u>	<u>69.32%</u>
Overhead Expense					
Indirect Labor	\$14,297,585	(\$515,761)	A	\$13,781,824	48.08%
Public Relations Expense	241,642	(241,642)	A,B,C	0	0.00%
Selling Expense	366,039	(136,206)	B,C,D	229,833	0.80%
Occupancy	6,840,213			6,840,213	23.87%
Communications	1,054,530			1,054,530	3.68%
Supplies	1,848,229			1,848,229	6.45%
Publications & Memberships	304,099	(35,545)	E	268,554	0.94%
Computer & Printer Costs	1,256,894			1,256,894	4.39%
Vehicle Expenses	1,149,592	(94,092)	F	1,055,500	3.68%
General Administrative	807,073	(175,556)	B,C,D	631,517	2.20%
Training Expenses	728,189			728,189	2.54%
Employee Recruiting/Retention	843,335	(490,700)	B,C	352,635	1.23%
Professional Services	1,616,104	(36,230)	G, N	1,579,874	5.51%
Business Insurance	1,217,791	(29,872)	H	1,187,919	4.14%
Taxes, Licenses, & Fees	500,608			500,608	1.75%
Depreciation & Amortization	1,347,505			1,347,505	4.70%
Bad Debt Expenses	91,783	(91,783)	G	0	0.00%
Contributions	306,465	(306,465)	E	0	0.00%
Miscellaneous Expenses	165			165	0.00%

David Evans & Associates, Inc.
Overhead Schedule
FYE October 30, 2004

Classification	General Ledger	Adj.	Ref.	Audited Costs	%
Interest Expense	218,627	(218,627)	J	0	0.00%
Finance Charges	1,152	(1,152)	J	0	0.00%
Gain on Sale of Fixed Assets	(307,918)			(307,918)	-1.07%
Rental Income - External	(124,438)			(124,438)	-0.43%
Miscellaneous Income Other	(405,794)	348,034	K	(57,760)	-0.20%
Income Taxes	552,982	(326,022)	L	226,960	0.79%
Capital Cost of Money	146,174			146,174	0.51%
Total Overhead Expenses	<u>\$34,898,626</u>	<u>(\$2,351,619)</u>		<u>\$32,547,007</u>	<u>113.56%</u>
Total Burden and Overhead	<u>\$56,029,705</u>	<u>(\$3,615,573)</u>		<u>\$52,414,132</u>	<u>182.87%</u>
Overhead Rate	195.49%			<u><u>182.87%</u></u>	

KPMG Adjustments

- A Advertising costs unallowable per 48 CFR 31.205-1.
- B Entertainment costs unallowable per 48 CFR 31.205-13 and 48 CFR 31.205-14.
- C Alcoholic beverages unallowable per 48 CFR 31.205-51.
- D Excess travel costs over limits in federal travel regulations unallowable per 48 CFR 31.205-46(a)(2)(i).
- E Contributions unallowable per 48 CFR 31.205-8.
- F Personal use of company vehicles unallowable per 48 CFR 31.205-6(m)(2).
- G Bad debts collections services unallowable per 48 CFR 31.205-3.
- H Key person life insurance unallowable per 48 CFR 31.205-19(a)(2)(vi).
- I Bonus paid not in accordance with set plan unallowable per 48 CFR 31.205-6.
- J Interest costs and other finance charges unallowable per 48 CFR 31.205-20.
- K Credits allowable per 48 CFR 31.201-5.
- M Federal income taxes unallowable per 48 CFR 31.205-41.

WSDOT Adjustments

- N Excess federal tax return preparation fees unallowable per 48 CFR 31.205-41(b)(1), 48 CFR 31.201-6(d), and WSDOT Overhead Policy.

**AMENDMENT TO CONSULTANT SERVICES CONTRACT
BETWEEN THE CITY OF GIG HARBOR AND
HDR ENGINEERING, INC.**

THIS AMENDMENT is made to the AGREEMENT, dated March 28, 2005, by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and HDR Engineering, Inc., a Washington corporation organized under the laws of the State of Washington, located and doing business at 626 Columbia Street NW, Suite 2-A, Olympia, Washington 98507, whose mailing address is PO Box 976, Olympia, Washington 98507 (hereinafter the "Consultant").

RECITALS

WHEREAS, the City is presently engaged in the update of the Wastewater Comprehensive Plan and desires that the Consultant perform services necessary to provide the following consultation services.

WHEREAS, the Consultant agreed to perform the services, and the parties executed an Agreement on March 28, 2005 (hereinafter the "Agreement"); and

WHEREAS, the existing Agreement requires the parties to execute an amendment to the Agreement in order to modify the scope of work to be performed by the Consultant, or to exceed the amount of compensation paid by the City;

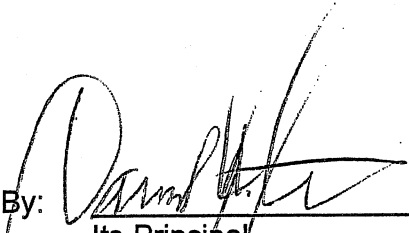
NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed by and between the parties in this Amendment as follows:

Section 1. Amendment to Scope of Work. Section I of the Agreement is amended to require the Consultant to perform all work described in **Exhibit A – Scope of Services**, attached to this Amendment, which Exhibit is incorporated herein as if fully set forth.

Section 2. Amendment to Compensation. Section II(A) of the Agreement is amended to require the City to pay compensation to the Consultant for the work described in **Exhibit A** to the Amendment in the amount of: Twenty-six Thousand Three Hundred Twenty dollars and Sixty-one cents (\$26,320.61). This Amendment shall not modify any other of the remaining terms and conditions in Section II, which shall be in effect and fully enforceable.

Section 3. Effectiveness of all Remaining Terms of Agreement. All of the remaining terms and conditions of the Agreement between the parties shall be in effect and be fully enforceable by the parties. The Agreement shall be incorporated herein as if fully set forth, and become a part of the documents constituting the contract between the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on this _____ day of _____, 2005.

By: 
Its Principal

THE CITY OF GIG HARBOR

By: _____
Mayor

Notices to be sent to:

CONSULTANT
HDR Engineering, Inc.
Attn: David Skinner, P.E.
PO Box 976
Olympia, Washington 98507
(360) 352-5090

Stephen Misiurak, P.E.
City Engineer
City of Gig Harbor
3510 Grandview Street
Gig Harbor, Washington 98335
(253) 851-6170

APPROVED AS TO FORM:

City Attorney

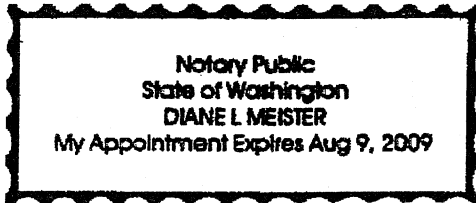
ATTEST:

City Clerk

STATE OF WASHINGTON)
COUNTY OF King) ss.

I certify that I know or have satisfactory evidence that David A Peters is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the Asst. Dist. Manager of HDR Inc., to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: Sept 19, 2005



Diane L Meister
Diane L Meister

(print or type name)

NOTARY PUBLIC in and for the
State of Washington, residing at:

Auburn, WA

My Commission expires: 08/09/2009

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that Gretchen A. Wilbert is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the Mayor of Gig Harbor to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

(print or type name)
NOTARY PUBLIC in and for the
State of Washington, residing at:

My Commission expires: _____



AMENDMENT NO. 1

EXHIBIT A SCOPE OF SERVICES

**Wastewater Comprehensive Plan Update
Phase 1 — Population Projections
Task 2.3 – Buildable Lands Analysis**

Prepared by:

HDR Engineering, Inc.
626 Columbia St NW, Suite 2A
Olympia, Washington 98501

September 2005

**AMENDMENT NO. 1
SCOPE OF SERVICES**

Wastewater Comprehensive Plan Update

**Phase I – Population Projections
Task 2.3 – Buildable Lands Analysis**

I. INTRODUCTION

The City of Gig Harbor has retained HDR to prepare an updated 20-year forecast of population growth related to wastewater collection and treatment. This information will be used as an input to the City's planned update of the 2002 Wastewater Comprehensive Plan. While the primary purpose is to support an update of the Wastewater Comprehensive Plan, the City also recognizes there is value in using the updated forecast in planning for other utility services and transportation needs. Therefore, HDR will explore opportunities to develop the forecast in a format that serves the City's other utility and transportation planning needs.

The original scope of services for this project envisioned the potential for expanding the City's Buildable Lands Analysis (BLA) from city limits to the UGA. Task 2.3 was set up to carry out the BLA if requested by the City, but did not include a detailed scope or budget. In the original scope of services, Task 2.2 "Scoping Effort to Extend Buildable Lands Analysis to UGA" was to determine the benefits to the City of a more detailed basis for assessing growth trends within UGA outside City limits comparable to similar information already available within City limits. Task 2.2 consisted of a scoping effort only, to assess the need for this activity, determine what data is available to support this task, determine the estimated fee for performing the work, and develop an appropriate methodology. Based on the results of Task 2.2, which was completed in August 2005, the City confirmed its desire for HDR to extend the Buildable Lands Analysis to the UGA Boundary. This scope of services describes the work plan to complete the Buildable Lands Analysis under Task 2.3.

II. DETAILED SCOPE OF SERVICES

The work will be accomplished as an additional task of the existing Phase 1 - Population Projections scope of services. Work on subsequent phases may be authorized by supplement to this AGREEMENT, after negotiation of scope and budget. Work is expected to be completed in December 2005.

A. Phase 1 – Population Projections

Task 1. Project Management/CONSULTANT Coordination

1.1 Project Reporting/Project Management

Purpose: Administer the project and coordinate with the CITY to facilitate efficient progress and timely completion. Estimate assumes project duration of four months.

Approach:

- Prepare and submit a brief monthly status report outlining the work completed during that month, project status, and an outline of issues to be resolved.
- Attend up to 1 monthly meeting with the CITY to discuss project related technical issues. Prepare meeting notes for the monthly meeting documenting status, schedule, and invoicing.

Task 2. Data Assembly and Review

Task 2 has been divided into three subtasks as described below.

2.1 Gather and Review Available Data

This task was completed under the original scope of work

2.2 Scoping Effort for Extending Buildable Lands Forecast to UGA Outside City Limits

This task was completed under the original scope of work

2.3 Buildable Lands Analysis to UGA

Purpose: Prepare a more detailed basis for assessing growth trends within UGA outside City limits, comparable to similar information already available within City limits.

Approach:

1. Integrate Existing Buildable Lands Inventory (BLI):
 - a. Obtain the existing BLI from the City for the area within the city limits of Gig Harbor.
 - b. Incorporate data into GIS system developed for population forecast allocation model
 - c. Review data and identify applied assumptions and criteria.
 - d. Extract data from GIS system into Excel. Data represented as acres by Population SubArea (PSA), BLI category (e.g. vacant), and Zoning.
 - e. Perform QA/QC for consistency with City's previous results.
2. Develop BLI for Gig Harbor UGA Outside of City Limits:
 - a. Develop assumptions and criteria to apply to tax parcel data for area outside of city limits. Use as a base assumptions and criteria applied to within city limits BLI. Develop adjustments to City's assumptions and criteria for specific circumstances occurring outside of city limits.
 - b. Apply assumptions and criteria to tax parcel data for area outside of city limits.
 - c. Extract data from GIS system into Excel. Data represented as acres by PSA, BLI category (e.g. vacant), and Zoning.
 - d. Review extracted data paying particular attention to the distribution of land between zoning categories in the outside UGA area. Compare to neighboring PSA areas within city limits.
 - e. Communicate with City planning staff to identify changes in the acres assigned to each zoning category.
 - f. Finalize inventory
3. Develop Buildable Lands Analysis (BLA) for Entire UGA
 - a. Develop analysis worksheets (by PSA and Zoning Category)
 - b. Incorporate data from BLI for entire UGA. This includes regenerated data from existing BLI within city limits and expanded BLI outside of city limits.
 - c. Develop assumptions to distinguish current (existing) versus future conditions.
 - d. Identify Required Subtractions (by PSA)
 - i. Future Capital Facilities (Communication with City)
 - ii. Roads (assumption)
 - iii. Wetlands, bluffs, tidelands, and ravine sidewalls (GIS estimation)
 - iv. Non-residential use in residential zones (Communication with City)
 - e. Develop and incorporate assumptions with City staff regarding land unavailable for development. Identify percentages by select time periods out to full buildout.
 - f. Estimate housing unit capacity by applying assumptions regarding density per acre. This step also includes identifying and subtracting out displaced households
 - g. Estimate employment capacity by applying assumptions regarding employees per net acre.

- h. Estimate residential population. Requires communication with City staff to identify appropriate per capita household criteria by zoning category.
 - i. Perform QA/QC for consistency with City's previous results.
 - j. Prepare technical memorandum.
4. Communicate and Meet with City planning staff. This component involves two meetings and several phone calls with City planning staff.

Assumptions;

Data requested will be readily available in the time frame established for this project.

City Input:

Provide data requested in a timely fashion. Assist in developing assumptions that will be used in the analysis. Based on local knowledge, provide direction to resolve differences that may exist among various data sources. Identify key limitations on growth and development that affect certain zones within the City and UGA. Meet with HDR staff as indicated. Review deliverable and provide feedback to support overall project objectives.

Deliverable:

- Technical memorandum that describes methodology, assumptions and results including summary tables and exhibits
- GIS data set of buildable lands inventory
- Excel based model utilized for BLA

Task 3. Prepare Population Forecast

This task will be completed as described in the original scope of work.

III. EXTRA WORK

All work not described under Section II above, will be considered Extra Work. The following tasks are possible Extra Work items, which may be performed under a supplement to this Agreement:

1. Development of Wastewater Comprehensive Plan Update

Client: City of Gig Harbor
 Project Name: Wastewater Comprehensive Plan Update
 Phase Name: Phase 1: Population Projections
 Task 2.3 - Buildable Lands Analysis

Prepared by: J. Lemieux
 T. Hume
 Date: 9/2/2005
 Checked by: A. Graham
 Date: 9/2/2005

WORK CODE	Task/Subtask	TOTALS HOURS/DOLLARS	Senior PM \$49.50	Senior Engineer \$40.63	Senior Planner \$49.06	Project Planner \$28.66	CADD/GIS \$37.75	Word Processor \$23.90	Project Controller \$26.75
PHASE 1 - POPULATION PROJECTIONS									
Task 1 - Project Management/CONSULTANT Coordination									
1.1	Project Reporting/Project Management <i>For Project Management through December 31, 2005</i>	16 \$539.04		8 \$325.04					8 \$214.00
Task 2 - Data Assembly and Review									
2.1	Gather and Review Available Data <i>Task completed under original scope of work</i>								
2.2	Scoping Effort to Extend Buildable Lands Forecast to UGA <i>Task completed under original scope of work</i>								
2.3	Buildable Lands Forecast to UGA	236 \$7,913.74	2 \$99.00	8 \$325.04	40 \$1,962.40	140 \$4,012.40	30 \$1,132.50	16 \$382.40	
Task 3 - Prepare Population Forecast									
	Prepare Population Forecast <i>Task to be completed under original scope of work</i>								
TOTALS		252 \$8,452.78	2 \$99.00	16 \$650.08	40 \$1,962.40	140 \$4,012.40	30 \$1,132.50	16 \$382.40	8 \$214.00

OUTSIDE REIMBURSABLES		SUBCONSULTANTS	
Per Diem		1)	
Lodging		2)	
Mileage/pers. Vehicle (\$0.38/mile)	\$300.00	3)	
Travel		4)	
Meals		5)	
Supplies		6)	
Reproduction	\$100.00	7)	
Telephone	\$50.00	8)	
Postage/Delivery	\$50.00	9)	
Other		10)	
Markup for Reimb. =		Markup =	
Total = \$500.00		Total =	

Direct Salary	\$8,452.78
Overhead @ 172.74%	\$14,601.33
Subtotal	\$23,054.11
Fee @ 12.00 %	\$2,766.49
Outside Reimbursables	\$500.00
Subconsultants	
TOTAL =	\$26,320.61



626 Columbia Street NW, Suite 2-A Olympia, WA 98501
P.O. Box 976 ■ Olympia, WA 98507
tel 360.352.5090 ■ fax 360.357.6573

Memo

To: Steve Misiurak, City of Gig Harbor
From: Tim Hume, HDR
cc: Dave Skinner, HDR
Date: September 6, 2005
Subject: **Amendment No. 1**
Wastewater Comprehensive Plan Update
Phase 1 - Population Projections
Task 2.3 – Buildable Lands Analysis
HDR Project No. 24001

Attached is HDR's scope of services and fee for the Buildable Lands Analysis, based on your request and the results of our meeting at the City on August 23. The work will be accomplished as an additional task and fee related to the existing Phase 1 - Population Projections contract. Please send the City's contract amendment document for HDR's signature.

Following is the documentation you requested regarding justification for the Buildable Lands Analysis.

Justification for Buildable Lands Analysis

Two sources of demographic forecasts were reviewed for use in the population forecast allocation model: (1) PSRC demographic data by Transportation Analysis Zone (TAZ) and (2) extension of current Buildable Lands Analysis (BLA) to entire UGA (current BLA is only within the city limits).

A review of the PSRC data was performed by allocating PSRC demographic data by TAZ to the City's UGA. Results of this analysis showed that population estimates diverged from the accepted Pierce County forecasts by 15 percent in 2000 and 26 percent in 2020. In addition, a comparison of the physical boundaries of the UGA and TAZs shows that the majority of land area for the nine TAZs lies disproportionately outside of the UGA; with only one TAZ completely within the UGA and four TAZs with less than 20 percent of their area within the UGA. To ensure consistency with Pierce County and internal Gig Harbor sources would require numerous adjustments and assumptions to properly allocate TAZ demographics. This method would be highly imprecise and would not be easily updatable by City staff for future planning projects.

The second source evaluated is to extend the existing BLA from within the city limits to incorporate all UGA lands. The methodology for extending the BLA is described in Technical Memorandum for Task 2.2. The extension of the BLA provides several appealing characteristics:

- Method will be similar to those developed, approved, and applied by the City in its current within city limits BLA.
- Results will be more consistent with the existing BLA forecasts by the City than the PSRC TAZ analysis.

- Extending the BLA provide a value-added work product that is more easily updateable than the PSRC TAZ analysis. The extended BLA will allow the city to update results as the city annexes and zones lands, changes land use designations, and/or obtains updated tax parcel information.
- The extended BLA incorporates zoning and land use designations directly in the analysis, while the PSRC TAZ analysis incorporates some of this information indirectly through developed assumptions.
- The extended BLA is likely to generate a more reliable forecast. Performing adjustments to distribution of the TAZs would likely be less precise than performing the extended Buildable Lands Analysis due to the quantity and type of assumptions that will be required for the PSRC TAZ analysis.

It is estimated that performing BLA will have a higher upfront cost as compared to the PSRC demographic data, however in the long-run the BLA will provide improved accuracy, consistency, and reliability; greater ease and flexibility to update; and probably lower costs to update. Based on these benefits the extended BLA is the recommended option.

Fee

The fee for Task 2.3 is \$26,320.61, compared with the estimated fee presented in our July 18, 2005 "Technical Memorandum on Extending Buildable Lands Analysis Outside City Limits (Task 2.2)" of \$22,000. The fee difference accounts for:

- Incorporating the City's existing BLA data within city limits into the GIS system developed for population forecast allocation model and extracting data from GIS system into Excel. These tasks were not included in the tech memo fee estimate.
- Project management activities correlating to the contract extension from July 31 to December 31, 2005.



ADMINISTRATION

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: DAVID RODENBACH, FINANCE DIRECTOR
DATE: OCTOBER 24, 2005
SUBJECT: FIRST READING - 2005 PROPERTY TAX LEVY ORDINANCE

INTRODUCTION

This is the first reading of an ordinance setting the 2005 property tax levy for collection in 2006.

POLICY CONSIDERATIONS

The 2006 preliminary budget plans a total levy for collection in 2006 in the amount of \$1,447,247. This consists of a \$14,003 property tax increase over the current levy, \$30,482 resulting from new construction and a \$2,432 levy for refunds. This is a total increase of \$46,917 over the current levy.

The total excess levy which will be used to pay the debt service on the Eddon Boat bond is \$258,000. This calculates to a preliminary rate of \$0.2233 per thousand dollars of assessed valuation.

FINANCIAL

Property taxes are approximately 5% of the proposed 2005 General Fund revenue budget and 77% of the proposed 2006 Street Fund operating budget.

Total assessed valuation for the city increased 15% from 2004 to \$1,165,100,070. Total assessed valuation for the excess levy is \$1,155,483,745.

RECOMMENDATION

I recommend adoption of this ordinance after a second reading.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF GIG HARBOR,
WASHINGTON, LEVYING THE GENERAL PROPERTY
TAXES IN THE AMOUNT OF \$1,447,247 AND EXCESS
PROPERTY TAXES IN THE AMOUNT OF \$258,000 FOR
THE CITY OF GIG HARBOR FOR THE FISCAL YEAR
BEGINNING JANUARY 1, 2006.**

WHEREAS, the City Council of the City of Gig Harbor attests that the City population is 6,765; and

WHEREAS, the City Council of the City of Gig Harbor have properly given notice of the public hearing held October 24, 2005 to consider the City's General Fund revenue sources for the 2006 calendar year, pursuant to RCW 84.55.120; and

WHEREAS, the City Council of the City of Gig Harbor held a meeting on October 24, 2005 and considered its budget for the 2006 calendar year; and

WHEREAS, the City Council of the City of Gig Harbor after a public hearing held on October 24, 2005, and after duly considering all relevant evidence and testimony presented, determined that the City of Gig Harbor requires a regular levy in the amount of one million four hundred forty seven thousand two hundred forty seven dollars and no cents (\$1,447,247.00), which includes an increase in property tax revenue from the previous year, and amounts resulting from the addition of new construction and improvements to property and any increase in the value of state-assessed property, and the amounts authorized by law as a result of any annexations that have occurred and refunds made, in order to discharge the expected expenses and obligations of the city and in its best interest; and

WHEREAS, the City Council of the City of Gig Harbor determined that the City of Gig Harbor requires an excess levy in the amount of two hundred fifty eight thousand dollars and no cents (\$258,000.00) in order to provide debt service for the 2005 Unlimited Tax General Obligation Bond.

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington ORDAINS as follows:

Section 1. An increase in the regular property tax levy is hereby authorized for the 2005 levy in the amount of fourteen thousand three dollars and no cents (\$14,003.00) which is a percentage increase of 1% from the previous year.

Section 2. The Property tax excess levies required to raise estimated revenues for the City of Gig Harbor for the ensuing year commencing January 1, 2006, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$1,155,483,745. Taxes levied upon this value shall be:

Approximately \$0.2233 per \$1,000 assessed valuation, producing an estimated amount of two hundred fifty eight thousand dollars and no cents (\$258,000.00) for 2005 Unlimited Tax General Obligation Bond debt service.

Section 3. This ordinance shall be published in the official newspaper of the city, and shall take effect and be in full force five (5) days after the date of its publication.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 14th day of November, 2005.

Gretchen A. Wilbert, Mayor

ATTEST/AUTHENTICATED:

By: _____
Molly Towslee, City Clerk

APPROVED AS TO FORM:

By: _____
Carol A. Morris, City Attorney

Filed with City Clerk: 10/19/05
Passed by the City Council:
Date published:
Date effective:



COMMUNITY DEVELOPMENT DEPARTMENT

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: JOHN P. VODOPICH, AICP
COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: PROPOSED ANNEXATION - McCORMICK RIDGE LLC (ANX 04-04)
DATE: OCTOBER 24, 2005

INFORMATION/BACKGROUND

The City has received a complete Notice of Intention to Commence Annexation Proceedings from the McCormick Ridge LLC for a proposal to annex approximately thirty-eight (38) acres of property located west of Canterwood Boulevard adjacent to the existing City limits and within the City's Urban Growth Area (UGA).

Property owners of more than the required ten percent (10%) of the acreage for which annexation is sought signed this request. The pre-annexation zoning for the area is Single-Family Residential (R-1) to the north and Medium-Density Residential (R-2) to the south.

Pursuant to the process for annexations by code cities in Pierce County, a copy of the proposed legal description was sent to the Clerk of the Boundary Review Board for review and comment. Pierce County has approved the legal description and map as presented.

Additionally, this request was distributed to the City Administrator, Chief of Police, Director of Operations, City Engineer, Building Official/Fire Marshal, Planning Manager, Finance Director, and Pierce County Fire District #5 for review and comment.

The Council is required to meet with the initiating parties to determine the following:

1. Whether the City Council will accept, reject, or geographically modify the proposed annexation;
2. Whether the City Council will require the simultaneous adoption of the zoning for the proposed area in substantial compliance with the proposed Comprehensive Plan as adopted by City of Gig Harbor Ordinance No. 981; and
3. Whether the City Council will require the assumption of all or any portion of indebtedness by the area to be annexed.

Notice of this meeting was sent to property owners of record within the area proposed for annexation as well as those within three hundred feet (300') on October 7, 2005.

If accepted, the process will then move forward with the circulation of a formal petition for annexation. The petition must be signed by either the owners of a majority of the acreage and a majority of the registered voters residing in the area considered for annexation; or by property owners of sixty percent (60%) of the assessed value of the area proposed for annexation.

POLICY CONSIDERATIONS

The City of Gig Harbor Building Official/Fire Marshal reviewed the proposal and noted that the annexation will bring additional land under our review for future building permitting. This has the potential to increase the workload for plan reviews, permitting and inspections. Fire flow in the area is unknown at this point. Additional fire hydrants and main improvements will likely be required as part of development of the properties. Given these comments, the Building Official/Fire Marshal has no objection to this annexation.

The Director of Operations noted that the property is located within the Washington Water Company service area and that City sanitary sewer is available in the Canterwood Boulevard right-of-way.

The Planning Manager has noted that pursuant to GHMC 18.08.090, the annexation proponent will be required to submit a wetland analysis report with the annexation petition.

The City of Gig Harbor Finance Director noted that there would be no significant financial impacts from this proposed annexation.

The Boundary Review Board is guided by RCW 36.93.180 in making decisions on proposed annexations and is directed to attempt to achieve stated objectives. These objectives, listed below, are worthy of consideration by the Council in determining the appropriateness of this annexation. Staff has evaluated the proposal in light of these criteria and has provided comments following each of the criteria.

RCW 36.93.180

Objectives of boundary review board.

The decisions of the boundary review board shall attempt to achieve the following objectives:

- (1) Preservation of natural neighborhoods and communities;

Comment: The proposed annexation area consists of undeveloped, vacant land; the Somerset residential subdivision, and the McCormick Ridge Condominium project.

- (2) Use of physical boundaries, including but not limited to bodies of water, highways, and land contours;

Comment: The proposed annexation area is bounded to the south by the existing City limits, Canterwood Boulevard to the east and Highway 16 to the west.

- (3) Creation and preservation of logical service areas;

Comment: The proposed annexation would not alter any service area boundaries.

- (4) Prevention of abnormally irregular boundaries;

Comment: The proposed annexation would not create an abnormally irregular boundary.

- (5) Discouragement of multiple incorporations of small cities and encouragement of incorporation of cities in excess of ten thousand population in heavily populated urban areas;

Comment: Not applicable with regards to this proposed annexation.

- (6) Dissolution of inactive special purpose districts;

Comment: The proposed annexation would not dissolve an inactive special purpose districts

- (7) Adjustment of impractical boundaries;

Comment: Not applicable with regards to this proposed annexation, the area proposed for annexation is entirely within the City's Urban Growth Boundary.

- (8) Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character; and

Comment: The proposed annexation is of an unincorporated area with lot sizes ranging from 0.28 to 6.07 acres in size. The area consists of both residentially developed land and vacant land and is within the City's Urban Growth Boundary which is planned for urban levels of development.

- (9) Protection of agricultural and rural lands which are designated for long-term productive agricultural and resource use by a comprehensive plan adopted by the county legislative authority.

Comment: The proposed annexation does not involve designated agricultural or rural lands.

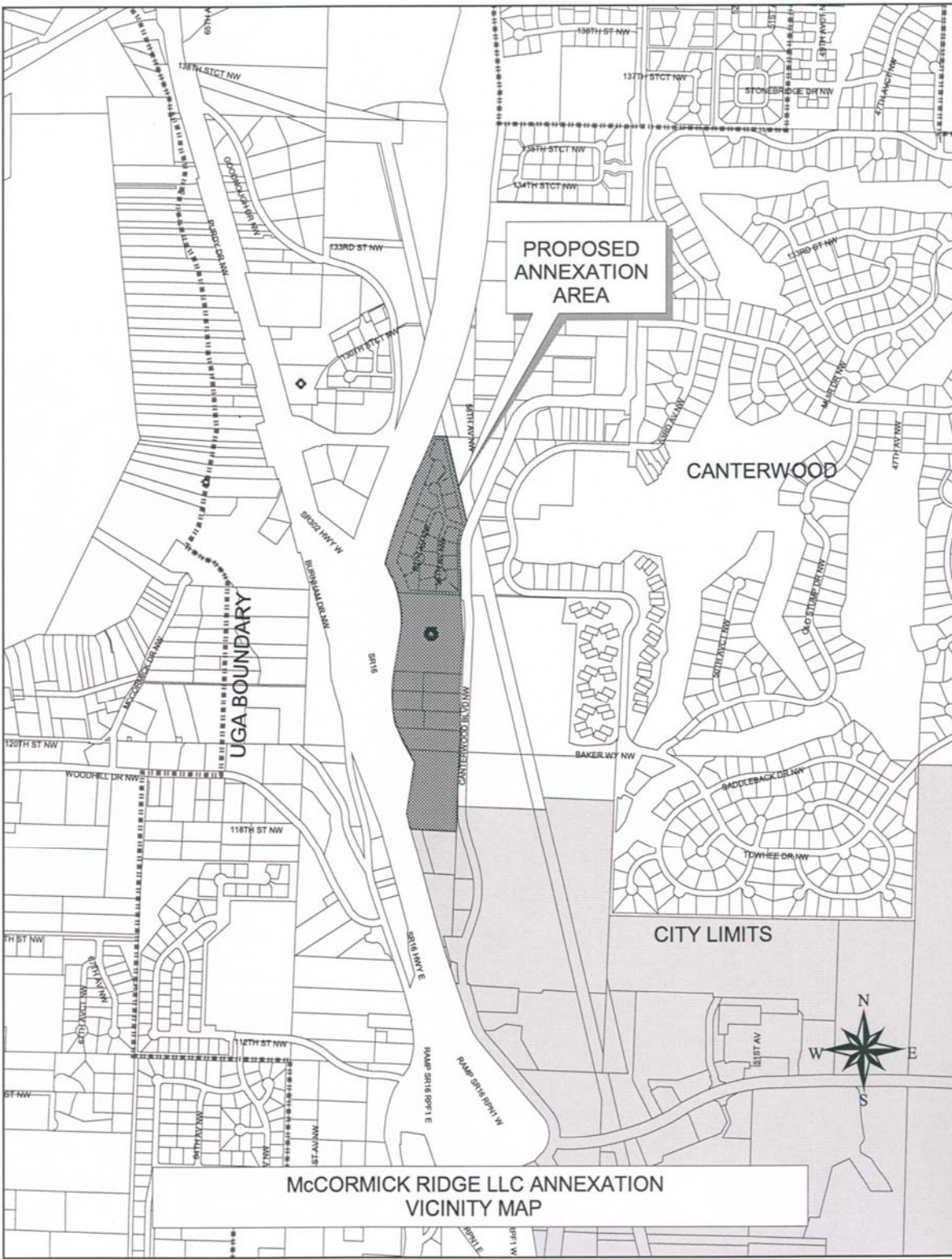
FISCAL CONSIDERATIONS

The Finance Director has noted that financial impacts from this proposed annexation would not be significant to the City.

RECOMMENDATION

I recommend that the Council accept the notice of intent to commence annexation and further authorize the circulation of a petition to annex the subject property to the following conditions:

1. The City shall require that the property owner(s) assume all of the existing indebtedness of the area being annexed;
2. The City will require the simultaneous adoption of Single-Family Residential (R-1) and Medium-Density Residential (R-2) zoning for the proposed annexation area in substantial compliance with the Comprehensive Plan as adopted by City of Gig Harbor Ordinance No. 981; and
3. A wetland analysis report must be submitted together with the annexation petition pursuant to Gig Harbor Municipal Code Section 18.08.090.



PROPOSED
ANNEXATION
AREA

CANTERWOOD

CITY LIMITS

MCCORMICK RIDGE LLC ANNEXATION
VICINITY MAP

**NOTICE OF INTENTION TO COMMENCE ANNEXATION
PROCEEDINGS**

The Honorable Mayor and City Council
City of Gig Harbor
3510 Grandview Street
Gig Harbor WA, 98335

Dear Mayor and City Council:

The undersigned, who are the owners of not less than ten percent (10%) of the acreage for which annexation is sought, hereby advise the City Council of the City of Gig Harbor that it is the desire of the undersigned owners of the following area to commence annexation proceedings:

The property herein referred to is legally described on Exhibit "A" attached hereto and is geographically depicted on a Pierce County Assessor's parcel map on Exhibit "B" further attached hereto.

It is requested that the City Council of the City of Gig Harbor set a date, not later than sixty (60) days after the filing of this request, for a meeting with the undersigned to determine:

1. Whether the City Council will accept, reject, or geographically modify the proposed annexation;
2. Whether the City Council will require the simultaneous adoption of the zoning for the proposed area in substantial compliance with the proposed Comprehensive Plan as adopted by City of Gig Harbor Ordinance No. 686; and
3. Whether the City Council will require the assumption of all or any portion of indebtedness by the area to be annexed.

This page is one of a group of pages containing identical text material and is intended by the signers of the Notice of Intention of Commence Annexation Proceedings to be presented and considered as one Notice of Intention of Commence Annexation Proceedings and may be filed with other pages containing additional signatures which cumulatively may be considered as a single Notice of Intention of Commence Annexation Proceedings.

Exhibit A

McCORMICK RIDGE LLC

ANNEXATION LEGAL

(ANX 04-04)

That portion of the Southeast quarter and the Northeast quarter of Section 25, Township 22 North, Range 01 East of the Willamette Meridian, in Pierce County, Washington.

Beginning at the Northeast corner of the Northwest quarter of the Southeast quarter of Section 25, Township 22 North, Range 1 East of the Willamette Meridian, also said point being on the Westerly right of way line of Canterwood Boulevard N.W.; Thence South along the East line of said Northwest quarter of the Southeast to the Southwest corner of Lot 1, Pierce County Large Lot Subdivision #2970, and the **True Point of Beginning**;

Thence continuing South along the East line of said Northwest quarter of the Southeast quarter to the Southeast corner of the North half of the Northwest quarter of the Southeast quarter;

Thence West to the Easterly right of way line of S.R. #16;

Thence Northwesterly along last said Easterly right of way line to the North line of the Northwest quarter of the Southeast quarter;

Thence continuing Northwesterly along last said Easterly right of way to the Southwest corner of the Short Plat recorded under A.F.N. 79-214, records of Pierce County, Washington;

Thence continuing Northwesterly along said Easterly right of way to the Northwest corner of said Short Plat, also being the Southwest corner of the Short Plat recorded under A.F.N. 79-351, records of Pierce County, Washington;

Thence continuing Northwesterly along said Easterly right of way to the Northwest corner of last said Short Plat, also being the Southwest corner of the Condominium Plat of McCormick Ridge, a condominium recorded under A.F.N. 200309085001, records of Pierce County, Washington;

Thence continuing Northwesterly along said Easterly right of way to the Northwest corner of last said condominium, also being the Southwest corner of the Plat of Springhill Estates recorded under A.F.N. 9210010443, records of Pierce County, Washington;

Thence continuing Northwesterly and Northeasterly along said Easterly right of way to the Northwest corner of said Plat of Springhill Estates and the North line of the Northeast quarter of said Section 25;

Thence East along said North line of the Plat of Springhill Estates to the Northeast corner of said Plat, also being on the Westerly right of way line of the Tacoma-Lake Cushman Transmission Line Right of Way;

Thence Southeasterly along said Westerly right of way to the Westerly right of way line of Canterwood Boulevard N.W.;

Thence Southeasterly along a line projected and perpendicular to the West line of Canterwood Boulevard N.W. to intersect the East line of said right of way;

Thence Southerly along said Easterly right-of-way line to the South line of Lot 1, Pierce County Large Lot Subdivision #2970 and the boundary of City of Gig Harbor as established by Ordinance 746, dated January 27, 1997;

Thence Westerly along said City boundary to the **True Point of Beginning**.

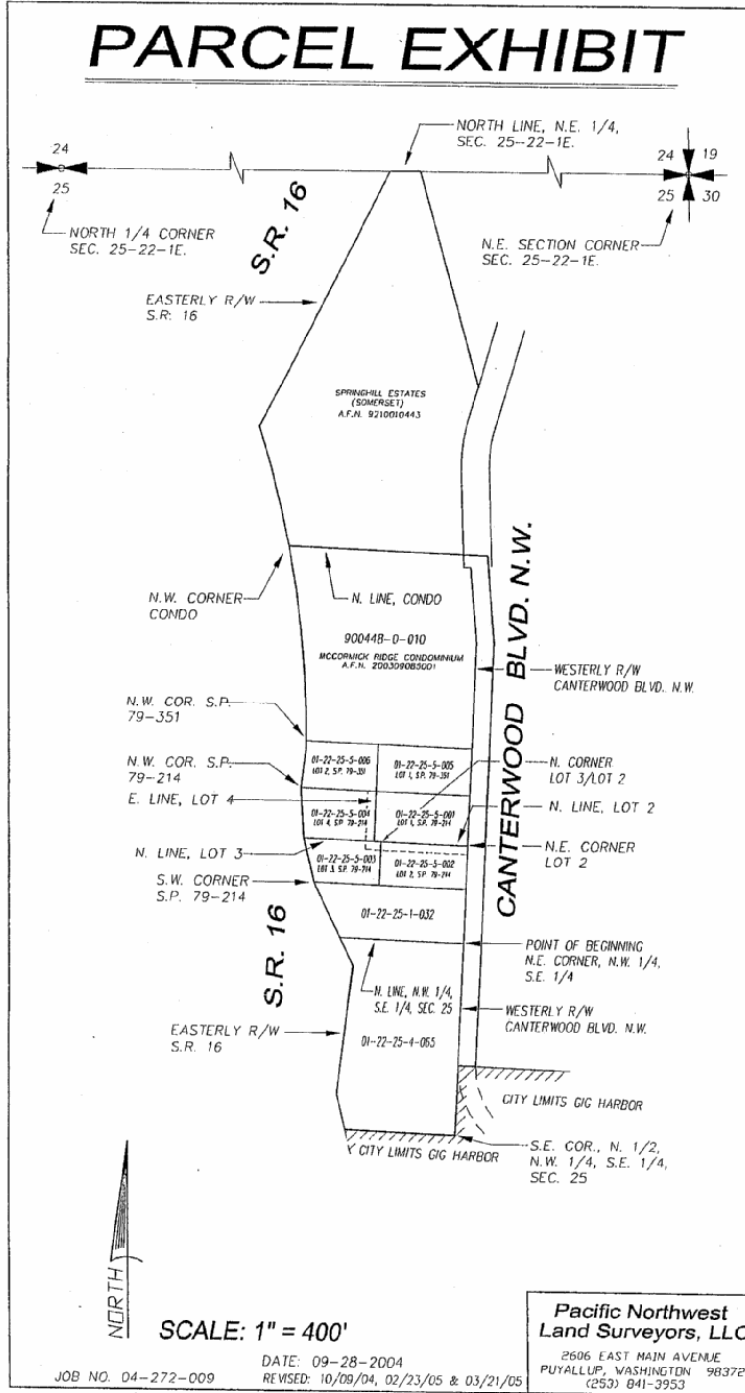
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9/28/04 dds/jjn revised 11/9/04 jjn/dds revised 02/23/05 jjn/dds revised 03/21/05 jjn/dds revised 04/07/05

*Acceptable to
BLS 7/11/05*

Exhibit B

McCORMICK RIDGE LLC Annexation Map ANX 04-04



*Acceptable to BLS
 Revised 9/10*



COMMUNITY DEVELOPMENT DEPARTMENT

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: JOHN P. VODOPICH, AICP
COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: UTILITY EXTENSION, CAPACITY AGREEMENT - CANTERWOOD
BUSINESS PARK
DATE: OCTOBER 24, 2005

INFORMATION/BACKGROUND

The Canterwood Development Company has requested ten (10) ERU's of sewer service for the Canterwood Division Eleven Phase 2 Business Park located at the intersection of Canterwood Boulevard and Baker Way. The property is located within the City's Urban Growth Boundary.

POLICY CONSIDERATIONS

Canterwood is connected to the City sewer system through the Canterwood STEP system, which has been addressed in a prior agreement. The area encompassed by this request is within the Canterwood benefit area in ULID #3.

The pre-annexation zoning designation for this area is Single-Family Residential (R-1). The Pierce County designation for the entire Canterwood Development is Master Planned Community (MPC) which allows for a variety of uses including professional offices.

The applicant has requested that the Pierce County Master Planned Community (MPC) designation continue to be utilized as this property develops. The Gig Harbor Municipal Code does provide for an exception to conformance with the City zoning requirements for applications for sewer service outside of the City limits (GHMC Section 13.34.060 J.). The applicant has addressed the criteria allowing for an exception to the zoning requirements in the letter requesting sewer service (attached).

FISCAL CONSIDERATIONS

The current connection fee for ten (10) sewer connections for this area is \$30,500.00. The capacity commitment payment for a three-year commitment period is \$4,575.00 which must be paid within forty-five (45) days of Council approval of the agreement. If the sewer connection fees are not paid in full prior to the termination of the contract, the capacity commitment payment is then forfeited.

The \$100.00 Utility Extension, Capacity Agreement Fee has been paid in full.

RECOMMENDATION

I recommend approval of the Utility Extension, Capacity Agreement with the Canterwood Development Company as proposed.

August 10, 2005

City of Gig Harbor
John Vodopich, Community Development Director
Mark Hoppen, City Administrator
3510 Grandview St.
Gig Harbor, WA 98335

RECEIVED
CITY OF GIG HARBOR
AUG 15 2005
COMMUNITY
DEVELOPMENT

Subject: Sewer Capacity Agreement to serve Canterwood Business Park

Dear Mr. Vodopich and Mr. Hoppen,

Canterwood Development Company is submitting to you an application and request for Sewer Utility Extension Agreement for the Canterwood Division Eleven Phase 2 Business Park.

As you know from previous submittals and work on this project, this property does not conform to the City zoning designation of R-1. Canterwood is therefore requesting a variance as specified in GHMC 13.34.060 (J). to provide sewer utility extension to this project.

Background:

Canterwood Master Planned Community (MPC) was approved in 1979 by Pierce County and has been developed since then in compliance with the original approved Master Site Plan. The City does not have MPC as a designated zone in the Gig Harbor Comprehensive Plan or Municipal code. Currently, several residential divisions within Canterwood are served by the Gig Harbor sewer utility through the Canterwood STEP Association and Sewer Utility Extension Agreements. The current *Utility Extension Agreement dated May 3, 2004* is attached.

City ULID #3 was created by property owners and the City to implement sewer service to the Canterwood property. The Canterwood Business Park would be connected to the City sewer system through the existing mainline as anticipated in the formation of the ULID #3. DOWL Engineers, project engineer for Canterwood will work with the City to implement any additional extension of the mainline as necessary or required for approval by Public Works.

Consideration of request for exception:

Gig Harbor Municipal Code, Section 13.34.060 (J) allows the Council to grant an exception to the zoning requirements if the following conditions are met. This development meets the intent of the zoning code and comprehensive plan based on compliance of the following criteria:

13.34.060 (J) 1.

a. That the site of the proposed use is adequate in size and shape to accommodate such use and all yards, spaces, walls and fences, parking, loading, landscaping and other features necessary to ensure compatibility with and not inconsistent with the underlying zoning district;

Canterwood Division Eleven Phase 2 Business Park is approximately 7.95 acres divided into 3 lots which are approximately 1.8 acres, 2.9 and 2.95 acres. As shown on the attached preliminary plat map, the site is adequate in size and shape to comply with land use requirements and ensure compatibility with the zoning district. (See attached exhibit.)



4026 Canterwood Drive NW, Suite B / Gig Harbor, WA 98332 / (253) 851-1645 / FAX (253) 851-9306

b. That the site for the proposed use relates to streets, adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed uses and that adequate public utilities are available to serve the proposal;

A Traffic Impact Analysis was prepared for this site which has been reviewed by City Engineering. A MDNS has been issued by Pierce County for the impacts associated with the plat. Traffic has been mitigated with the City through the preliminary plat process. Canterwood Blvd. is adequate in size and width to meet the criteria required for the business park proposed use. All public facilities are available to the site including Gig Harbor Sewer System, which the developer has participated in building through ULID #3.

c. That the proposed use will have no significant adverse effect on existing uses or permitted uses;

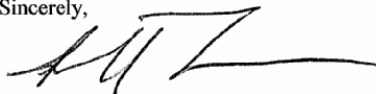
The Tacoma Power transmission lines border the site to the east and north, which creates a natural barrier to the residential uses within Canterwood. Canterwood Blvd. on the western border is a main arterial which also creates a boundary to the residential development to the west. A delineated wetland drainage swale creates a natural buffer to the south. (See attached exhibit.)
The proposed use of business park will have no significant adverse affect on existing or permitted uses.

d. That the establishment, maintenance and/or conducting of the uses for which the utility agreement is sought will not, under the circumstances of the particular case, be detrimental to the public welfare, injurious to the environment, nor shall the use be inconsistent with or injurious to the character of the neighborhood or contrary to its orderly development.

A SEPA MDNS was issued by Pierce County for the Division Eleven plat which includes the Business Office uses. All environmental concerns were addressed and mitigated. Canterwood Development has consistently preserved the natural environments while blending residential sites, recreational facilities and the commercial amenities of the Canterwood Master Planned Community and Golf Course. The addition of the business park will provide this community with another element congruent with the original Master Planned Community.

Thank you for giving this your attention. Please do not hesitate to call if you have any questions or concerns.

Sincerely,



Russell Tanner, President
Canterwood Development Company
851-1645

Agent for Canterwood:
Eva Jacobson
851-2243
Still Water Planning, Inc.
P.O. Box 2314
Gig Harbor, WA 98335



UTILITY EXTENSION, CAPACITY AGREEMENT
AND AGREEMENT WAIVING RIGHT TO PROTEST LID

THIS AGREEMENT is entered into on this 24th day of October, 2005, between the City of Gig Harbor, Washington, hereinafter referred to as the "City", and Canterwood Development Company, hereinafter referred to as "the Owner".

WHEREAS, the Owner is the owner of certain real property located in Pierce County which is legally described as set forth in Exhibit 'A' attached hereto and incorporated herein by this reference as though set forth in full, and

WHEREAS, the Owner's property is not currently within the City limits of the City, and

WHEREAS, the Owner desires to connect to the City sewer utility system, hereinafter referred to as "the utility," and is willing to allow connection only upon certain terms and conditions in accordance with Title 13 of the Gig Harbor Municipal code, as now enacted or hereinafter amended, NOW, THEREFORE,

FOR AND IN CONSIDERATION OF the mutual benefits and conditions hereinafter contained, the parties agree as follows:

1. **Warranty of Title.** The Owner warrants that he/she is the Owner of the property described in Exhibit 'A' and is authorized to enter into this Agreement.
2. **Extension Authorized.** The City hereby authorizes the Owner to extend service to Owner's property from the existing utility line on Canterwood Boulevard (street or right-of-way) at the following location: Baker Way and Canterwood Boulevard.
3. **Costs.** Owner will pay all costs of designing, engineering and constructing the extension. All construction shall be done to City standards and according to plans approved by the City's Community Development Director. Any and all costs incurred by the City in reviewing plans and in inspecting construction shall be paid for by the Owner.
4. **Sewer Capacity Commitment.** The City agrees to provide to the Owner sewer utility service and hereby reserves to the Owner the right to discharge to the City's sewerage system 10 ERUs; provided however, that the City retains the authority to temporarily suspend such capacity where necessary to protect public health and safety, or where required to comply with the City's NPDES permit, or any other permits required by any agency with jurisdiction. These capacity rights are allocated only to the Owner's system as herein described. Any addition to this system must first be approved by the City. Capacity rights acquired by the Owner pursuant to this agreement shall not constitute ownership by the Owner of any facilities comprising the City sewerage system. The City agrees to

reserve to the Owner this capacity for a period of 36 months ending on October 24, 2007, provided this agreement is signed and payment for sewer capacity is commitment received within 45 days after City Council approval of extending sewer capacity to the Owner's property. Sewer capacity shall not be committed beyond a three-year period.

5. Capacity Commitment Payment. The Owner agrees to pay the City the sum of \$4,575.00 to reserve the above specified time in accordance with the schedule set forth below.

Commitment Period	Percent (%) of Connection Fee
Three years	Fifteen Percent (15%)

In no event, however, shall the Owner pay the City less than five hundred dollars (\$500) for commitment for sewer reserve capacity. In the event the Owner has not made connection to the City's utility system by the date set forth above, such capacity commitment shall expire and the Owner shall forfeit one hundred percent (100%) of this capacity commitment payment to cover the City's administrative and related expenses.

In the event the Pierce County Boundary Review Board should not approve extension of the City's sewer system prior to the extension of the commitment period, the Owner shall be entitled to a full refund (without interest) from the City of the capacity agreement.

6. Extension of Commitment Period. In the event the Owner chooses to permanently reserve sewer capacity by paying the entire connection fee for the number of equivalent residential units desired to be reserved before the expiration date set forth above, the Owner shall be responsible for paying each year for the sewer utility system's depreciation based on the following formula: (Owner's reserved capacity divided by the total plant capacity times the annual budgeted depreciation of the sewer facilities.)

7. Permits - Easements. Owner shall secure and obtain, at Owner's sole cost and expense any necessary permits, easements and licenses to construct the extension, including, but not limited to, all necessary easements, excavation permits, street use permits, or other permits required by state, county and city governmental departments including the Pierce County Public Works Department, Pierce County Environmental Health Department, State Department of Ecology, Pierce County Boundary Review Board, and City of Gig Harbor Community Development Department.

8. Turn Over of Capital Facilities. If the extension of utility service to Owner's property involves the construction of water or sewer main lines, pump stations, wells, and/or other city required capital facilities, the Owner agrees if required by the city to turn over and dedicate such facilities to the City, at no cost, upon the completion of construction and approval and acceptance of the same by the City. As a prerequisite to such turn over and acceptance, the Owner will furnish to the City the following:

A. As built plans or drawings in a form acceptable to the City Community

Development Department;

- B. Any necessary easements, permits or licenses for the continued operation, maintenance, repair or reconstruction of such facilities by the City, in a form approved by the City Attorney;
 - C. A bill of sale in a form approved by the City Attorney; and
 - D. A bond or other suitable security in a form approved by the City Attorney and in an amount approved by the City Community Development Director, ensuring that the facilities will remain free from defects in workmanship and materials for a period of 2 year(s).
9. Connection Charges. The Owner agrees to pay the connection charges, in addition to any costs of construction as a condition of connecting to the City utility system at the rate schedules applicable at the time the Owner requests to actually connect his property to the system. Any commitment payment that has not been forfeited shall be applied to the City's connection charges. Should the Owner not initially connect 100% of the Sewer Capacity Commitment, the Capacity Commitment payment shall be credited on a pro-rated percentage basis to the connection charges as they are levied.
10. Service Charges. In addition to the charges for connection, the Owner agrees to pay for utility service rendered according to the rates for services applicable to properties outside the city limits as such rates exist, which is presently at 150% the rate charged to customers inside city limits, or as they may be hereafter amended or modified.
11. Annexation. Owner understands that annexation of the property described on Exhibit 'A' to the City will result in the following consequences:
- A. Pierce County ordinances, resolutions, rules and regulations will cease to apply to the property upon the effective date of annexation;
 - B. City of Gig Harbor ordinances, resolutions, rules and regulations will begin to apply to the property upon the effective date of annexation;
 - C. Governmental services, such as police, fire and utility service will be provided to the property by the City of Gig Harbor upon the effective date of annexation;
 - D. The property may be required to assume all or any portion of the existing City of Gig Harbor indebtedness, and property tax rates and assessments applicable to the property may be different from those applicable prior to the effective date of annexation;

- E. Zoning and land use regulations applicable to the property after annexation may be different from those applicable to the property prior to annexation; and
- F. All or any portion of the property may be annexed and the property may be annexed in conjunction with, or at the same time as, other property in the vicinity.

With full knowledge and understanding of these consequences of annexation and with full knowledge and understanding of Owner's decision to forego opposition to annexation of the property to the City of Gig Harbor, Owner agrees to sign a petition for annexation to the City of the property described on Exhibit A as provided in RCW 35.14.120, as it now exists or as it may hereafter be amended, at such time as the Owner is requested by the City to do so. The Owner also agrees and appoints the Mayor of the City as Owner's attorney-in-fact to execute an annexation petition on Owner's behalf in the event that Owner shall fail or refuse to do so and agrees that such signature shall constitute full authority from the Owner for annexation as if Owner had signed the petition himself. Owner further agrees not to litigate, challenge or in any manner contest, annexation to the City. This Agreement shall be deemed to be continuing, and if Owner's property is not annexed for whatever reason, including a decision by the City not to annex; Owner agrees to sign any and all subsequent petitions for annexations. In the event that any property described on Exhibit 'A' is subdivided into smaller lots, the purchasers of each subdivided lot shall be bound by the provisions of this paragraph.

12. Land Use. The Owner agrees that any development or redevelopment of the property described on Exhibit 'A' shall meet the following conditions after execution of Agreement:

- A. The use of the property will be restricted to uses allowed in the Pierce County Master Planned Community (MPC) designation at the time of development or redevelopment.
- B. The development or redevelopment of the property shall comply with all requirements of the City Comprehensive Land Use Plan, Zoning Code, Design Review Guidelines, Building Regulations, and City Public Works Standards for similar zoned development or redevelopment in effect in the City at the time of such development or redevelopment. The intent of this section is that future annexation of the property to the City of Gig Harbor shall result in a development which does conform to City standards.

13. Liens. The Owner understands and agrees that delinquent payments under this agreement shall constitute a lien upon the above-described property. If the extension is for sewer service, the lien shall be as provided in RCW 35.67.200, and shall be enforced in accordance with RCW 35.67.220 through RCW 35.67.280, all as now enacted or hereafter amended. If the extension is for water service, the lien shall be as provided in RCW 35.21.290 and enforced as provided in RCW 35.21.300, all as currently enacted or

hereafter amended.

14. Termination for Non-Compliance. In the event Owner fails to comply with any term or condition of this Agreement, the City shall have the right to terminate utility service to the Owner's property in addition to any other remedies available to it.

15. Waiver of Right to Protest LID. Owner acknowledges that the entire property legally described in Exhibit 'A' would be specially benefited by the following improvements (specify):

none

Owner agrees to sign a petition for the formation of an LID or ULID for the specified improvements at such time as one is circulated and Owner hereby appoints the Mayor of the City as his attorney-in-fact to sign such a petition in the event Owner fails or refuses to do so.

With full understanding of Owner's right to protest formation of an LID or ULID to construct such improvements pursuant to RCW 35.43.180, Owner agrees to participate in any such LID or ULID and to waive his right to protest formation of the same. Owner shall retain the right to contest the method of calculating any assessment and the amount thereof, and shall further retain the right to appeal the decision of the City Council affirming the final assessment roll to the superior court. Notwithstanding any other provisions of this Agreement, this waiver of the right to protest shall only be valid for a period of ten (10) years from the date this Agreement is signed by the Owner.

16. Specific Enforcement. In addition to any other remedy provided by law or this Agreement, the terms of this Agreement may be specifically enforced by a court of competent jurisdiction.

17. Covenant. This agreement shall be recorded with the Pierce County Auditor and shall constitute a covenant running with the land described on Exhibit 'A', and shall be binding on the Owner, his/her heirs, successors and assigns. All costs of recording this Agreement with the Pierce County Auditor shall be borne by the Owner.

18. Attorney's Fees. In any suit or action seeking to enforce any provision of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and costs, in addition to any other remedy provided by law or this agreement.


19. Severability. If any provision of this Agreement or its application to any circumstance is held invalid, the remainder of the Agreement or the application to other circumstances shall not be affected.

DATED this 24th day of October, 2005.

CITY OF GIG HARBOR

Mayor Gretchen Wilbert

OWNER



Name: Russell Turner
Title: President

ATTEST/AUTHENTICATED:

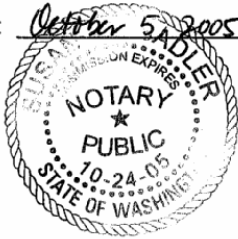
City Clerk, Molly Towslee

RECEIVED
CITY OF GIG HARBOR
OCT 05 2005
COMMUNITY
DEVELOPMENT

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that Russell Turner is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it as the President of Canterwood Development to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: October 5, 2005



Signature
William M. Adler
NOTARY PUBLIC for the State
of Washington, residing at
4026 Canterwood Dr NW, Gig Harbor
My commission expires: 10-24-05

STATE OF WASHINGTON)
) ss:
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that Gretchen A. Wilbert, is the persons who appeared before me, and said persons acknowledged that they signed this instrument, on oath stated that they are authorized to execute the instrument and acknowledged it as the Mayor of the City of Gig Harbor, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

Signature

NOTARY PUBLIC for the State
of Washington, residing at

My commission expires: _____

RECEIVED
CITY OF GIG HARBOR
OCT 05 2005
COMMUNITY
DEVELOPMENT

EXHIBIT A

LEGAL DESCRIPTION
CANTERWOOD BUSINESS OFFICE PARK
PARCEL NUMBER 0122251052

THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 22 NORTH, RANGE 1 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON LYING WESTERLY OF THE TACOMA-LAKE CUSHMAN TRANSMISSION LINE;

ALSO EXCEPTING THERE FROM ANY PORTION CONVEYED TO PIERCE COUNTY BY STATUTORY WARRANTY DEED AS RECORDED JANUARY 11, 1994, UNDER RECORDING NO 9401110660;

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON

(PER RAINIER TITLE COMMITMENT NO 10079535)



"THE MARITIME CITY"

COMMUNITY DEVELOPMENT DEPARTMENT

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: STEPHEN T. MISIURAK, P.E.
CITY ENGINEER
SUBJECT: SANITARY SEWER FACILITIES EASEMENT AND MAINTENANCE
AGREEMENT - CANTERWOOD BUSINESS PARK
DATE: OCTOBER 24, 2005

INTRODUCTION/BACKGROUND

As a condition of project approval for the Canterwood Business Park development located at 5727 Baker Way, Canterwood Commercial LLC is required to enter into a Sanitary Sewer Facilities Easement and Maintenance Agreement. This will ensure that the sanitary sewer system will be constructed, operated and maintained in accordance with all applicable rules and regulations. The sanitary sewer system is located on private property and will be privately owned. The City will not be responsible for the operation and maintenance of this system. This agreement allows the City a nonexclusive right of entry onto those portions of the property in order to access the sanitary sewer system for inspection and monitoring of the system.

The City's standard Sanitary Sewer Facilities Easement and Maintenance Agreement has been drafted and approved by Carol Morris, City Attorney. This agreement will be recorded with the property.

Approval of this agreement is predicated upon Council approval of the Utility Extension, Capacity Agreement for the Canterwood Business Park.

FISCAL CONSIDERATIONS

No funds will be expended for the acquisition of the described agreements.

RECOMMENDATION

I recommend that City Council approve this agreement.



COMMUNITY DEVELOPMENT DEPARTMENT

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: JOHN P. VODOPICH, AICP
COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: PUBLIC HEARING - RESOLUTION ACCEPTING THE RAINBOW
BURNHAM ANNEXATION PETITION (ANX 04-03)
DATE: OCTOBER 24, 2005

INFORMATION/BACKGROUND

The City has received a complete Notice of Intention to Commence Annexation Proceedings for a proposal to annex approximately thirty-four (34) acres of property located west Burnham Drive NW, north of 96th Street NW, and east of Highway 16 adjacent to the existing City limits. At the June 13, 2005 meeting, the City Council accepted the notice of intention and authorized the circulation of an annexation petition (Picinich/Ekberg, 4-2-0) subject to the following conditions:

1. The City shall require that the property owner(s) assume all of the existing indebtedness of the area being annexed; and
2. The City will require the simultaneous adoption of Medium-Density Residential (R-2) zoning for the proposed area in substantial compliance with the Comprehensive Plan as adopted by City of Gig Harbor Ordinance No. 981.

The City received a petition for annexation on June 28, 2005, which was subsequently certified by the Pierce County Office of the Assessor-Treasurer on July 13, 2005 as being legally sufficient.

Pursuant to GHMC Section 18.08.090, the applicant submitted a 'Wetland and Drainage Corridor Evaluation and Delineation Report' for the subject property on September 1, 2005. The report has been reviewed and is in conformance with the Gig Harbor Municipal Code.

Acceptance of the annexation petition and referral to the Pierce County Boundary Review Board for consideration must be done by resolution.

Notice of this public hearing was posted in three conspicuous places within the area proposed for annexation on September 26, 2005; was mailed to all property owners of record both within the annexation area and within three hundred feet (300') of the area

proposed for annexation on September 26, 2005; published in the Peninsula Gateway on September 28, 2005; and posted on the City website.

POLICY CONSIDERATIONS

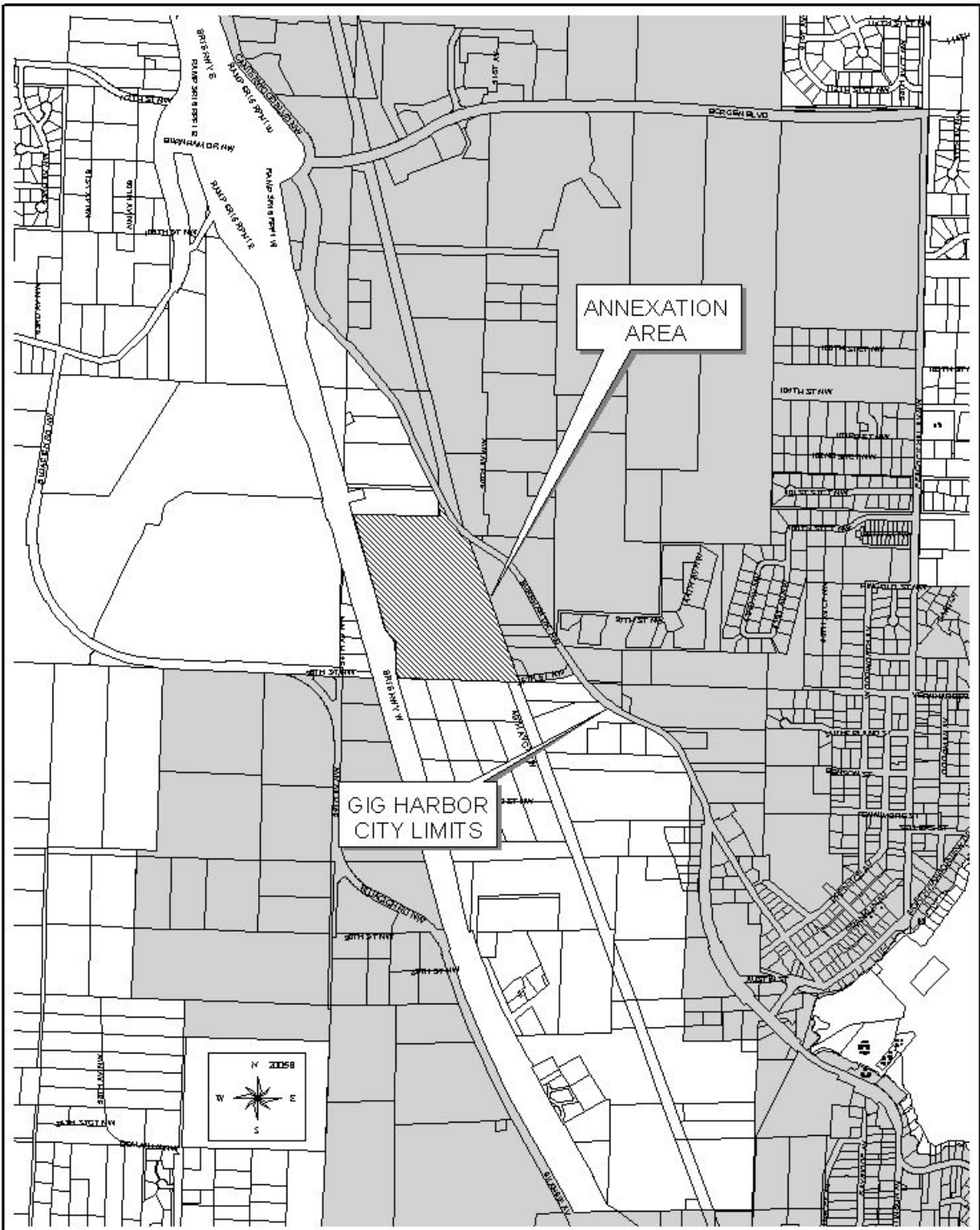
None.

FISCAL IMPACT

The \$300.00 annexation fee has been paid.

RECOMMENDATION

I recommend that the Council approve the resolution accepting the annexation petition for the Rainbow Burnham Annexation (ANX 04-03) and further refer it to the Pierce County Boundary Review Board for consideration.



VICINITY MAP
RAINBOW BURNHAM LLC (ANX 04-03)

**CITY OF GIG HARBOR
RESOLUTION NO. _____**

A RESOLUTION OF THE CITY OF GIG HARBOR, RELATING TO ANNEXATION AND ZONING, PROVIDING THE CITY COUNCIL'S ACCEPTANCE OF THE ANNEXATION PETITION FOR APPROXIMATELY THIRTY-FOUR (34) ACRES OF PROPERTY LOCATED WEST BURNHAM DRIVE NW, NORTH OF 96TH STREET NW, AND EAST OF HIGHWAY 16 (ANX 04-03), ADJACENT TO THE CITY LIMITS, WITHIN THE CITY'S URBAN GROWTH AREA, LOCATED IN PIERCE COUNTY, DECLARING THE CITY COUNCIL'S INTENT TO ADOPT PROPOSED ZONING REGULATIONS FOR THE ANNEXATION AREA, AND REFERRING THE PETITION FOR ANNEXATION TO THE BOUNDARY REVIEW BOARD.

WHEREAS, on February 29, 2005, the City of Gig Harbor received a Notice of Intent to Annex approximately thirty-four (34) acres of property located west Burnham Drive NW, north of 96th Street NW, and east of Highway 16, adjacent to the existing City limits and within the City's Urban Growth Area (UGA), located in Pierce County; and

WHEREAS, the Notice of Intent was signed by the owners of not less than ten percent (10%) of the acreage of the property; and

WHEREAS, on June 13, 2005, the City Council met with the initiators of the petition voted (Picinich/Ekberg, 4-2-0) to authorize circulation of the annexation petition subject to certain conditions including adoption of pre-annexation Medium-Density Residential (R-2) zoning and requiring that the property owners assume all of the existing indebtedness of the area being annexed; and

WHEREAS, on June 28, 2005, a petition for annexation of the property described in Exhibit A and graphically depicted on Exhibit B was received by the City; and

WHEREAS, on July 13, 2005, the Pierce County office of the Assessor-Treasurer certified the signatures on the petition for annexation of the property described in Exhibit A and graphically depicted on Exhibit B; and

WHEREAS, On September 1, 2005, the applicant submitted of a wetland analysis report for the subject property pursuant to GHMC Section 18.08.090; and

WHEREAS, the property described in Exhibit A and graphically depicted on Exhibit B and proposed to be annexed is within the Urban Growth Area as established by Pierce County and included in the Comprehensive Plans of both the County and the City of Gig Harbor; and

WHEREAS, the City of Gig Harbor Comprehensive Plan, adopted in December, 2004, established the land use map designation for this area as Residential Low, along with pertinent goals and objectives, to guide the development of the annexation area over the next twenty years; and

WHEREAS, the proposed pre-annexation zoning of Medium-Density Residential (R-2) being applied to the property described in Exhibit A and graphically depicted on Exhibit B is consistent with the City of Gig Harbor Comprehensive Land Use Plan designation of Residential Low; and

WHEREAS, on October 24, 2005, the City Council, following a public hearing on the annexation petition, the voted to City Council declare its intent to authorize and approve the annexation and the proposed pre-annexation Medium-Density Residential (R-2) zoning for the area described in Exhibit A and graphically depicted on Exhibit B, subject to Boundary Review Board approval; now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON,
HEREBY RESOLVES AS FOLLOWS:

Section 1. The Gig Harbor City Council hereby declares its intent to authorize and approve the annexation of approximately thirty-four (34) acres of property located west

Burnham Drive NW, north of 96th Street NW, and east of Highway 16, adjacent to the existing City limits, located in Pierce County, as described in Exhibit A and graphically depicted on Exhibit B, attached hereto, as part of the City of Gig Harbor, contingent upon compliance with the following conditions:

- A. Pursuant to the terms of the annexation petition, the approximately thirty-four (34) acres of property located west Burnham Drive NW, north of 96th Street NW, and east of Highway 16, adjacent to the existing City limits, located in Pierce County, as described in Exhibit A and graphically depicted on Exhibit B, shall be assessed and taxed at the same rate and on the same basis as property within the City, including assessments for taxes and payment of any bonds issued or debts contracted prior to or existing as of the date of annexation; and
- B. All property within the area described in Exhibit A and graphically depicted on Exhibit B shall be zoned as Medium-Density Residential (R-2), in accordance with the Gig Harbor Municipal Code, Title 17.

Section 2. The Gig Harbor City Clerk hereby declares the property described in Exhibit A and graphically depicted on Exhibit B, which is the subject of the annexation petition, to be contiguous with the boundaries of the City of Gig Harbor.

Section 3. The City Council hereby authorizes the Mayor to submit all necessary documentation to the Pierce County Boundary Review Board in order to gain approval for the annexation provided in this Resolution. The City Council shall not take any further action on the annexation proposal until such time as the Pierce County Boundary Review Board has completed its review of the Notice of Intent to Annex.

RESOLVED by the City Council this 24th day of October 2005.

APPROVED:

MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY M. TOWSLEE

APPROVED AS TO FORM;
OFFICE OF THE CITY ATTORNEY:

BY: _____

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
RESOLUTION NO.

Exhibit A
RAINBOW BURNHAM LLC ANNEXATION (ANX 04-03)
LEGAL DESCRIPTION

PIERCE COUNTY PLANNING
& LAND SERVICES

APR 04 2005

PIERCE COUNTY

EXHIBIT "A"

PERIMETER DESCRIPTION:

COMMENCING ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 22 NORTH, RANGE 2 EAST OF THE W.M AT A POINT 259.10 FEET WEST OF THE SOUTHEAST CORNER OF SAID TRACT; THENCE WEST ALONG SAID SOUTH LINE 90 FEET; THENCE NORTHEASTERLY TO A POINT ON THE WESTERLY MARGIN OF BURNHAM DRIVE NORTHWEST WHICH IS 70 FEET NORTH OF THE SOUTH LINE OF SAID TRACT AND THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE SOUTHEASTERLY ALONG SAID WESTERLY MARGIN OF BURNHAM DRIVE NORTHWEST TO THE EAST LINE OF THE TACOMA-CUSHMAN POWER LINE RIGHT OF WAY; THENCE SOUTHEASTERLY ALONG SAID EAST LINE TO THE SOUTH LINE OF AFOREMENTIONED SOUTHWEST QUARTER OF SECTION 31; THENCE WEST ALONG SAID SOUTH LINE TO THE EASTERLY MARGIN OF STATE ROUTE 16; THENCE NORTHWESTERLY ALONG SAID EASTERLY MARGIN TO INTERSECT THE NORTH LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 31; THENCE EAST ALONG SAID NORTH LINE TO THE WEST LINE OF THE CITY OF TACOMA TRANSMISSION LINE RIGHT OF WAY; THENCE NORTH ALONG SAID WEST LINE TO THE WESTERLY MARGIN OF BURNHAM DRIVE NORTHWEST; THENCE SOUTHEASTERLY ALONG SAID WESTERLY MARGIN TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO EASEMENTS OF RECORD.

SITUATE IN PIERCE COUNTY, STATE OF WASHINGTON.

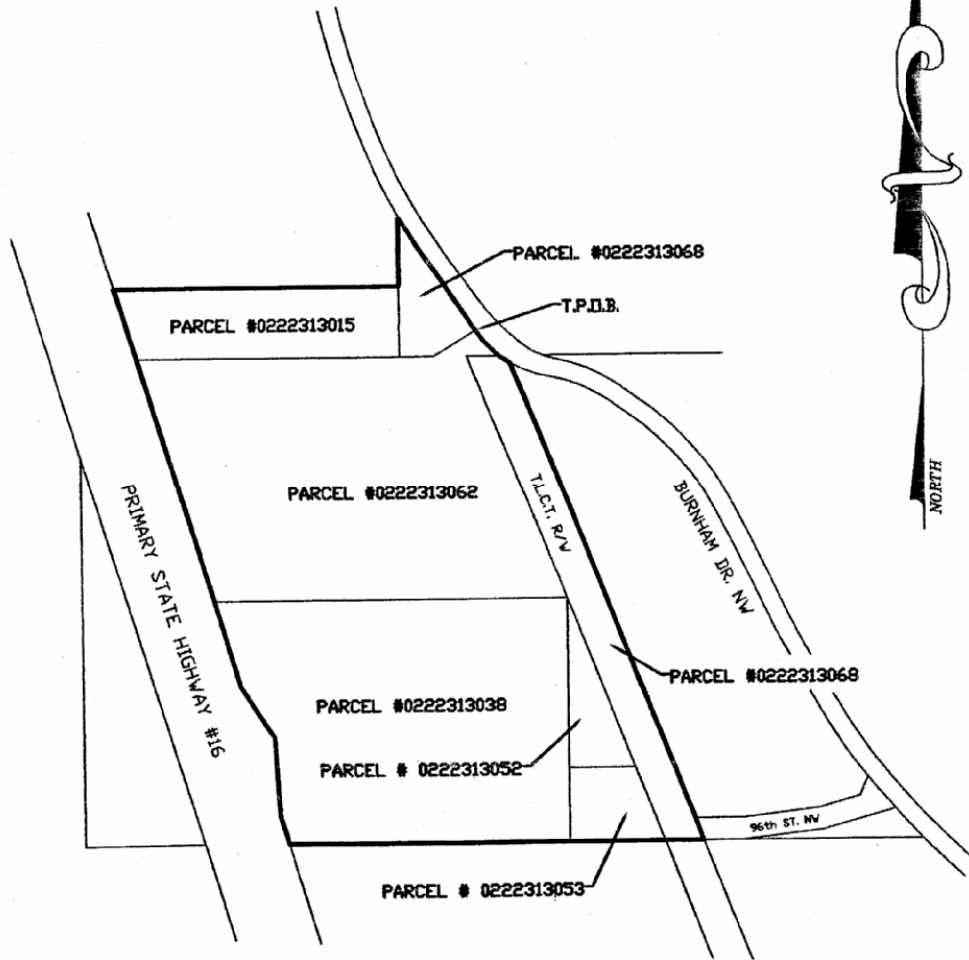
Exhibit B
RAINBOW BURNHAM LLC ANNEXATION (ANX 04-03)
ANNEXATION AREA MAP

PIERCE COUNTY PLANNING
& LAND SERVICES

APR 04 2005

PIERCE COUNTY

EXHIBIT "B"



GRAPHIC SCALE



(IN FEET)
1 inch = 400 ft.



COMMUNITY DEVELOPMENT DEPARTMENT

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: JOHN P. VODOPICH, AICP
COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: FIRST READING OF AN ORDINANCE RELATING TO ANNEXATION
AND ZONING - WRIGHT ANNEXATION (ANX 04-02)
DATE: OCTOBER 24, 2005

INFORMATION/BACKGROUND

The City received a complete Notice of Intention to Commence Annexation Proceedings from James Wright for a proposal to annex approximately 8.62 acres of property located northwest of the intersection of Hunt Street NW and 46th Avenue NW (Skansie Avenue) adjacent to the existing City limits. The City Council approved the applicants request on February 28, 2005 to revise the annexation boundaries to encompass this one parcel. At the June 27, 2005 meeting, the City Council accepted the Notice of Intention and authorized the circulation of an annexation petition.

The City received a petition for annexation on June 28, 2005, which was subsequently certified by the Pierce County Office of the Assessor-Treasurer on August 1, 2005 as being legally sufficient.

At the conclusion of a public hearing on August 22, 2004, the Council passed Resolution No. 652 accepting the annexation petition and referred the annexation to the Pierce County Boundary Review Board for consideration. The Boundary Review Board deemed the annexation approved on October 11, 2005.

Adoption of an ordinance annexing the property and establishing zoning is in order. The City Attorney has reviewed and approved the attached ordinance for your consideration.

POLICY CONSIDERATIONS

None.

FISCAL IMPACT

None.

RECOMMENDATION

I recommend that the Council approve the ordinance as presented following the second

reading.



Pierce County

Boundary Review Board

2401 South 35th Street
Tacoma, Washington 98409-7460
(253) 798-7156 • FAX (253) 798-3680

October 11, 2005

RECEIVED
CITY OF GIG HARBOR
OCT 13 2005
COMMUNITY
DEVELOPMENT

Mr. John Vodopich
Director of Community Development
City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335

RE: Proposed Annexation to City of Gig Harbor - Wright (A-05-7)

Dear Mr. Vodopich:

The forty-five (45) day period has elapsed since the Notice of Intention was officially filed with the Pierce County Boundary Review Board on August 25, 2005, and the Board's jurisdiction has not been invoked.

Accordingly, as provided by RCW 36.93.100, the subject proposal is deemed approved by the Boundary Review Board.

The City of Gig Harbor needs to submit a certified copy of its final ordinance, along with the attached legal description, formally extending its boundaries to accomplish completion of the proposal. The ordinance should come directly to the Boundary Review Board for distribution to all concerned County departments.

Sincerely,

Toni Fairbanks
Chief Clerk

f:\clerk\brb\annexations\GH Ltr Wright Cert.doc



Printed on recycled paper

**CITY OF GIG HARBOR
ORDINANCE NO.**

AN ORDINANCE OF THE CITY OF GIG HARBOR, RELATING TO ANNEXATION AND ZONING, ANNEXING APPROXIMATELY 8.62 ACRES OF PROPERTY LOCATED NORTHWEST OF THE INTERSECTION OF HUNT STREET NORTHWEST AND 46TH AVENUE NORTHWEST (SKANSIE AVENUE), LOCATED IN PIERCE COUNTY (ANX 04-02), ADOPTING SINGLE-FAMILY RESIDENTIAL (R-1) ZONING, AND REQUIRING THE PROPERTY OWNERS TO ASSUME THEIR PROPORTIONATE SHARE OF INDEBTEDNESS.

WHEREAS, The City of Gig Harbor received a Notice of Intent to Annex approximately 8.62 acres of property located northwest of the intersection of Hunt Street NW and 46th Avenue NW (Skansie Avenue) located, adjacent to the existing City limits and within the City's Urban Growth Area (UGA), and located in Pierce County; and

WHEREAS, the Notice of Intent was signed by the owners of not less than ten percent (10%) of the acreage of the property; and

WHEREAS, on May 23, 2005, the Pierce County Boundary Review Board approved the legal description and map date stamped May 16, 2005; and

WHEREAS, on June 27, 2005, the City Council met with the initiators of the petition voted to authorize circulation of the annexation petition subject to certain conditions including adoption of pre-annexation Single-Family Residential (R-1) zoning being applied to the area proposed for annexation and requiring that the property owners assume a proportionate share of the City's indebtedness; and

WHEREAS, on June 28, 2005, a petition for annexation of the property described and graphically depicted in Exhibit A was received by the City; and

WHEREAS, on August 1, 2005 the Pierce County office of the Assessor-Treasurer certified the signatures on the petition for annexation of the property described and graphically depicted in Exhibit A; and

WHEREAS, on August 22, 2005, the City Council, following a public hearing on the annexation petition, the voted to City Council approve the annexation and the proposed pre-annexation Single-Family Residential (R-1) zoning for the area described and graphically depicted in Exhibit A, subject to Boundary Review Board approval (Resolution No. 652); and

WHEREAS, on August 24, 2005, the Notice of Intention, together with supporting documentation, was submitted to the Chief Clerk of the Pierce County Boundary Review Board; and

WHEREAS, on September 6, 2005, the Chief Clerk of the Pierce County Boundary Review Board deemed the annexation proposal as complete, set the official filing date as August 25, 2005, initiated the forty-five (45) day review period, and noted that the period during which jurisdiction could be invoked would expire on October 10, 2005; and

WHEREAS, on October 11, 2005, the Pierce County Boundary Review Board issued a written decision approving the annexation of the property as described and graphically depicted in Exhibit A; and

WHEREAS, the property described and graphically depicted in Exhibit A and proposed to be annexed is within the Urban Growth Area as established by Pierce County and is included in the Comprehensive Plans of both the County and the City of Gig Harbor; and

WHEREAS, the City of Gig Harbor Comprehensive Plan, adopted in December, 2004, established the land use map designations for this area as Residential Low, along with pertinent goals and objectives, to guide the development of the annexation area over the next twenty years; and

WHEREAS, the proposed pre-annexation zoning of Single-Family Residential (R-1) of the property described and graphically depicted in Exhibit A is consistent with the City of Gig Harbor Comprehensive Land Use Plan designation of Residential Low; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting's of October 24 and November 14, 2005; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON,
ORDAINS AS FOLLOWS:

Section 1. The Gig Harbor City Council hereby approves the annexation of approximately 8.62 acres of property located northwest of the intersection of Hunt Street NW and 46th Avenue NW (Skansie Avenue) located in Pierce County, as described and graphically depicted in Exhibit A, contingent upon the following conditions:

- A. Assumption by the property owners of their proportionate share of the City of Gig Harbor's indebtedness; and
- B. Imposition of Single-Family Residential (R-1) being applied to those properties described and graphically depicted in Exhibit A.

Section 2. The Community Development Director is hereby instructed to effectuate the necessary changes to the Official Zoning Map of the City in accordance with the zoning established in Section 1.

Section 3. The Gig Harbor City Clerk hereby declares the property described and graphically depicted in Exhibit A to be contiguous with the boundaries of the City of Gig Harbor.

Section 4. The City Clerk is hereby directed to record a certified copy of this ordinance with the office of the Pierce County Auditor.

Section 5. This ordinance shall take effect five days after passage and publication as required by law.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this _____ day of _____ 2005.

APPROVED:

MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY M. TOWSLEE

APPROVED AS TO FORM;
OFFICE OF THE CITY ATTORNEY:

BY:_____

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
ORDINANCE NO.

Exhibit A
WRIGHT ANNEXATION (ANX 04-02)

WRIGHT ANNEXATION
ANX 04-02

LEGAL DESCRIPTION

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 21 NORTH, RANGE 2 EAST, W.M., IN PIERCE COUNTY, WASHINGTON;

EXCEPT THE WEST 8 FEET THEREOF;

EXCEPT 46TH AVENUE NORTHWEST;

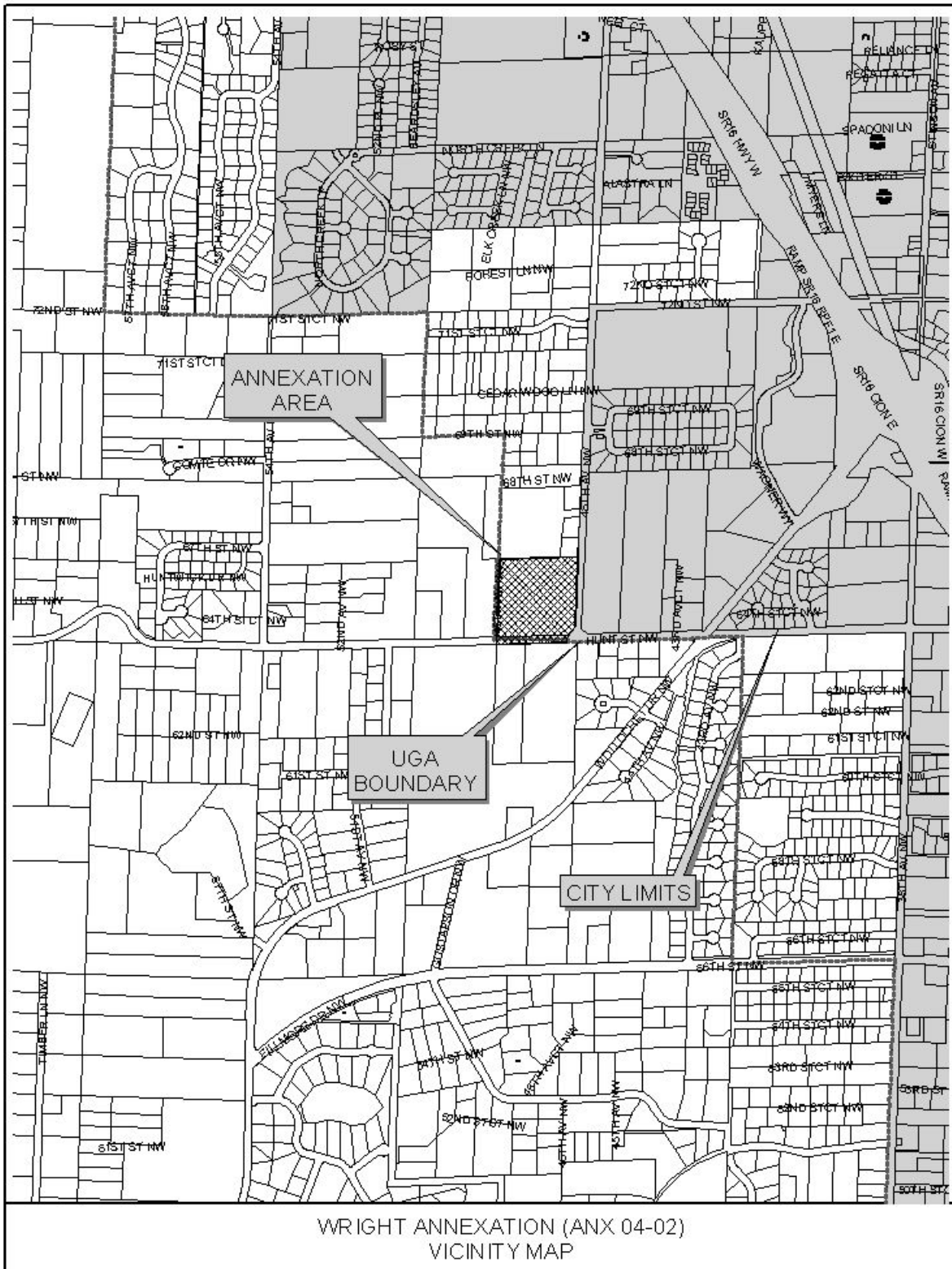
EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER RECORDING NUMBER 2364858;

INCLUDING HUNT STREET NORTHWEST ABUTTING SAID ANNEXATION IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 21 NORTH, RANGE 2 EAST, W.M.

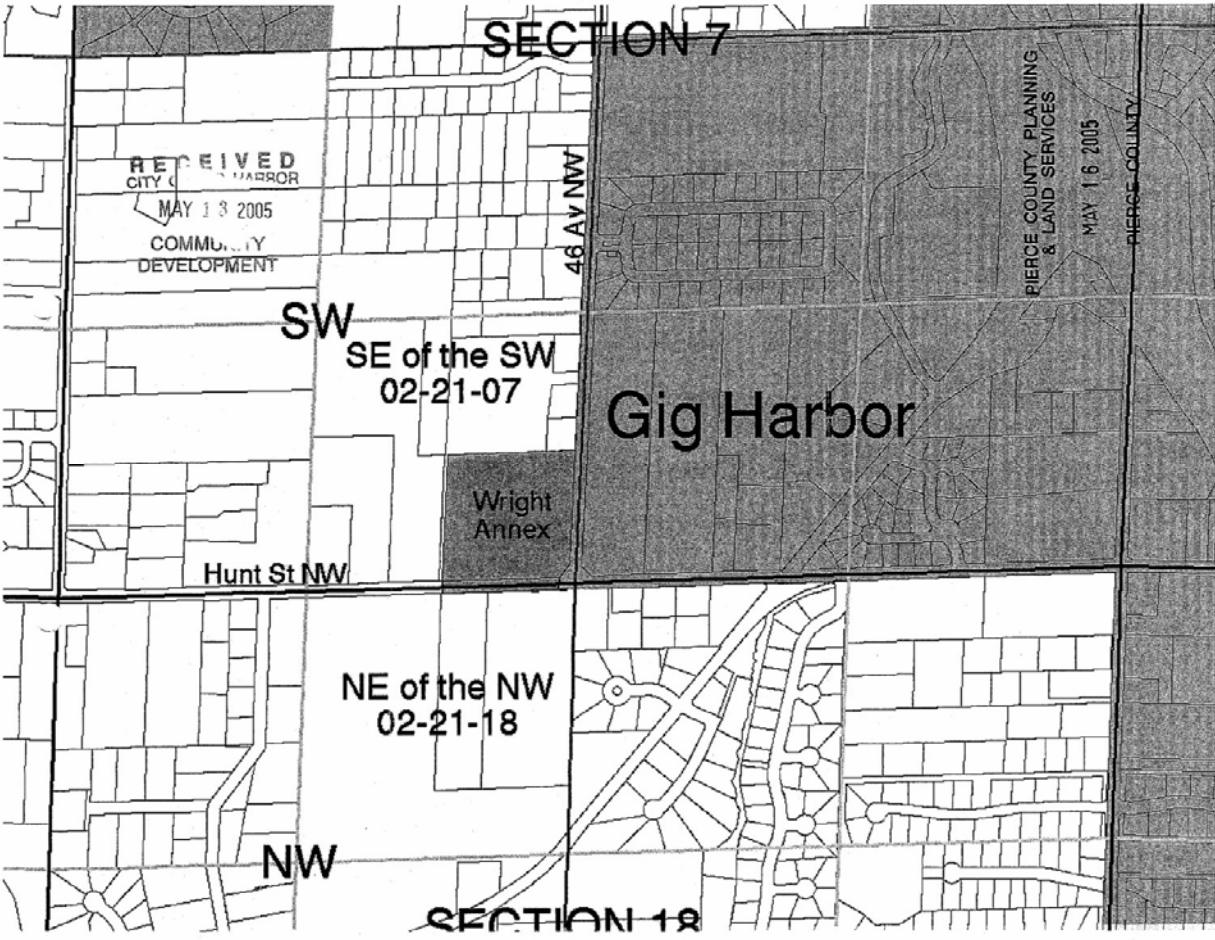
SITUATED IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

PIERCE COUNTY PLANNING
& LAND SERVICES
MAY 16 2005
PIERCE COUNTY

RECEIVED
CITY OF GIG HARBOR
MAY 13 2005
COMMUNITY
DEVELOPMENT



WRIGHT ANNEXATION (ANX 04-02)
VICINITY MAP



**SUMMARY OF ORDINANCE NO.
of the City of Gig Harbor, Washington**

On _____, 2005 the City Council of the City of Gig Harbor, Washington, approved Ordinance No. _____, the summary of text of which is as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, RELATING TO ANNEXATION AND ZONING, ANNEXING APPROXIMATELY 8.62 ACRES OF PROPERTY LOCATED NORTHWEST OF THE INTERSECTION OF HUNT STREET NORTHWEST AND 46TH AVENUE NORTHWEST (SKANSIE AVENUE), LOCATED IN PIERCE COUNTY (ANX 04-02), ADOPTING SINGLE-FAMILY RESIDENTIAL (R-1) ZONING, AND REQUIRING THE PROPERTY OWNERS TO ASSUME THEIR PROPORTIONATE SHARE OF INDEBTEDNESS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR:

The full text of this ordinance will be mailed upon request.

APPROVED by the City Council at their regular meeting of _____, 2005.

BY: _____
MOLLY M. TOWSLEE, CITY CLERK



ADMINISTRATION

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR
SUBJECT: ST. ANTHONY'S UPDATE
DATE: OCTOBER 24, 2005

The following schedule outlines the schedule for the completion of the EIS for the SEPA DS process that relates to St. Anthony's Hospital (the traffic study will be complete by December 31):

Step 1 – Issuance of DS/Scoping Notice **July 2005**

Step 2 – Comment Period for DS/Scoping

Step 3 – preparing the EIS document. **August – December 2005**

The following are the steps required within the EIS document

Determine the Scope of the DS
Describing the Proposal
Identify Alternatives
Identify a Preferred Alternative
Identify Significant Impacts and Mitigation Measures
EIS Summary

Once the above is complete, a DRAFT EIS may be issued. **January 2006**

Step 4 – Draft EIS issued (accompanied by the staff's recommendation, or in this case the consultant) **February - March 2006**

Step 5 – Public Comment Period for Draft EIS (30 to 45 days)

Step 6 – Respond to all comments submitted and modify EIS and mitigation if necessary

Once the above is completed, a Final EIS may be issued **March 2006**

7 days following the issuance of the Final EIS, the City may act upon it. **April 2006**

GHMC 18.04.145 states that the time for preparation of an EIS shall not exceed one year unless agreed upon by the applicant.

Once the SEIS is completed, the Comp Plan amendment process can begin which includes:

A MINIMUM of one work session and one public hearing with the Planning Commission. The Planning Commission meets at 6pm on the 1st and 3rd Thursday of each month. **May - June 2006**

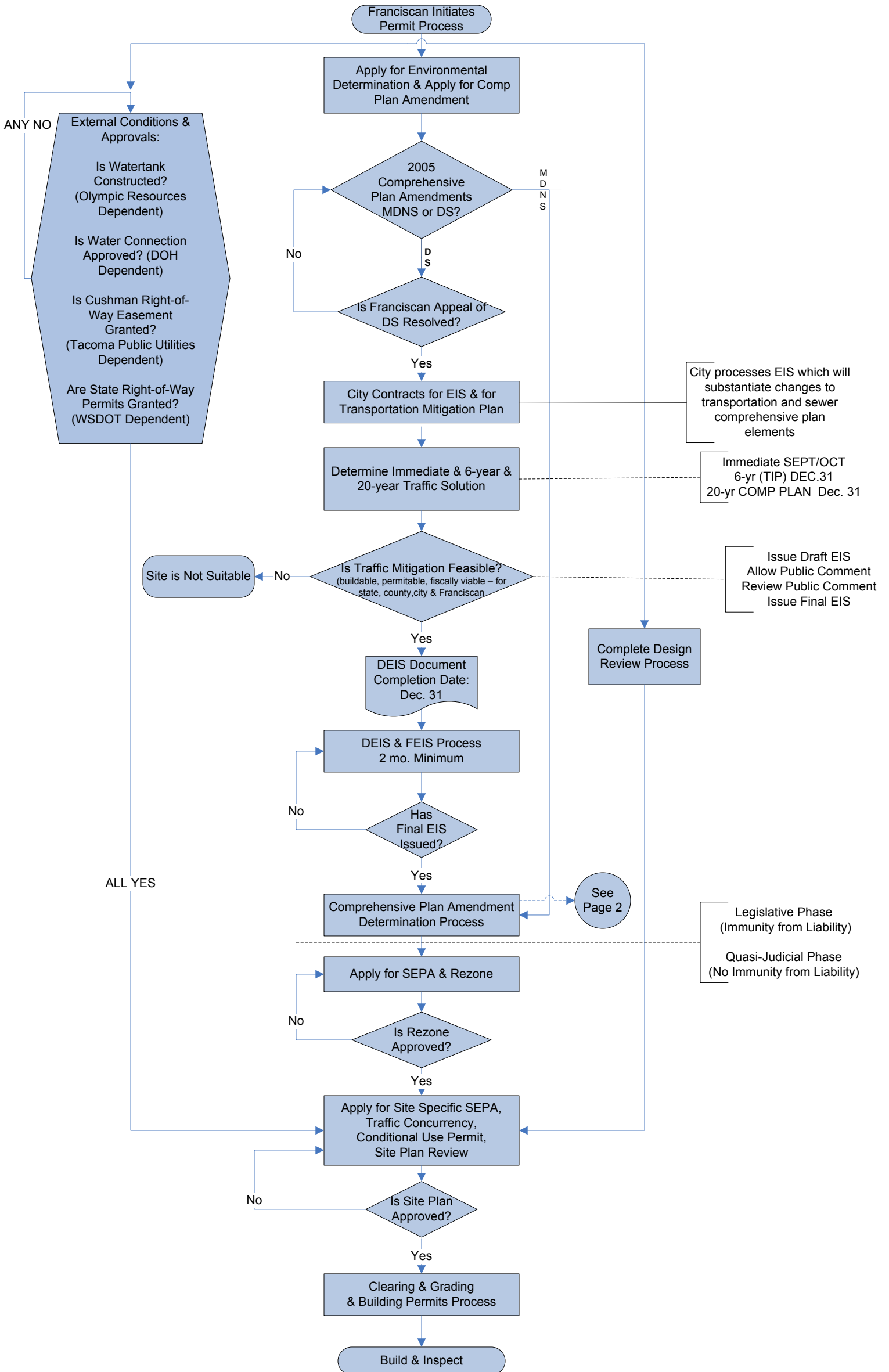
Once the Planning Commission is ready to forward a recommendation of approval the amendments are then taken to City Council where they must hold a 1st and 2nd reading of the ordinance. **July - August 2006**

Attached to this memo is the flow chart developed to explain the process leading to a building permit for Franciscan. It dovetails with the environmental approval timeline. At this point, this environmental timeline is commonly understood by all the parties. We have a short term perspective on transportation improvements (about \$3 million for additional off-ramp lanes plus 12' emergency lanes, as well as some roundabout improvements on both sides of the highway). Also, we have a long-term improvement perspective. Both long and short term perspectives will be articulated by David Evans and Associates by December 31.

Building the long-term interchange improvement at Borgen/Burnham **will not** be necessary before building the hospital; however, city officials are working with Rep. Derek Kilmer to foster a state-authorized fiscal device akin to sales tax increment financing to be able to plan for the long-term improvements. This device will assist the aggregation of federal earmark dollars, state transportation grants, local city and county support, and local property contribution (likely LID) that will be necessary to build the \$40-plus million interchange improvement at a later date. There is indication that our local state representatives' bill will have the opportunity to be heard on the merits in this session.

Looking at both sides of the flowchart, you'll notice that Franciscan could be currently working on an agreement for connection to the water tank (built by Pope), waterline connection permit (Department of Health), Cushman right-of-way permit (Tacoma Public Utilities), Washington state right-of-way permit (WSDOT), and design review process (the city committed to allow them to process this application early). All these issues except design review are outside of the city's control and could delay the hospital project. Hospital planners appear confident that in due course they can surmount these hurdles. (I am particularly concerned about the hospital's agreement with the Department of Health and with Tacoma Public Utilities.)

From my point of view, the project is on-track, and the timeline is realistic and commonly understood. The course that the City of Gig Harbor is taking in terms of environmental documentation provides the greatest opportunity for the City Council to assure that the hospital can locate on its desired site because, consequent to the EIS process, the City Council will have the greatest discretion to accommodate the hospital project in the short term by managing service level standards.



Council Action Relating to Comp Plan Amendments

1. Adjust level of service at intersections in Transportation Comp Plan to reflect conclusions in EIS and to ensure traffic concurrency for future projects.
2. Identify state and local transportation facilities that will meet future and current demands.
3. Analyze funding capability for transportation facilities against probable funding resources.
4. Develop a multi-year financing plan based on needs identified in items #1-3 and in Comp Plan.
5. If probable funding falls short of meeting identified needs, City must include discussion of how additional funding will be raised or how land use assumptions will be reassessed to ensure that level of service standards will be met.
6. After all of the above, and as part of the second half of item #5 analysis, the City Council could deny proposed Comp Plan amendments that would exacerbate traffic impacts on identified transportation facilities; or, the City Council could approve and identify the necessary transportation strategies or transportation improvements that must be constructed in order to maintain/obtain concurrency on identified transportation facilities.



ADMINISTRATION

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: DAVID RODENBACH, FINANCE DIRECTOR
DATE: OCTOBER 24, 2005
SUBJECT: THIRD QUARTER FINANCIAL REPORT

The quarterly financial reports for the third quarter of 2005 are attached.

Total resources, including all revenues and beginning cash balances, are 87% of the annual budget. Total revenues, excluding beginning cash balances, are 97% of the annual budget while total expenditures are at 70%.

General Fund revenues (excluding beginning balance) are 86% of budget. Taxes are slightly behind pace to meet budget at 72%. At this time it appears that sales tax revenues will come in at about \$4.24 million, just shy of the budgeted amount of \$4.387 million. Private utilities taxes (5% of gross receipts for provision of telephone service, electricity, natural gas and water) will come in around \$1 million. Permit revenues are at \$515,000 as compared to a budget of \$324,000.

General fund expenditures are 65% of budget. This is in line with prior year's experience. All General fund departments are on track to be within budget.

Street Fund revenues and expenditures through September are 41% of budget.

Water and Sewer revenues through September are at 78% and 71% of budget. Last year revenues for the same period were 86% and 75% of budget. If this pace is maintained, Water revenues will exceed budget and Sewer revenues will come in near budget for 2005.

Water and Sewer expenditures are both 66% of budget. For the same period last year, both funds were at 59% and 58% of budget. It appears we should be within our expenditure budget for both the Water and Sewer Funds. Storm Sewer revenues and expenditures are at 70% and 42% of budget.

Cash balances are adequate in all funds.

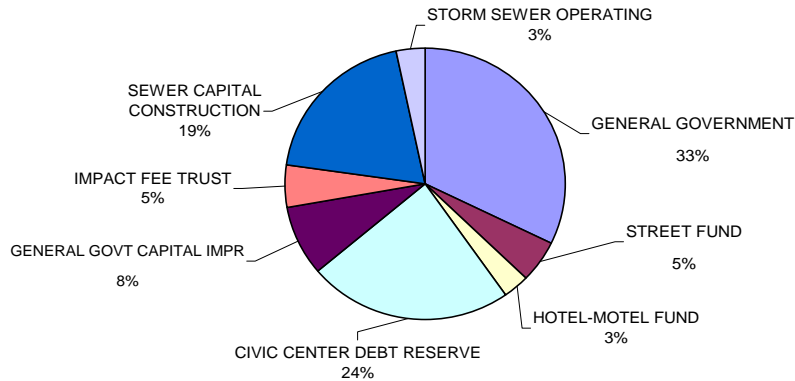
**CITY OF GIG HARBOR
CASH AND INVESTMENTS
YEAR TO DATE ACTIVITY
AS OF SEPTEMBER 30, 2005**

DESCRIPTION	BEGINNING				OTHER		ENDING	
	BALANCE	REVENUES	EXPENDITURES	CHANGES	BALANCE			
GENERAL GOVERNMENT	\$ 2,513,059	\$ 5,810,790	\$ 5,186,137	\$ (344,200)	\$ 2,793,511			
STREET FUND	947,917	961,017	1,296,825	(173,157)	438,952			
DRUG INVESTIGATION FUND	9,283	6,412	5,054	(869)	9,771			
HOTEL-MOTEL FUND	266,288	152,565	160,432	(6,820)	251,601			
PUBLIC ART CAPITAL PROJECTS	10,066	204	-	-	10,270			
PARK DEVELOPMENT FUND	19,412	393	-	-	19,805			
CIVIC CENTER DEBT RESERVE	1,321,310	726,101	-	-	2,047,411			
LTGO BOND REDEMPTION	12,362	400,991	325,826	(304)	87,224			
2000 NOTE REDEMPTION	7,084	128,489	-	-	135,573			
LID NO. 99-1 GUARANTY	81,521	1,652	-	-	83,173			
PROPERTY ACQUISITION FUND	401,158	3,695,431	3,901,044	(7,218)	188,328			
GENERAL GOVT CAPITAL IMPR	518,977	204,040	-	-	723,017			
IMPACT FEE TRUST	361,688	70,333	-	6,844	438,865			
WATER OPERATING	315,599	612,562	689,433	(119,184)	119,545			
SEWER OPERATING	311,484	1,145,372	1,215,963	(36,503)	204,390			
UTILITY RESERVE	73,248	38,304	-	-	111,552			
UTILITY BOND REDEMPTION	37,620	351,620	270,375	(178)	118,687			
SEWER CAPITAL CONSTRUCTION	1,519,549	276,376	108,946	(10,514)	1,676,466			
STORM SEWER OPERATING FUND	263,349	298,760	293,722	23,583	291,970			
WATER CAPITAL ASSETS	139,954	313,776	239,752	(171,739)	42,239			
LIGHTHOUSE MAINTENANCE TRUST	1,804	37	-	-	1,840			
EDDON BOATYARD TRUST	0	14,317	500	-	13,817			
\$	9,132,730	\$ 15,209,542	\$ 13,694,007	\$ (840,259)	\$ 9,808,007			

AS OF SEPTEMBER 30, 2005

	MATURITY	RATE	BALANCE
CASH ON HAND			\$ 300
CASH IN BANK		0.9500%	279,976
LOCAL GOVERNMENT INVESTMENT POOL		3.0411%	6,927,731
FEDERAL HOME LOAN BANK	12/19/05	2.8100%	700,000
FEDERAL HOME LOAN BANK	03/17/06	2.5500%	600,000
FEDERAL HOME LOAN BANK	11/27/06	3.2000%	500,000
FEDERAL HOME LOAN BANK	05/03/10	5.0000%	700,000
BANK OF AMERICA - CD	08/01/05		100,000
			<u>\$ 9,808,007</u>

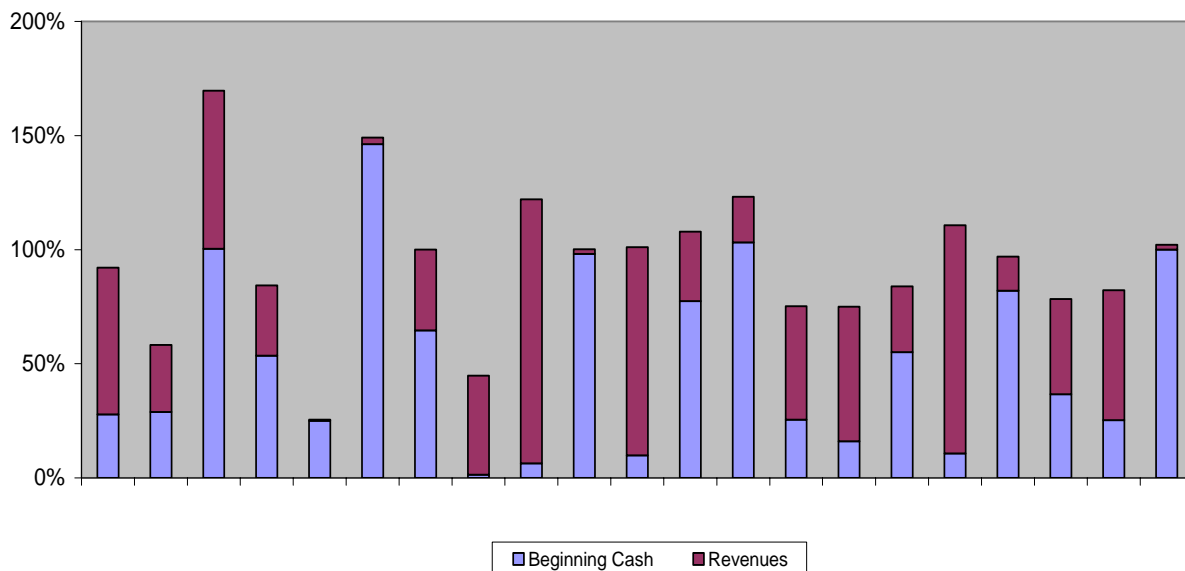
Ending Cash Balances By Fund



**CITY OF GIG HARBOR
YEAR-TO-DATE RESOURCE SUMMARY
AND COMPARISON TO BUDGET
FOR PERIOD ENDING SEPTEMBER 30, 2005**

DESCRIPTION	ESTIMATED RESOURCES	ACTUAL Y-T-D RESOURCES	BALANCE OF ESTIMATE	PERCENTAGE (ACTUAL/EST.)
GENERAL GOVERNMENT	\$ 9,033,945	\$ 8,323,848	\$ 710,097	92%
STREET FUND	3,278,974	1,908,934	1,370,040	58%
DRUG INVESTIGATION FUND	9,251	15,695	(6,444)	170%
HOTEL-MOTEL FUND	496,665	418,853	77,812	84%
PUBLIC ART CAPITAL PROJECTS	40,250	10,270	29,980	26%
PARK DEVELOPMENT FUND	13,277	19,805	(6,528)	149%
CIVIC CENTER DEBT RESERVE	2,046,453	2,047,411	(958)	100%
LTGO BOND REDEMPTION	923,220	413,353	509,867	45%
2000 NOTE REDEMPTION	111,072	135,573	(24,501)	122%
LID NO. 99-1 GUARANTY	83,052	83,173	(121)	100%
PROPERTY ACQUISITION FUND	4,054,291	4,096,589	(42,298)	101%
GENERAL GOVT CAPITAL IMPR	670,177	723,017	(52,840)	108%
IMPACT FEE TRUST	350,593	432,021	(81,428)	123%
WATER OPERATING	1,234,091	928,161	305,930	75%
SEWER OPERATING	1,942,334	1,456,856	485,478	75%
UTILITY RESERVE	132,937	111,552	21,385	84%
UTILITY BOND REDEMPTION	351,625	389,240	(37,615)	111%
SEWER CAPITAL CONSTRUCTION	1,853,715	1,795,926	57,789	97%
STORM SEWER OPERATING FUND	717,322	562,108	155,214	78%
WATER CAPITAL ASSETS	551,594	453,730	97,864	82%
LIGHTHOUSE MAINTENANCE TRUST	1,802	1,840	(38)	102%
EDDON BOATYARD TRUST		14,317	(14,317)	
	\$ 27,896,640	\$ 24,327,955	\$ 3,568,685	87%

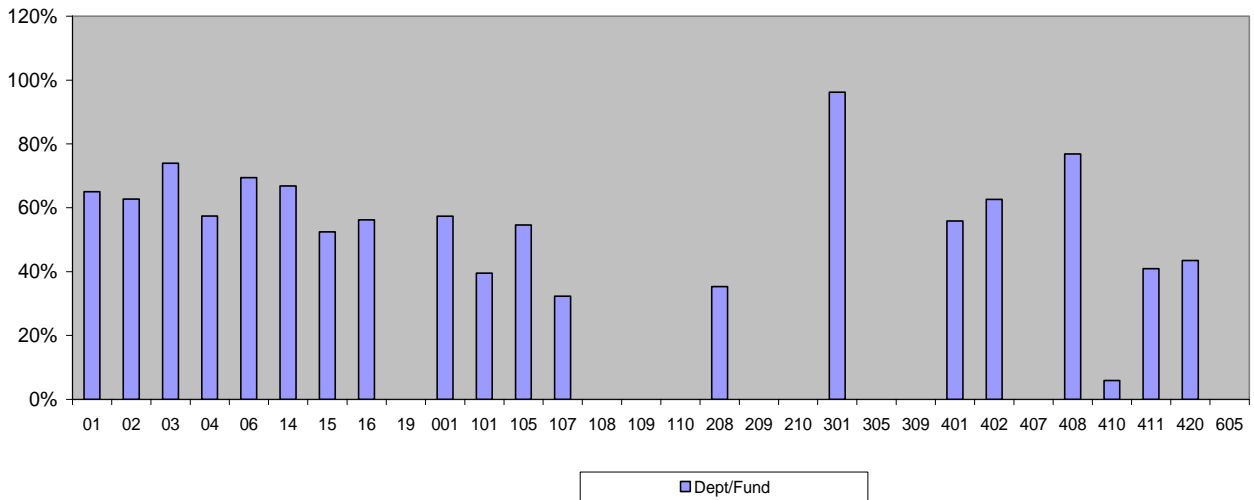
Resources as a Percentage of Annual Budget



**CITY OF GIG HARBOR
YEAR-TO-DATE EXPENDITURE SUMMARY
AND COMPARISON TO BUDGET
FOR PERIOD ENDING SEPTEMBER 30, 2005**

FUND NO.	DESCRIPTION	ESTIMATED EXPENDITURES	ACTUAL Y-T-D EXPENDITURES	BALANCE OF ESTIMATE	PERCENTAGE (ACTUAL/EST.)
001	GENERAL GOVERNMENT				
01	NON-DEPARTMENTAL	\$ 2,225,600	\$ 1,447,375	\$ 778,225	65%
02	LEGISLATIVE	31,600	19,833	11,767	63%
03	MUNICIPAL COURT	466,300	344,889	121,411	74%
04	ADMINISTRATIVE/FINANCIAL	742,500	426,570	315,930	57%
06	POLICE	2,047,131	1,422,002	625,129	69%
14	COMMUNITY DEVELOPMENT	1,218,450	814,240	404,210	67%
15	PARKS AND RECREATION	936,490	490,914	445,576	52%
16	BUILDING	391,900	220,314	171,586	56%
19	ENDING FUND BALANCE	973,974	-	973,974	
001	TOTAL GENERAL FUND	9,033,945	5,186,137	3,847,808	57%
101	STREET FUND	3,278,974	1,296,825	1,982,149	40%
105	DRUG INVESTIGATION FUND	9,251	5,054	4,197	55%
107	HOTEL-MOTEL FUND	496,665	160,432	336,233	32%
108	PUBLIC ART CAPITAL PROJECTS	40,250	-	40,250	
109	PARK DEVELOPMENT FUND	13,277	-	13,277	
110	CIVIC CENTER DEBT RESERVE	2,046,453	-	2,046,453	
208	LTGO BOND REDEMPTION	923,220	325,826	597,394	35%
209	2000 NOTE REDEMPTION	111,072	-	111,072	
210	LID NO. 99-1 GUARANTY	83,052	-	83,052	
301	PROPERTY ACQUISITION FUND	4,054,291	3,901,044	153,247	96%
305	GENERAL GOVT CAPITAL IMPR	670,177	-	670,177	
309	IMPACT FEE TRUST	350,593	-	350,593	
401	WATER OPERATING	1,234,091	689,433	544,658	56%
402	SEWER OPERATING	1,942,334	1,215,963	726,371	63%
407	UTILITY RESERVE	132,937	-	132,937	
408	UTILITY BOND REDEMPTION	351,625	270,375	81,250	77%
410	SEWER CAPITAL CONSTRUCTION	1,853,715	108,946	1,744,769	6%
411	STORM SEWER OPERATING FUND	717,322	293,722	423,600	41%
420	WATER CAPITAL ASSETS	551,594	239,752	311,842	43%
605	LIGHTHOUSE MAINTENANCE TRUST	1,802	-	1,802	
607	EDDON BOATYARD TRUST	-	500	(500)	
		\$ 27,896,640	\$ 13,694,007	\$ 14,202,633	49%

Expenditures as a Percentage of Annual Budget



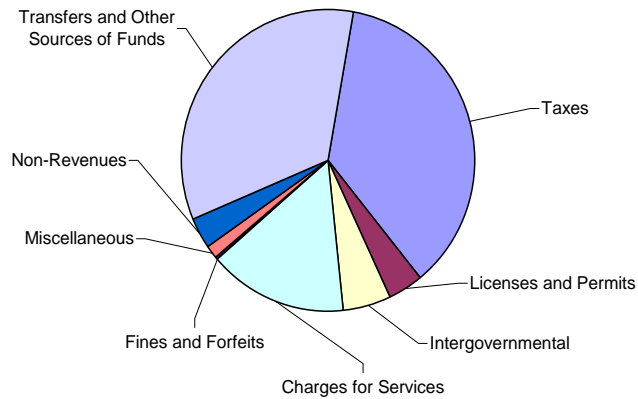
**CITY OF GIG HARBOR
YEAR-TO-DATE REVENUE SUMMARY
BY TYPE
FOR PERIOD ENDING SEPTEMBER 30, 2005**

<u>TYPE OF REVENUE</u>	<u>AMOUNT</u>
Taxes	\$ 5,533,708
Licenses and Permits	599,587
Intergovernmental	783,633
Charges for Services	2,315,112
Fines and Forfeits	71,993
Miscellaneous	220,540
Non-Revenues	484,189
Transfers and Other Sources of Funds	5,200,778
Total Revenues	<u>15,209,542</u>
Beginning Cash Balance	9,132,730
Total Resources	<u>\$ 24,342,272</u>

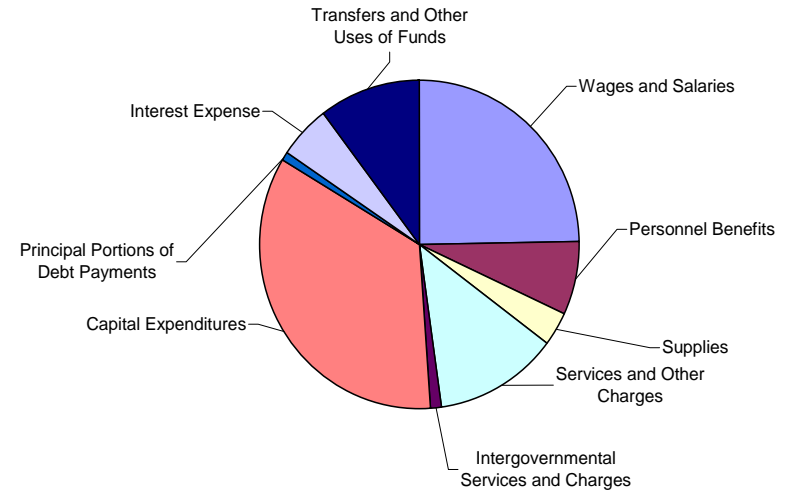
**CITY OF GIG HARBOR
YEAR-TO-DATE EXPENDITURE SUMMARY
BY TYPE
FOR PERIOD ENDING SEPTEMBER 30, 2005**

<u>TYPE OF EXPENDITURE</u>	<u>AMOUNT</u>
Wages and Salaries	\$ 3,354,868
Personnel Benefits	1,001,548
Supplies	434,627
Services and Other Charges	1,717,046
Intergovernmental Services and Charges	137,705
Capital Expenditures	4,704,365
Principal Portions of Debt Payments	124,770
Interest Expense	707,301
Transfers and Other Uses of Funds	1,411,725
Total Expenditures	<u>13,593,954</u>
Ending Cash Balance	9,808,007
Total Uses	<u>\$ 23,401,961</u>

Revenues by Type - All Funds



Expenditures by Type - All Funds



ASSETS
CASH
INVESTMENTS
RECEIVABLES
FIXED ASSETS
OTHER
TOTAL ASSETS

LIABILITIES
CURRENT
LONG TERM
TOTAL LIABILITIES

FUND BALANCE:
BEGINNING OF YEAR
Y-T-D REVENUES
Y-T-D EXPENDITURES
ENDING FUND BALANCE
TOTAL LIAB. & FUND BAL.

ASSETS
CASH
INVESTMENTS
RECEIVABLES
FIXED ASSETS
OTHER
TOTAL ASSETS

LIABILITIES
CURRENT
LONG TERM
TOTAL LIABILITIES

FUND BALANCE:
BEGINNING OF YEAR
Y-T-D REVENUES
Y-T-D EXPENDITURES
ENDING FUND BALANCE
TOTAL LIAB. & FUND BAL.

**CITY OF GIG HARBOR
STATEMENT OF FINANCIAL POSITION
AS OF SEPTEMBER 30, 2005**

	PROPRIETARY							TOTAL PROPRIETARY
	401 WATER OPERATING	402 SEWER OPERATING	407 UTILITY RESERVE	408 UTILITY BOND REDEMPTION	410 SEWER CAP. CONST.	411 STORM SEWER OPERATING	420 WATER CAP. ASSETS	
ASSETS								
CASH	\$ 4,289	\$ 7,265	\$ 3,912	\$ 4,162	\$ 58,795	\$ 10,240	\$ 1,481	\$ 90,144
INVESTMENTS	115,256	197,125	107,640	114,524	1,617,671	281,730	40,758	2,474,705
RECEIVABLES	144,743	132,974	-	-	-	17,647	-	295,363
FIXED ASSETS	3,567,304	9,099,327	-	-	753,626	684,000	23	14,104,280
OTHER	-	-	-	-	-	-	-	-
TOTAL ASSETS	3,831,592	9,436,691	111,552	118,687	2,430,092	993,617	42,262	16,964,492
LIABILITIES								
CURRENT	(500)	-	-	257,561	858	2	46,604	304,525
LONG TERM	35,501	44,167	-	1,852,725	-	34,283	-	1,966,676
TOTAL LIABILITIES	35,001	44,167	-	2,110,287	858	34,285	46,604	2,271,201
FUND BALANCE:								
BEGINNING OF YEAR	3,873,461	9,463,114	73,248	(2,072,845)	2,261,803	954,294	(78,365)	14,474,710
Y-T-D REVENUES	612,562	1,145,372	38,304	351,620	276,376	298,760	313,776	3,036,770
Y-T-D EXPENDITURES	(689,433)	(1,215,963)	-	(270,375)	(108,946)	(293,722)	(239,752)	(2,818,189)
ENDING FUND BALANCE	3,796,591	9,392,524	111,552	(1,991,600)	2,429,234	959,332	(4,342)	14,693,291
TOTAL LIAB. & FUND BAL.	\$ 3,831,592	\$ 9,436,691	\$ 111,552	\$ 118,687	\$ 2,430,092	\$ 993,617	\$ 42,262	\$ 16,964,492

**CITY OF GIG HARBOR
STATEMENT OF FINANCIAL POSITION
BY FUND TYPE
AS OF SEPTEMBER 30, 2005**

	GENERAL GOVERNMENT	SPECIAL REVENUE	DEBT SERVICE	TOTAL GOVERNMENTAL	PROPRIETARY	TOTAL ALL FUND TYPES
ASSETS						
CASH	\$ 73,517	\$ 105,885	\$ 10,731	\$ 190,132	\$ 90,144	\$ 280,276
INVESTMENTS	2,719,994	4,037,793	295,239	7,053,026	2,474,705	9,527,731
RECEIVABLES	1,010,847	38,885	1,287	1,051,019	295,363	1,346,382
FIXED ASSETS	-	-	-	-	14,104,280	14,104,280
OTHER	-	-	-	-	-	-
TOTAL ASSETS	3,804,358	4,182,563	307,257	8,294,177	16,964,492	25,258,669
LIABILITIES						
CURRENT	17,135	187,940	-	205,075	304,525	509,600
LONG TERM	25,612	7,413	-	33,024	1,966,676	1,999,700
TOTAL LIABILITIES	42,746	195,353	-	238,099	2,271,201	2,509,300
FUND BALANCE:						
BEGINNING OF YEAR	3,136,959	3,520,214	101,951	6,759,124	14,474,710	21,233,834
Y-T-D REVENUES	5,810,790	5,830,851	531,132	12,172,772	3,036,770	15,209,542
Y-T-D EXPENDITURES	(5,186,137)	(5,363,855)	(325,826)	(10,875,818)	(2,818,189)	(13,694,007)
ENDING FUND BALANCE	3,761,611	3,987,210	307,257	8,056,078	14,693,291	22,749,369
TOTAL LIAB. & FUND BAL.	\$ 3,804,358	\$ 4,182,563	\$ 307,257	\$ 8,294,177	\$ 16,964,492	\$ 25,258,669