

**GIG HARBOR CITY COUNCIL MEETING OF FEBRUARY 10, 2003**

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

**CALL TO ORDER:** 7:04 p.m.

**PLEDGE OF ALLEGIANCE**

**CONSENT AGENDA:**

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

1. Approval of the Minutes of City Council Meeting of January 27, 2003.
2. Correspondence / Proclamations: Citizens Against Gambling Expansion.
3. Appointment to Civil Service Commission.
4. Purchase Authorization for Source Meters.
5. Water Leak Detection Program – Inspection Services.
6. Skate Park Fencing – Contract Authorization.
7. Public Works Standards Update - Consultant Services Contract.
8. On-Call Professional Services - Consultant Services Contract.
9. Meter Reading Vehicle – Purchase Authorization.
10. Pt. Fosdick Landscape Median Project Consultant Services Contract.
11. 2002 Boating Safety Program Agreement.
12. Liquor License Renewals: Maritime Mart; Market Place Deli; The Harbor Kitchen; Eagles; Texaco; Tides Tavern; and Water to Wine.
13. Approval of Payment of Bills for February 10, 2003.  
Checks #39154 through #39289 in the amount of \$342,874.81.
14. Approval of Payroll for the Month of January:  
Checks #2323 through #2382 and direct deposit entries in the amount of \$233,728.73.

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

**OLD BUSINESS:**

1. Appointment / Re-Appointments to the Design Review Board. Mark Hoppen explained that Lita Dawn Stanton had one year remaining in her term, and that the other three incumbents terms had expired. He said that there is one vacancy left by Bill Reed. Incumbents and new applicants were asked to give a brief introduction of their interest and qualifications. Incumbent Chuck Hunter could not be present to speak, and new applicant, Matt Halvorson submitted a letter explaining his interest and inability to appear.

Paul Kadzik – 3518 Harborview Drive. Dr. Kadzik explained that he had been a member of the Design Review Board since its inception in 1996. He gave an overview of some of the things that the board had accomplished over the years, and the current process to update the Design Review Manual. He said that his past experience and membership on the Planning Commission makes him a good candidate, adding that he would be honored to continue serving.

Linda Gair – 9301 North Harborview Drive. Ms. Gair said that she had served on the board for the past two years. She said that she considered the updates to the Design Review Manual to

be a very important task, and asked to be able to continue serving. She said that her qualifications fulfilled three of the requirements required.

Darrin Filand – 1302 115<sup>th</sup> St. NW. Mr. Filand explained that he recently moved to the Gig Harbor area, and had been raised in Pierce County. He said that he is the lead architect for his firm, and feels that he has much to offer to the Design Review Board. He added that it would be an honor to serve the community.

Charles Bucher – 1625 115<sup>th</sup> St. NW. Mr. Bucher said that he had lived in Gig Harbor, but outside city limits, his entire life, and owns a home design business on North Harborview Drive. He said that he is a member of the Chamber of Commerce Board of Directors. He said that he has enjoyed working with all the members of the community and is ready to serve on the Design Review Board.

Andy Markos – 4203 77<sup>th</sup> Ct NW. Mr. Markos explained that he has been a member of the Peninsula Advisory Committee for three years and worked on the Gig Harbor Community Plan. He said that as a planner for Puget Sound Energy, he has expertise valuable to the Design Review Board.

Jim Pasin – 2710 39<sup>th</sup> St. Ct. Mr. Pasin explained that it has been a year since he served on the City Council. He described his varied experience with the school district, the Chamber of Commerce and City of Gig Harbor. He said that he believes he has the qualifications to serve on the Design Review Board. He described his involvement with several city projects including the Sign Code. He said that he enjoys writing manuals and has the time to devote to the effort. He said that the time he has served on the Planning Commission and City Council has helped him to understand the issues from both sides of the fence. He said he would appreciate the opportunity to serve on the board.

Roseanne Sachson – 3502 North Harborview Drive. Ms. Sachson moved here two months ago and said she was very involved with the general planning committee in Beverly Hills, which used to be like Gig Harbor. She said that Gig Harbor reminds her of the town she grew up and that is why she chose to move here. She explained that as an interior designer licensed in California, she was able to submit plans like an architect. She has worked on flight systems and beds for NASA. She continued to say she would like to be more involved in Gig Harbor.

Councilmember Picinich praised the applicant's qualifications and desire to serve. He said he wished that all of them could be appointed.

Carol Morris recommended that council not adjourn to Executive Session for discussion, but for them to consider all they had heard this evening, and to come back at the next meeting with a recommendation.

Councilmember Picinich asked for any criteria that they should be considering. Councilmember Young strongly suggested that he would prefer that the members live in city limits, but added that if one candidate seemed to rise above the others, he would consider their appointment. Councilmember Owel recommended that the appointments be done in two separate motions; one for consideration of re-appointments, and another for an appointment to fill a vacancy.

**MOTION:** Move to divide the recommendation into two parts.  
Owel/Ruffo – unanimously approved.

**MOTION:** Move to reappoint the three incumbents for the following terms:  
Paul Kadzik - 2 years; Linda Gair – 1 year; and Chuck Hunter – 1 year.  
Owel/Picinich – unanimously approved.

**MOTION:** To continue the appointment for the vacancy to the next City Council meeting.  
Owel/Franich – unanimously approved.

Councilmembers will return at the next meeting with their recommendations for appointment to the remaining vacancy.

2. Second Reading of Ordinance – Shooting Sports Facilities Ordinance.

Doug Tenzler – 9721 Burnham Drive, Gig Harbor Sportsman's Club. Mr. Tenzler said that they met with Councilmembers Ruffo on a Sunday afternoon and talked about many things, including hours of operation. He said that they are only an hour or two apart on agreement; however, they know that the resident's would prefer no shooting at all. He said that after the discussion, the club made modifications to the rifle/pistol range, which included extending the overhangs and setting up baffling. He said that they will be installing another sound reducer tomorrow morning, which they hope will reduce another 30% of the noise from the rifle/pistol range. He continued to explain that they set up a test after the modifications, but unfortunately, neither Mark Schaefer, nor his group, were able to attend. Councilmembers Ruffo and Ekberg did visit the range and observed the modifications. The members demonstrated shooting using the same weapons used during the previous testing to allow for a baseline for comparison. He said that they fired at the range with the Councilmembers present, while giving them an overview of the range safety measures. After that, they traveled to Avalon Woods to listen for the sound from there, communicating by walkie-talkies. Doug said that he was told that from position #1, shooting noise was difficult to hear, but at position #2, more noise was heard, as it was closer to the range and at the southern end of Avalon Woods. He added that he understood that the noise was dramatically less than what had been heard before. He said that the test was done specifically for the rifle/pistol range, so that noise from Saturday shooting could be addressed. No shotguns were fired during this time. He then asked for the two Councilmember's who were present at the test to comment.

Councilmember Ruffo first asked both Doug and Mark if they thought it would be valuable to postpone any action by Council to allow the homeowners to hear the results of the abatement efforts that the club had already done, and those that were scheduled to be installed.

Doug explained that they are not far apart on the hours. He said that he reviewed the hours voted on at the last meeting, and with some modifications, they are not far off. He said that if Council wanted to wait another two weeks to let them install more noise abatement; the issue is Saturday, not Thursday night or Tuesday night or Sunday, because those hours are already relatively in place. At Councilmember Picinich's request, he restated the hours of operation.

Doug continued, stating that he would act as spokesperson for the Gig Harbor Sportsman's Club, and offered to shut down at 8:00 on Tuesday night, start a little earlier, and maybe throw in an option in the summertime of going until 9:00 during May through September. He said that they want to shoot until 10:00 p.m. on Thursday nights. He said that they would be willing to go from 10 a.m. until 4 p.m. on the weekends, as it is a matter of being able to man the facility. Doug continued to explain that the other key issue is in paragraph on page 10, which reads, "in addition to shooting activities shall be allowed five full weekends with the following weekends

closed..." Doug said that they need 10 weekends, as 3-4 of those weekends is going to be two-hour timeframes where the hunter's education class shoots shotguns for an hour, then shoots at the rifle range for an hour. He requested to be able to turn in a schedule to the city and to the representative of Avalon Woods a month or so ahead of time to let them know when the shoots will be occurring and to allow the neighbors to plan. Doug said that he would like these hunter's education classes to be excluded from the five allowed in this ordinance. He said that on the Saturday special shoots; some will go past the 6 p.m. time, possibly up to 8 p.m. Two of these events would be the PITA and Ducks Unlimited events.

Councilmember Picinich stressed that the Sportsman's Club is willing work with the city and the residents to keep them informed. Doug then continued to explained that this would allow for 42 weekends without shotgun noise, which is what the neighbors are concerned with.

Doug discussed the efforts to relocate to Kitsap County, adding that if Council is going to vote for an ordinance, the club would like to be able to opt out or to be able to be exempt for one year with an option to extend. This would allow Council to monitor the progress and to allow the club to "get out of here."

Councilmember Picinich said he was in favor of this, but would like to know that the hours are going to be enforced. He recognized that the two parties are close to agreeing on the hours, and said that he is satisfied with the progress that has been made. He said that he wouldn't mind amending the effective date of the ordinance for one year with, the understanding that the hours of operation must be confirmed, and there won't be any complaints from Avalon Woods.

Doug said that they would redo all signage at the front gate and install signage on the ranges with the amended hours to make sure members followed the hours, but they could not control what happens outside the club. He discussed several times when the club members called in to the Sheriff's Department and Gig Harbor Police to complain about shooting taking place at Spadoni's Gravel Pit or the area between the club and Avalon Woods.

Councilmember Ruffo asked Mr. Schaeffer for his recommendation on postponing action. Mark said he would have liked to have been at the test and thanked the club for their efforts. He said that he can't argue whether the improvements have helped or not. He said that he would like to see another test, but also would like to hear the opinion from the two Councilmembers that were present.

Councilmember Ruffo explained that they had a gauge that showed decibel ratings. He stressed that this is where he disagrees with the ordinance, because the decibel rating is what is key to an effective ordinance. He said that the lack of this makes him agree with Mr. Tenzler that this is "not good law". In one specific instance, the decibel reading was between 65-68, just above the 65 level that other jurisdictions have held. He said at station 2, unless you have had time to get used to the noise level, it is a little annoying, but not as annoying as a lawnmower. Because it is a regularly scheduled noise, whereas a lawnmower is not, you have to address two issues; noise abatement using a decibel reading, and scheduled noise verses non-scheduled noise.

Councilmember Ekberg said that he was at the club before the abatement efforts had been taken and the noise was very loud. He said he had never been to Avalon Woods and listened when it was only pistols/rifles, he had only listened when they were shooting shotguns, so he couldn't make a comparison. He said that the shotgun noise made him flinch, but the noise he heard on Saturday was a distant noise, and he just recognized that there was a noise coming from that direction.

Councilmember Picinich asked if there was something more that could be done to curtail the remaining noise from the rifle/pistol range. Doug explained that the sound abatement going in tomorrow may eliminate another 30%. Whether or not it will drop the noise level below the 60 decibels can't be answered, then added that a diesel pickup will register 80 decibels.

Doug continued to say that they are trying to bring the noise level down and still shoot, while staying within the EPA and State of Washington laws for trap, rifle and pistol shooting. He said that they think they've done an excellent job of this based upon the comments by both Councilmembers Ruffo and Ekberg. He said that the members are going to continue shooting, which is unfortunate from the neighborhoods' standpoint, because their will still be noise. Two years is what they are asking for to get down the road...then the neighbors will have their peace and quiet.

Councilmember Owel asked why the club hadn't taken any abatement action before now. Doug said that this issue hadn't come up before, as the noise issue was under the guise of safety. He continued to say that when the club passed the safety test; the issue became noise, then pollution, which the city has no control over. He said that frankly, EPA has cleared the club. He said that they are not polluting anything, so now the issue is back to noise.

Councilmember Franich said that the club's early letter stated that they would only accept the hours of operation without an ordinance, and asked Doug if they were willing to follow the hours that were being negotiated within the ordinance? Doug said that the hours that he discussed a few minutes ago are fine, but not the ordinance, and what the city is asking the club to do. In two years the city is asking them to spend an awful lot of money unnecessarily.

Councilmember Franich asked him if the Council gave the club an extended time to meet these requirements, would they be willing to follow the hours of operation? Doug said that if the club remained here, they would follow the rules and the hours set, but asked Council why the club should spend the money now, as the club has been here 53 years with no problems. He reminded Council that the Police Chief goes shooting there often and is keeping an eye on the place.

Councilmember Franich asked again if they would be willing to abide by the final, negotiated hours. Doug said that if he was asking whether the city passed an ordinance with the hours, he would say no...that they would like to be exempt for one year with an option to extend.

Councilmember Ekberg said that he realizes that the club is trying to find a new location. He said that he has gone through the ordinance and found two areas that might pose an expense; the fencing and the surveyor's site plan. He suggested a two-year exemption from those two provisions if, at the time the club applies for the license, they provide a site-plan that doesn't have to be done by a licensed surveyor, and also provide an affidavit stating that the property is currently fenced. If they supply these two items, then the club would be exempt from those two sections of the ordinance.

Doug said that if you drive there you can see that the club is fenced all around, adding that he would sign something stating that. Councilmember Ekberg stressed that currently, it is not fenced in compliance with the ordinance, but if there is a two-year exemption, it would solve one of the financial problems being discussed. Doug said that another problem is applying for the permit. He asked Council for a guarantee that the permit would be moved through rapidly, adding that their concern is that the permit would stall because of personal feelings.

Councilmember Young said that he could guarantee that if a staff-member let's this happen; they wouldn't be around very long. He said that Council trusts staff to be fair in all development matters, adding that he thought this was a strange concern. He asked Doug what, besides the fencing, is costing the club so much money? Doug asked him if there was time to go through the entire ordinance, as there were things that he thought had been crossed out during the worksessions that were back in the ordinance. Councilmember Young asked Doug to point these costly matters out so that they could be addressed. Doug didn't respond to this, but asked about whether the club would be exempt.

Councilmember Dick again asked which of the matters that had been discussed in the workshop were causing him concern. Doug said the engineering site plan, then added that he was not prepared to go through the document line by line tonight, but if Council wished to do so, he would like the opportunity, because there are still things that they feel should not be included. He said that they should not have an ordinance.

Councilmember Owel recommended moving forward with the public comment. After everyone has had the opportunity to speak and the public comment has been closed, Council could continue to deliberate and consider the document paragraph by paragraph.

Mark Schaeffer said that he agreed with Councilmember Ruffo that the ordinance does not address the noise issue properly, but hours of operation are the only thing left. He commented on why the abatement had only recently taken place, adding that that if Council passes an ordinance with hours of operation, he could guarantee more changes at the club. He said that it is important that there is an ordinance, and that Council knows their position on the hours of operation, with no shooting on Tuesdays and Thursdays past 9 p.m. and no shooting on Saturdays. He asked the question, "Why did this much noise abatement only take place last week?"

Frederick E. Calhoun – 7717 71<sup>st</sup> Ave NW. Mr. Calhoun said at first that he would like more time to study the document. He said that he is a member of the Gig Harbor Sportsman's Club and has been a member of the Board of Directors. He said that any action that Council is taking not only affects Gig Harbor Sportsman's Club but the whole Pierce County area. He said that one of the reasons he moved here is that it is close to Alaska and British Columbia where he is able to hunt and shoot. He said that he would like to study the issues more and then he would come and speak to Council.

Guy Skeer – 3508 25<sup>th</sup> St. Ct. NW. Mr. Skeer said that many of our sons and daughters are going off to war, many of whom have been taught to shoot safely by family members. He said that it is preferable that this be done at a gun range rather than somewhere else. He said that when Council limits hours on the range, it functions as a tax that could slowly put it out of business. He said he comes home from work, eats dinner, grabs his guns and he and his daughter drive to the range. It is about 6:30 by then and they still have to wait for a position in line. This leaves no time to shoot. He compared those who move in next to an airport and then complain about the noise to this issue. He asked Council to please not tax this activity out of existence, explaining that in the 1890's, shooting was a family activity, an American pastime, and an important sport to help the safety of our sons and daughters in time of war.

David Jepson – 9810 43<sup>rd</sup> Ave NW. Mr. Jepson said he heard the club say that they were willing to compromise on the Tuesday hours to end at 8 p.m., and asked why not on Thursday as well, if they have the option of starting earlier? He then said he heard several Councilmembers ask whether the Sportsman's' Club would voluntarily comply with the hours

while exempt from the ordinance, yet he didn't hear Mr. Tenzler say that they would comply. He heard that they were willing to change the signage, and if and when they were going to be here permanently, then they would comply. He stressed that Council should clarify the club's intent.

Doug Nesbitt – 99<sup>th</sup> St. Ct. NW. Mr. Nesbitt said that his primary concern is safety and noise. He said that the intent of the proposal from Avalon Woods is not to close the club, but that they would just like the club to keep their noise on their own property and then they could shoot 24 hours a day. He said that he too is a sportsman, but he wouldn't think of shooting near a neighborhood where people are trying to put their children to bed. He explained that it is impossible to put his kids to bed on Tuesday and Thursday nights with the gunfire. He said that he has the right to enjoy his property, and that shooting until ten o'clock at night is ridiculous and inconsiderate. He said that the fact that the club has taken no action to abate the noise until last week is action taken too little, too late. He said that the club has 600 members, are financially viable, and an extra \$10 per month per member would give the club the necessary funds to install noise abatement. He said that another of his concerns is the development going in behind their neighborhood, as the trees will be removed and the noise will only get worse. He urged Council to strongly consider the Avalon Woods Neighborhood's recommendation on the hours of operation to stop the noise after 8 p.m.

Paul Simms – Allyn, WA. Mr. Simms explained that he is a range officer at the club. He said that it wouldn't matter if this were a farm with tractor noise; any noise that is foreign to urban ears is a problem that the residents will want stopped. He said that is why the Council should delay the ordinance and spend the time and effort to get the club out and into Kitsap County. He said he was impressed with the working relationship between the two groups and the city should give them more time to work on the hours and they will come to an agreement. He said that if the ordinance is passed, it will continue the conflict.

Dave O'Dell – Avalon Woods. Mr. O'Dell said that the ordinance will not solve the noise abatement issue, and what Council will have to decide is what they want to see the north end of Gig Harbor to look like in 5, 10, or 15 years. He said that the club is being invaded by growth and asked Councilmembers not to pass this problem on to the next set of Councilmembers.

The public comment portion was closed at 8:07 p.m.

**MOTION:** Move to consider the ordinance paragraph-by-paragraph beginning with Section 'O' – Hours of Operation.  
Owel/Franich – four voted in favor. Councilmembers Picinich and Ruffo voted no. The motion carried..

Section 'O' – Hours of Operation. Councilmember Picinich said he had no problems with the Monday, Wednesday or Friday, 8 a.m. to 6 p.m. hours. Councilmember Ekberg commented that he would like to close these dates to shotgun activity. Councilmember Picinich said he would like to see Tuesday remain 8 a.m. to 9 p.m. and Thursday changed from 8 a.m. to 10 p.m. Councilmember Franich asked if he would consider changing this to Tuesday, 6 p.m. to 8 p.m. and 9 p.m. in the summer for trap shooting?

**MOTION:** Amend the hours to Tuesday, 8 a.m. to 6 p.m. and Thursday from 8 a.m. to 10 p.m.  
Picinich/Ruffo – Councilmember Picinich and Ruffo voted in favor. The other five members voted no. The motion failed 2-5.

**MOTION:** Move to amend Monday, Wednesday and Friday, 8 a.m. to 6 p.m. followed by: Closed to shotgun activities, open to rifle/pistol. Ekberg/Owel – unanimously approved.

Councilmember Picinich said he wanted to close Saturday to all shotgun activity, but open from 10 a.m. to 4 p.m. to rifle/pistol. Councilmember Ruffo pointed out that it already allows for rifle/pistol range shooting from 10 a.m. to 6 p.m. on Saturdays. Councilmember Picinich said he was trying to get some concession for the Thursday evening hours.

**MOTION:** Move to open the trap range on Thursdays from 6 p.m. until 10 p.m. Franich/Picinich – roll call vote as follows:

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

The motion failed four to three.

Councilmember Young asked for clarification on the difference in hours between Saturday and Sunday. Mark Schaeffer explained that the Sunday hours were to accommodate the special shoots. He then said that Councilmembers were changing a lot of hours that the club and neighborhoods had agreed upon. He stressed that if more hours or days are taken away the club will have no opportunity to shoot. He said that Council just voted to take away shotgun activity on Monday, Wednesday and Friday.

Councilmember Ekberg asked for clarification on the letter submitted by the club, which excludes these days to trap shooting. Doug Tenzler explained that they had negotiated these hours with the neighbors to allow for Sunday shoots.

Mark Schaeffer explained that the objective would be that the club operates the normal working hours of 8 a.m. to 5 p.m., but if Council starts to take away the evening hours, they need to have some way to transfer these hours to allow them to shoot.

Councilmember Ruffo said that the parties were only in disagreement on the issues of the 10 p.m. ending time on Thursdays and the number of special shoots. He stressed that the hours should be left up to the two parties to agree upon and forward to Council for inclusion in the ordinance.

Councilmember Ekberg apologized for the confusion, and said that if trap was not the issue on Monday, Wednesday and Friday, he could be convinced to remove his motion. Mark explained that this is why he brought the issue up. Mark said that the only issues that are left is that the club would like to shoot until 10:00 on Thursdays and the neighborhoods would like no shooting past 9:00 and they want the range closed to all shooting on Saturdays. Councilmember Picinich asked for clarification on the hours that everyone agreed upon. He asked once more if they could agree upon allowing the club to shoot until 10 p.m. on Thursdays. Mark Schaeffer said no, they will not agree to that.

**MOTION:** Motion to reconsider the motion he made to amend Monday, Wednesday and Friday, 8 a.m. to 6 p.m. followed by: Closed to shotgun activities, open to rifle/pistol. Ekberg/Ruffo – unanimously approved.



Councilmember Franich began discussion on allowing the club to increase the special shoots from five to ten and made the following motion.

**MOTION:** Move to increase the number of special shoots to ten weekends.  
Franich/Picinich –

Councilmember Ekberg said that he would consider this for two years, then drop it back to five. Councilmember Owel asked if all ten would be followed by a weekend of no activity.

**AMENDED MOTION:** To delete the language in that section “following a weekend of no activity (closed on Saturday and Sunday to shooting activities.)  
Ruffo/Picinich – Councilmembers Ruffo and Picinich voted yes. The other five members voted no. The amendment failed five to two.

**ORIGINAL MOTION:** Move to increase the number of special shoots to ten weekends.  
Franich/Picinich – Six voted in favor. Councilmember Owel voted no.

Councilmember Franich asked if Council would consider allowing five weekends after the ten special shoots that the club could remain open.

**MOTION:** Move to amend the language to read “shooting activities shall be allowed ten (10) full weekends a year, ..., and that five of those would have following a weekend of no activity...”  
Franich/

The motion died for lack of a second.

Councilmember Picinich began to discuss the Thursday hours again. Councilmember Owel stated that Council needed to stick as closely as possible to what had already been agreed upon.

There were no comments on Sections ‘P’ or ‘Q’ or ‘R’. Councilmember Ekberg said he had planned on adding a Section ‘U’, but would break it down to two separate motions. He said he like to make an amendment to section ‘S’ regarding exemptions.

**MOTION:** To amend Section ‘S’ to add: Any shooting sports facility in operation prior to the passage of this ordinance may, when applying for the license required by Chapter 5.12, have an additional 2 years to comply with section 51.12.180S, as long as at the time of the application they provide a signed affidavit, that their property is currently fenced.  
Ekberg/Young – unanimously approved.

Councilmember Young backtracked to Section ‘Q’ and asked for clarification on the use of steel targets. He asked if they should be prohibited outright or if they could be allowed with modifications of the range. Councilmember Ekberg said that if this becomes an issue in the future, the ordinance could be amended.

Councilmember Franich asked if the hours set for outdoor facilities only. Carol Morris explained that this was addressed in the last paragraph of Section ‘O’, page 9.

There were no comments on Section 'T', or 5.12.200. The discussion continued to Section 5.12.220.

Councilmember Franich asked if ten calendar days was sufficient to allow the club to gather information and respond effectively to a complaint. Councilmembers discussed how ten days came about. Carol explained that the next paragraph allowed for additional investigation time.

**MOTION:** Move to amend this to fifteen calendar days.  
Franich/Picinich – unanimously approved.

Councilmember Franich asked for clarification on the role of the Administrator in section 'D' in this and the Public Safety Authority in section 'B' of the following chapter. Mark Hoppen explained that the Public Safety Authority determination is how the facts apply to the law from a police perspective. The job assigned to the Administrator is strictly administrative.

The discussion moved to 5.12.060 – Appeals. There were no comments in this section.

Councilmember Ekberg referred to the amendment he wanted to make to number 9 of 5.12.060 – Application procedure and made the following motion.

**MOTION:** To amend Section 5.12.060 – Application procedure, number 9 to add:  
Any shooting sports facility in operation prior to the passage of this ordinance may, when applying for the license required by Chapter 5.12, have an additional 2 years to comply with section 51.12.606 B-9, as long as at the time of the application they provide a site plan as set forth in section 5.12.180C.  
Ekberg/Young – unanimously approved.

Councilmember Young said he would like council to consider modifying the effective date of the ordinance making it subject to conditions such as agreement on hours of operation; acting in a safe manner; and upon the club actively pursuing other venue for operation. Councilmember Owel said that the amendments already made to the ordinance allowing exemptions allowed for phasing in of two of the more onerous issues.

Councilmember Ruffo suggested making the ordinance effective March 1, 2005.

Councilmember Owel said that council had been discussing this for two years, and applauded the efforts of the two parties in their efforts to mitigate the issues. She said that the hours of operations as discussed are more than a compromise in favor of the Sportsman's Club and at the very minimum, should be complied with immediately.

Councilmember Ruffo argued that the club knows it has a problem, even though the neighbors should have known that the club was present through their covenants before they bought their homes. He said that he could empathize with Avalon Woods, adding that this is not the issue...the issue is what is right. He continued to say that the original issue raised was one of safety, which had been inconclusive, so it then became noise. He said that now, noise isn't even being addressed in the ordinance. He said he was confused on how Council had arrived at this ordinance. He said that the gun club had been here for over fifty years, is doing whatever possible to remain a viable operation, and has informed Council of their intent to move. Council is now a government entity interfering in what two parties are trying to work out on their own. He said that the two parties had almost reached an agreement, and then Council changed it further,

and now is attempting to mitigate the original ordinance by making sure that the club gets by with little cost. He said he thought what Council was doing is ridiculous, even though they have the community at heart. He said that he understands that the club makes noise, and yet the ordinance doesn't address this, only the hours of operation.

Councilmember Young said he had no idea how to go about regulating noise. He said that any attempt to set any reasonable decibel level would fail, as the club would exceed the level. He said that the club couldn't be shut down, and there is no way they can baffle the trap range.

Councilmember Ruffo suggested giving the parties another six months without Council involvement to reach accord. If at that time, the club hasn't indicated that they are moving, then Council could revisit a better ordinance than the one proposed, one with noise abatement. He added that technical research would be necessary. Councilmember Young said that the noise report did make recommendations and none were made for the trap range, as not much could be done.

Councilmember Ruffo said that in six months, if Council doesn't get a viable response from the club, closing the trap range could be an option. He said that the club has acted in good faith and Council has interjected themselves, which is prohibiting the club from trying to do what is right.

Councilmember Young stressed that none of those concessions would have been made if the city had not stepped in. They were not fenced until the city required it, and no noise baffling had been done to the rifle/pistol range until the city stepped in. He said that sooner or later, you have to have some government regulations. He continued to say that if you move next to an airport you expect a certain level of noise, but over time, that noise can change. He said he would want to stop a 747 from flying over his house.

Councilmember Owel said that airports are a part of the transportation infrastructure, and not analogous to a gun club. She said it would be irresponsible not to address an ordinance of gun clubs generally. She said she applauds the efforts toward mitigation, but believes an ordinance is necessary. She said that a noise ordinance is a separate issue.

**MOTION:** Move to adopt Ordinance No. 926 as amended.  
Owel/Ekberg –

Councilmember Picinich said he was against the times set and would vote against passage unless the club was allowed to remain open after five of the special shoots.

Councilmember Franich asked Mark Hoppen who has the final authority to revoke their business license. Mark explained that it would be up to Council under the revocation procedure of the business license code and described the procedure.

Councilmember Young said he would prefer to allow the Sportsman's Club incentives to move without having to incur a large expense. The city should allow these incentives by allowing the club to operate in the manner to which they are used to, as long as they agree to voluntarily abide by these hours of operation and keep Council apprised of their efforts to move. If the application is denied, and they remain in Gig Harbor, the ordinance would then take effect.

Councilmember Picinich said if you want to give the club incentives, strike the language closing them the weekend after a special event. Councilmember Ruffo explained that the incentive is not in the hours of operation but the delaying the effective date to see if the club is going to

move. He suggested a delay of four to six months that would allow Council to see where they are in the application process. Councilmember Young agreed that this would allow an ordinance to put in place a framework, and would allow the opportunity for the parties to come to an agreement on hours and to address other concerns.

Councilmember Dick said that his concern is the ultra-hazardous nature of shooting guns in the city, which the council is going to permit to continue. He said that the city regulates all sorts of activities, such as building height and setbacks, that aren't near a safety concern as something that can enter one property from another. He said that Council should adopt a regulatory framework, recognizing that there would be adjustments. He said that he would not like to jeopardize the possibility of the burden to the neighbors being lifted if the club finds a new location, but stressed that the city couldn't depend on that happening any time soon.

Councilmember Dick disagreed with Councilmember Ruffo's suggestion that this has nothing to do with noise, but said that he recognized that the city had to deal with not just how much noise, but when it occurs. Dealing with noise is a much longer process, but for now, the city can mitigate the concerns that have been discussed, but they can't be eliminated altogether. He said that limiting the number of hours is a mitigating response worthy of the Council's efforts, and at a later time, the amount of noise that is appropriate can be determined and dealt with on a separate basis. He said that he favored the ordinance as crafted.

Carol Morris suggested a compromise on page three, section 5.12.040, subsection B, to amend the language from three months to either six, eight or twelve months so that the club would not have to go to the expense of the application process, but the ordinance would be in effect. Councilmember Young said that he liked that suggestion as it sets the process and standards. He added that the club already operates safely, and with the amendments made by Councilmember Ekberg, the application process would be extended to allow the club to return with a completed land-use application in Kitsap County.

Councilmember Ruffo said that he has received assurance from the Sportsman's Club that they will know the status of the move some time this summer. He recommended giving the club at least nine months so that there will ample opportunity, and Council would not have to revisit the ordinance.

Councilmember Ekberg said that nine months is too long, as there has been a lot of discussion with many people. He said that the discussions have been productive and commended all parties for their participation. He said that a very good ordinance had been crafted and that the hours of operation need to be put into place sooner than a year. He said that three months is adequate.

**MOTION:** Move to amend page three, 5.12.040 – paragraph 'B' to read "...the shooting facility operator shall apply for an operating license no later than six months from the effective date of this chapter."  
Young/Franich – six voted in favor. Councilmember Ekberg voted no.

**MAIN MOTION:** Move to adopt Ordinance No. 926 as amended.  
Owel/Ekberg – roll call vote as follows:

Ekberg – yes; Young – yes; Franich – no; Owel – yes; Dick – yes; Picinich – no; Ruffo – no.  
The motion carried four to three.

Councilmember Ekberg asked for a short recess at 9:20 p.m. The meeting reconvened at 9:30

p.m.

**NEW BUSINESS:**

1. Ron Hanna – Pierce County Youth Assessment Center. Mr. Hanna said he was representing a non-profit organization called "A Change to Change" in partnership with Pierce County Juvenile Court. He gave an overview of this joint effort to keep the kids that are in security detention, and do not require this level of security, to be placed in an assessment center. He said that this has been tested and found successful around the United States. He described how the program works, and discussed the funding required for such a program. He said that they will be asking 23 municipalities in Pierce County to voluntarily provide a share of the \$300,000 part of the program after a 2-3 year trial to prove the program's success. He said that they are asking the Gates Foundation for the funding for this 3-year pilot program, and that there would also be a fee from parents who could afford it. He introduced his bosses and described the Ad Hoc Committee formed to develop the program. He thanked Council for allowing him to present the information.

Councilmember Franich asked to be excused from the meeting at this time.

2. Requested Amendments to the Pierce County Comprehensive Plan. John Vodopich explained that the city had received notice from Pierce County asking for comments on a number of Comprehensive Plan amendments made in regards to property located in and around Gig Harbor. He described the process to date. He said that the remaining applications are the Watland application, which City Council had support inclusion; the Chidester application, which the City Council recommended exclusion due to the wetlands; the Miller application, which City Council recommended exclusion; and a new application by Roby/Campen, for approximately 40 acres north of the Miller property. He asked for comments on these remaining applications to be submitted back to the County Council before their meeting on Wednesday. John answered Council's questions regarding the applications.

Jay Watland – 9610 85<sup>th</sup> Avenue NW. Mr. Watland said he was here to request Council's support of the inclusion of his property in the Urban Growth Area, adding that he has the support of County Councilmember Terry Lee. He answered Councilmember Dick's questions on zoning and density. Mark Hoppen clarified that to obtain sewer, the property owner would have to comply with the city's pre-annexation zoning regulations. Mr. Watland said that he would like the opportunity to begin planning for development of the property. He said that the wetlands consist of less than ½ acre, which is relatively insignificant.

Paul Miller – 917 Pacific Avenue. Mr. Miller said that this property was part of the UGA until this last comprehensive plan amendment. He said that it also had been part of an annexation effort last January. He described the only legal access off 88<sup>th</sup>, which runs through an employment center. He said logically, the property needs to remain part of the employment center. He asked that Council recommend that the property be placed back into the Urban Growth Area.

Councilmember Young commented on the applications. He said that he supported the Watland inclusion, and talked about the bad planning surrounding the Miller property, placing rural residences next to an industrial area.

**MOTION:** Move to change the staff recommendation on to support application PA-18, to be included in the city's UGA..

Councilmember Ekberg asked for clarification on why the recommendation was not to include wetlands. John Vodopich explained that in the process to update the Gig Harbor Peninsula Community Plan with Pierce County, a staff-level analysis of the Urban Growth Boundary was done and recommendations were made on a number of areas that were believed to be encumbered by wetlands. He said that this area was removed, and other areas were included in the UGA.

Councilmember Ruffo asked Mr. Miller to comment on the wetlands. Mr. Miller said that the wetlands on this property are small as compared to others in the employment center. He said that anything developed in the area would have to take wetlands into account.

Councilmember Dick asked for clarification on the access streets. Mr. Miller explained that they had explored their options, and the only legal access is 88<sup>th</sup>.

Councilmembers asked about the Roby/Campen application. Mark Hoppen explained that the Roby/Campen property has considerable open space and availability and is adjacent to ED zoning. If it is developed as residential property, then Mr. Miller's property would be surrounded on three sides. It makes sense that if Mr. Miller's property should be ED zoned, then the Roby/Campen property should be ED as well. He recommended that Council make no recommendation on this application and to let Pierce County make the determination.

**RESTATED MOTION:** Move to change the staff recommendation on to support application PA-18, to be included in the city's UGA.  
Young/Ruffo – Four Councilmembers voted in favor.  
Councilmembers Dick and Ekberg voted no.

**MOTION:** Move to remove any recommendation to Pierce County on the Roby/Campen application.  
Young/Ruffo – unanimously approved.

**MOTION:** Move to approve the draft as amended.  
Ekberg/Young – unanimously approved.

3. Pavement Rating Survey Services – Consultant Services Contract. John Vodopich presented this professional services agreement for pavement rating survey of the city's streets and roads. He explained that the cost is over the anticipated amount due to an increase in the per lane mile cost and the inclusion of a ten-year rehabilitation plan and report. He said that staff feels that this report will be a valuable tool in anticipating future needs.

**MOTION:** Move to authorize the execution of the Consultant Services Contract with Measurement Research Corporation for pavement surface condition survey work in the amount not to exceed eight thousand seven hundred fifty dollars and zero cents (\$8,750.00)  
Ruffo/Picinich – unanimously approved.

4. Resolution – Arbor Day Celebration. Mark Hoppen explained that the Arbor Day organization would like to celebrate Arbor Day in the lobby and training room at the Civic Center, and adoption of the resolution would make it a city activity and would allow them to use

the facility at no cost. He addressed Councilmember Ruffo's concerns that this sets a precedent.

**MOTION:** Move to adopt Resolution No. 604.  
Young/Picinich – unanimously approved.

5. Resolution – Ad Hoc Committees for the Skansie Property and the Wilkinson Property. Mark Hoppen explained that it makes sense to allow the citizens to have an opportunity to speak to the use of these two properties. He discussed the historical nature of both properties, and stressed the need for this to be preserved. He said that this would allow an opportunity for an assessment on how these properties will be developed. He said that this resolution outlines this process by establishing two Ad Hoc Committees of no more than 15 people each, to meet no more than five times with two public hearings to be held from March until June. Each committee would report back to Council with the results. He said that members of the Maritime Pier Committee and the Historical Society were in the audience.

Lita Dawn Stanton – 111 Raft Island. Ms. Stanton handed out historical books for Council to review. She explained that the Skansie Brothers' property satisfies every item on the National Trust for Historic Preservation's list, and that the property represents two of Gig Harbor's historic industries, boat building and fishing. She said that restoring the facility without destroying the historic value is an art that will require a level of expertise, including a preservationist with maritime development experience. She said it would also be of cultural value to ask a member of the Skansie family to be involved as well as local fishermen, and mentioned many names of persons who would be valuable members to serve on the committee to develop the Skansie property. She discussed Mike Vhlavovich, a local boat builder, who established Tacoma's first local waterfront heritage program and recently created an apprentice program for the Chesapeake Bay Maritime Museum Living History project. She said that Mike has offered to help, and plans to meet with the Maritime Pier Committee next month.

Dawn continued to say that the Maritime Pier Committee consists of a diverse group with a range of expertise, adding that it would become a burden for any one member to have to attend another committee meeting. She recommended combining their efforts with an Ad Hoc Committee for development of the Skansie Property. She added that Linda Gair has offered to represent the Downtown Retail Waterfront Association on the Pier Committee. She said that one of the goals of the Pier Committee is to not only identify locations for a pier, but to provide access to and preservation of a local, living waterfront heritage which is currently not available for the public to enjoy. She concluded by asking the Council to amend the Maritime Pier Committee Ad Hoc directives to include the research and to make recommendations for the development of the Skansie Brothers' Park. She said that her concern with the resolution is the limit of five meetings, which may not allow enough time to allow the level of expertise needed for this project.

Mayor Wilbert explained that the process was to gain public ideas. Councilmember Dick asked for clarification from Lita Dawn. She recommended some initial meetings with the preservationist to include Michael Vhlavovich before the five public meetings are held. She stressed that four months might not be sufficient. Mark Hoppen explained that the committee is not intended to provide the level of professional focus that will occur when the formal design process begins. He said that it is intended to provide a democratic access to allow the citizens to comment and to allow an early screening process for ideas.

Councilmember Ekberg recommended amending the resolution to include a preservationist on each committee.

**MOTION:** Move to amend the resolution to include an historic preservationist in the fifteen members of each Ad Hoc Committee.  
Ekberg/Ruffo – unanimously approved.

**MOTION:** Move to adopt Resolution No. 605 as amended.

Nick Tarabochia – 8021 Shirley Avenue. Mr. Tarabochia voiced his concern that the meetings would all be held when the fishermen were not present and asked for consideration to extend the date until later in the year. He said that he personally would be leaving in May and returning in September which would make it difficult for him to participate.

Councilmember Dick recommended obtaining the information from the fishermen early in the process. Mark suggested having the public hearings in March or April before the fishermen leave, and delay any formal design work until after September.

Councilmember Young said that he liked Lita Dawn's idea to use the Maritime Pier Committee for the Skansie Property.

Guy Hoppen – 8402 Goodman Drive. Mr. Hoppen said that the Skansie Property, more than any other, will help define the public waterfront, adding that the Maritime Pier Committee members are dedicated to the historic preservation of any waterfront property. He said that the members are interested in this endeavor and their expertise is in the waterfront area of Gig Harbor.

Chris Erlich – 6910 79<sup>th</sup> St. NW. Ms. Erlich spoke on behalf of the Board of Trustees and Historical Society. She commended Council for including a preservationist on both committees. She suggested that before the process is turned over for public input, that Council provide the public with the knowledge that historic preservation is the key value for the two properties and to allow this ideal to guide any suggestions for uses.

Councilmember Ruffo said that he thought this was a good process to be used for the development of all public park property acquired. He asked for clarification on the interaction between these committees and the Council's Parks Advisory Committee. Mark said that the Parks Committee would review the recommendations from the Ad Hoc Committees before they are presented to Council.

Councilmember Young asked if it would be appropriate to make a motion to use the Maritime Pier Committee for the Skansie Property rather than establishing a whole new group. Mark said that it was important to include people that work or own property in the city. Councilmember Owel said that this is a general resolution, and that she has faith in the Mayor's ability to appoint good committees.

**RESTATED MOTION:** Move to adopt Resolution No. 605 as amended.  
Picinich/Owel – unanimously approved.

**STAFF REPORTS:** None.



**PUBLIC COMMENT:** None.

**COUNCIL COMMENTS / MAYOR'S REPORT:**


Request for Council Committees and Nomination to the Zoo/Trek Authority Board. No verbal report given.

Mayor Wilbert said that she would leave a variety of mail for Council to review on the shelf in the Council office.

**ADJOURN:**

**MOTION:** Move to adjourn at 10:46 p.m.  
Ruffo/Picinich - unanimously approved.

CD recorder utilized:  
Disc #1 Tracks 1-5  
Disc #2 Tracks 1-6  
Disc #3 Tracks 1-5

  
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Gretchen Wilbert, Mayor

  
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City Clerk