

GIG HARBOR CITY COUNCIL MEETING OF SEPTEMBER 9, 2002

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

CALL TO ORDER: 7:00 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 August 12, 2002.
2. Correspondence/Proclamations: a) 2002 WFOA Distinguished Budget Award.
b) National Payroll Week.
3. Judson Street Stormwater Improvements Construction Survey Staking – David Evans & Assoc.
4. Judson Street Stormwater Improvements Geotechnical Material Testing – Krazan and Assoc.
5. Skansie/72nd Street Waterline Loop Engineering Services – The Shea Group.
6. Franklin / Prentice Avenues Pedestrian Improvements – Final Design – The Shea Group.
7. Phase I Environmental Assessment – Saltbush Inc.
8. Liquor License Application: Brother John's Wine Bar & Bistro
9. Approval of Payment of Bills for August 26, 2002.
Checks #36948 through #37091 in the amount of \$897,807.58.

Mayor Wilbert explained that she had been asked by the Committee for the Korean Heritage Festival not to act upon the proclamation, as they have had to postpone the event until next year.

MOTION: Move to approve the consent agenda, with the proclamation for the Korean Heritage Day removed.
Picinich / Franich – unanimously approved.

OLD BUSINESS: None scheduled.

NEW BUSINESS:

1. Skansie Brothers Property – Purchase and Sale Agreement. Mr. Hoppen, City Administrator, presented this milestone proposal, and introduced Carol Morris, City Attorney, to discuss the terms of the contract, and David Rodenbach, Finance Director, to discuss the financial implications of the purchase.

Carol Morris explained that she had worked on the proposed Purchase and Sale Agreement with the attorney representing the Skansies. She explained that the changes in the original proposal involve an increase in the earnest money and an acceleration of the closing date. She said she would ask the attorney for the estate to give information on the importance of the earlier closing date and any possible objections to the sale.

Mark Hoppen added that the target date for the Phase I Environmental Evaluation is the last week of September, and that he did not anticipate the need for a Phase II.

Bob Pintamonte, representative for the Skansie Family, explained that the desire to have an October 31st closing date is to accommodate an estate tax that is due in November. He then gave a background of the litigation mentioned by Carol Morris, involving the three charities that began a lawsuit against the estate and attorney John Paglia. He explained that the property itself is not subject to the litigation, and that neither side anticipates a problem with the purchase price amount or the terms of the proposal. He added that there are two processes in which to resolve this, a formal court process and hearing, or a signed waiver. He said that he is in the process of preparing the waiver for circulation to both parties. He answered Council's questions regarding the litigation and reassured that the charities do not want to make an issue of the fact that the Skansies offered the property to the city at a discount as a civic gesture.

David Rodenbach gave an overview of the city's financial status if this property were to be purchased. He explained that the purchase would require a budget amendment, adding that there is adequate funding. Councilmember Franich asked if this purchase would delay any other property purchase for the next year other than going out for a voted bond. He voiced his concern that the purchase of this property would interfere with the plans to construct a maritime pier. Councilmembers Picinich and Owel assured him that the Maritime Pier project was still very important to the Council and the purchase of the Skansie Property would not mean that the city would not move forward with plans to construct the pier.

David explained that it would be difficult to give a hard figure, because the revenue figures are estimated and rely upon many factors. Councilmember Ruffo stressed that the city would have no issues with working capital, and that the acquisition of this waterfront property is an opportunity of a lifetime. David added that the purchase of the property would not definitely hinder other projects, but during the budget process, choices will have to be made.

Councilmembers Picinich, Ekberg, Young, Owel and Dick voiced their support of the purchase of the property. Mark Hoppen talked about the possibility of securing funds from IAC for ALEA grant money through a waiver of retroactivity allowing a two-year window in which to apply for grants appropriate to the Skansie property to help defer some of the cost. He added that the grants are very competitive. Councilmember Owel suggested that Council adjourn to executive session if necessary. Councilmember Picinich made a motion to purchase the property instead.

MOTION: Move to approve the Purchase and Sale Agreement of the Skansie Property for a value of Two Million Eight Hundred and Eighty Thousand Dollars (\$2,880,000.00) and that we go with the wishes of the Skansie Brothers to have this deal closed by October 31, 2002.
Picinich/Ruffo -

Carol Morris recommended an Executive Session to explain the possible exposure to any litigation that could occur as a result of this agreement.

MOTION: Move to adjourn to Executive Session for the purpose of discussing potential litigation for approximately five minutes at 7:30 p.m.
Ruffo/Owel – unanimously approved.

MOTION: Move to return to regular session at 7:38 p.m.
Owel/Ruffo – unanimously approved.

Mayor Wilbert asked if any member of the public wished to speak on this agenda item.

Dave Jepson – 9810 43rd Ave NW – Mr. Jepson said that it sounds like an exciting opportunity, and asked where the property is located. The Mayor explained that the property was located adjacent to Jerisich Park.

The Mayor then described the conversations that she has had with Peter Skansie before he passed away about the property. She said that she assured him that the city would do everything possible to keep the history of the property intact. She said that with the assistance of Lee Makovich and Mike Skansie, Peter's son, she would like to form a committee to see that Peter's wishes could be incorporated into any plans for the property.

Carol Morris said that she was unaware that Peter Skansie had passed away, and that the Purchase and Sale Agreement would need to be amended to remove reference to any lease agreement.

Guy Hoppen, Co-chair of the Maritime Pier Committee – 8402 Goodman Avenue. Mr. Hoppen explained that along with the Ancich property, the Skansie property was considered by the committee for the possible location of a Maritime Pier.

MOTION: Move to direct the city attorney and the attorney for the estate to remove all language referring to the lease.
Young/Ekberg – unanimously approved.

MAIN MOTION: Move to approve the Purchase and Sale Agreement of the Skansie Property for a value of Two Million Eight Hundred and Eighty Thousand Dollars (\$2,880,000.00) and that we go with the wishes of the Skansie Brothers to have this deal closed by October 31, 2002.
Picinich/Ruffo – unanimously approved.

2. Introduction of Ordinance – Shooting Sports Facilities. Carol Morris explained that this is a general ordinance that regulates shooting ranges for business licensing requirements and also for physical characteristics. She added that she had been asked if a noise ordinance would be presented in conjunction with this document. She explained that there is a state noise ordinance of the type that requires sound meters and measurements, and that sets decibel ranges for different types of property. She said that the state ordinance could be adopted by reference, and a decibel range could be set for each type of property using the state ordinance designations. She added that this was an introduction of the ordinance for consideration and offered to answer questions.

MOTION: Move to schedule a Council workshop to go over this ordinance as it contains numerous and complex issues.
Young/Owel -

Councilmembers discussed October 7th 6:00 p.m. for a meeting date.

Mark Schaeffer – 9913 41st Avenue – Mr. Schaeffer asked if this was to go to a workshop, if it was going to be on the next agenda for a second reading. Staff explained that a first reading of the ordinance would not occur until after the workshop.

Carol Morris explained that she relied on the recently adopted Redmond ordinance to draft the proposed document. She added that the noise element was not included, as there was a state ordinance that could be adopted by reference. She described the process to adopt by reference and make changes to the state noise ordinance to include gun clubs.

Dan Cook – GH Sportsman Club – Mr. Cook offered to serve on a committee to work on the ordinance, but asked for some direction from Council on what they wish to attain. He said that he searched for another ordinance regulating shooting ranges that actually have one within their jurisdictions. He said that the City of Redmond passed their ordinance, as they wanted to annex property with a range. He quoted from RCW 9.4.290 regarding what can and cannot be regulated in relation to firearms. He then asked for reconsideration for the workshop date, as October is hunting season, and he will be gone during that month. He was asked to submit his comments in writing due to scheduling difficulties.

Doug Tensler -1401 Cascade Place – Mr. Tensler recommended asking the two most concerned parties to have the minimum representation of two or three to facilitate a quicker solution. Councilmembers said that there is value in input from others and the meeting would be left open.

Councilmember Picinich asked Carol Morris to find a municipality that has a shooting range within its jurisdiction and has an ordinance regulating the operation for reference. Carol offered to put together a packet of information for distribution.

AMENDMENT: Move to schedule two workshops for October 7th and October 21st from 6:00 – 8:00 p.m.
Franich/Picinich –

There was continued discussion and this motion was not acted upon. The following amendment was made to Councilmember Young's original motion.

AMENDED MOTION: Move to schedule a Council Workshop for October 7th 6:00 to 8:00 p.m. and to reserve October 21st for a second workshop if necessary.
Owel/Ekberg – five voted in favor. Councilmembers Franich and Picinich voted no.

3. Resolution – Opposing Initiative 776. Councilmember Dick asked to table this until further information could come for discussion.

MOTION: Move to table.
Dick/Ekberg – unanimously approved.

Councilmember Young asked to be excused from the meeting at this time and left the Council Chambers at 8:13 p.m.

4. Equipping Well #6 – Change Order No. 1. Steve Misiurak explained that this Change Order provides for the redevelopment of the well due to sand problems.

MOTION: Move to authorize the execution of Change Order No. 1 for Equipping Well No. 6 in the amount of Eleven thousand Three Hundred Eighty-two Dollars and zero cents (\$11,382.00) and authorization of a five working day time extension.
Ruffo/Picinich – unanimously approved.

STAFF REPORTS: None scheduled.

PUBLIC COMMENT:

Lita Dawn Stanton – 111 Raft Island. Ms. Stanton voiced her support of the purchase of the Skansie Property. She described the Certified Local Government program and how easy it is to enact the procedure. She explained that someone from the State office would be available to make a presentation to Council. Lita Dawn explained that a Certified Local Government is recognized by the State and has the authority to designate landmark structures, making them eligible for tax rebates and funding. She added that with the purchase of the Skansie Property, it would be timely to begin the process.

Councilmember Ekberg said that this would be a logical progression of the Design Review Board function and would be beneficial for the citizens wishing to take advantage of the program. He asked Mark Hoppen to move forward with a draft ordinance and to contact Megan at the State and arrange a time to make a presentation.

COUNCIL COMMENTS / MAYOR'S REPORT:

ANNOUNCEMENT OF OTHER MEETINGS: None.

EXECUTIVE SESSION: For the purpose of discussing property acquisition per RCW 42.30110(b) and potential litigation per RCW 42.30.110(i).

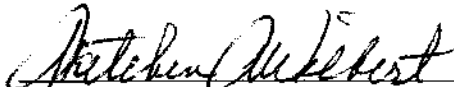
MOTION: Move to adjourn to Executive Session at 8:23 p.m. for approximately 30 minutes to discuss property acquisition and potential litigation.
Picinich/Franich – unanimously approved.

MOTION: Move to return to Regular Session at 9:00 p.m.
Picinich/Owel - unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 9:00 p.m.
Ekberg/Ruffo - unanimously approved.

Cassette recorder utilized:
Tape 661 Side A 368 - end.
Tape 661 Side B 000 - end.
Tape 662 Side A 000 - 115.



Gretchen A. Wilbert, Mayor



City Clerk

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