

GIG HARBOR CITY COUNCIL MEETING OF NOVEMBER 13, 2001

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

CALL TO ORDER: 7:02 p.m.

PLEDGE OF ALLEGIANCE: Led by Scout Troop No. 210.

PUBLIC HEARINGS:

1. 2002 Budget. Mayor Wilbert opened the public hearing and asked David Rodenbach, Finance Director, to give an overview of the proposed budget.

Chris Erlich, Director, Gig Harbor Peninsula Historical Society - 4218 Harborview Dr. Ms. Erlich spoke in support of the full-time Marketing Specialist position funded by the Lodging Tax Funds.

Mort Altman, Chair of Tourism Committee, Chamber of Commerce - 3202 Harborview Drive. Mr. Altman echoed Ms. Erlich's comments in support of the strategic plan for the Lodging Tax Funds.

Barbara Civitan - 13316 Muir Dr. Ms. Civitan asked that Council consider improvements to the area adjacent to 6869 Kimball Drive to add a small courtyard or park with a covered bus stop and trashcans.

Wade Perrow - 9119 No. Harborview Dr. Mr. Perrow gave an overview of the efforts by the Lodging Tax Committee in reaching consensus to recommend a Tourism Specialist and the strategic plan that had been proposed. He added that the upcoming year would be the time to evaluate the program for success.

Jim Franich - 3702 Harborview Drive. Mr. Franich explained that during his campaign for City Councilmember, he sent out a questionnaire to 500 citizens. He said that he received an 80-85% response that citizens would like the level of tourism to remain the same.

There were no further comments the Mayor closed the public hearing at 7:10 p.m. and opened the second public hearing.

2. Vacation of a Portion of Erickson Street. Carol Morris, Legal Counsel, explained that the ordinance to vacate describes the history of the street and criteria for vacation. She offered to answer any questions. Councilmember Ekberg asked that the conditions regarding placement of the gate be included in the ordinance. Ms. Morris said that she would amend the ordinance before the second reading.

John Gorow, President of the Spinnaker Ridge Homeowners Association - 6887 Main Sail Lane. Mr. Garow reaffirmed that the residents support the ordinance. He commended David Brereton for the open communication during the effort to resolve this issue. He answered Council's questions regarding obtaining estimates for the gate and a timeline for installation.

The public hearing was closed at 7:20 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 Meetings of October 22, 2001.
2. Correspondence/Proclamations:
3. 2001 Renewal - Pierce County EMS.
4. Short-term Use Agreement with Port of Bremerton.
5. City Newsletter Services Contract.
6. Canterwood Step System Agreement
7. Canterwood Sewer Request
8. Purchase Authorization – Prefabricated Restroom
9. Building Appraisals - Consultant Services Contract.
10. Approval of Payment of Bills for November 13, 2001.
Checks #34343 through #34526 in the amount of \$1,130,786.27
11. Approval of Payroll for the month of October:
Checks #1071 through #1126 and direct deposit in the amount of \$183,600.86.

MOTION: Move to approve the Consent Agenda as presented.
Picinich/Ruffo - unanimously approved.

OLD BUSINESS:

1. Second Reading of Ordinance - 2002 Property Tax Levy. Mr. Rodenbach explained that this ordinance was built around I-747 assuming the 1% property tax increase limitation.

MOTION: Move to adopt Ordinance No. 890.
Picinich/Owel - unanimously approved.

NEW BUSINESS:

Councilmember Owel suggested amending the agenda to allow the Vacation of Erickson Street to come first and to allow the folks present in the audience to make room for those standing in the back.

MOTION: Move to amend the agenda to move number 8, Vacation of a Portion of Erickson Street, to the top of New Business.
Picinich/Ruffo - unanimously approved.

1. First Reading of Ordinance - Vacation of a Portion of Erickson Street. Ms. Morris explained that the public hearing had been held, and that she would amend the ordinance to include language regarding the installation of a gate. Discussion regarding a timeline for installation led to the following motion.

MOTION: Move to recommend language be included in the ordinance per the Fire District's recommendation to install an opticom gate within three months of the vacation.
Ruffo/Owel - unanimously approved.

2. Avalon Woods Request. Mark Hoppen, City Administrator, introduced representatives from Avalon Woods.

Dave O'Dell - 4110 97th St. Ct. NW. Mr. O'Dell gave a history of the Sportsman's Club, and an overview of the safety concerns regarding the close proximity of residents and children attending the Christian Preparatory Academy. He passed out a packet of information, adding that the intent is not to close the Sportsman Club forever, but just until an assessment of the site could be completed to evaluate the danger to the public and all the safety concerns resolved.

Mike Sugg - 9921 41st Avenue NW. Mr. Suggs addressed several letters to the editor of the Gateway. The first, written by Thomas Haxton, cited the discovery of rounds of ammunition found outside the rifle-pistol range by the President of the Sportsman Club, and the lack of concern for safety from the current Gun Club leadership. He then addressed the letter about the relocation of the club to Kitsap County, adding that Kitsap County had turned down the application and were in the process of passing laws requiring compliance with NRSC safety guidelines. He asked how much longer the community would be willing to allow this safety concern to continue and the city's liability if an injury were to occur now that they have been alerted to the danger. He said that their group was dedicated to working to resolve the issues.

Mark Schaefer - 9913 41st Ave NW. Mr. Schaefer referred to the packet of information and gave a history of events since the stray round was fired. He addressed the business license regulations regarding safety and the lack of a written operations policy by the Sportsman's Club, giving an overview of the NRA gun range requirements. He said that a copy of the proposed ordinance regarding gun clubs from City of Redmond had been included the packet with a list of recommended addendums for Council to consider. He then talked about the recent State of Texas legislation governing outdoor shooting ranges.

Dave O'Dell. Mr. O'Dell spoke again, recommending that the gun club have a consultant, approved by the city, examine the ranges to determine compliancy with minimum NRA range standards. He also recommended a requirement for abatement of lead shot if it could not be verified that it has been done in the past five years per EPA. He asked that the city draft an ordinance addressing public safety, hours of operation, noise levels, setting minimum range standards and EPA standards for lead recovery. He finalized that the club not be allowed to reopen until all the requirements are met. He said that by working together, he hoped that a solution could be found.

Greg Lipsee - Principal of Christian Academy - 9911 Burnham Drive. Mr. Lipsee explained that the school was next door to the club. He said that the club had posed no problems in the past, but if there is the possibility of an injury to his students or staff, he wished to address the issue. He added that lead reaching the water system was also a concern.

Kirk Allen - 3914 100th St. NW. Mr. Allen explained that he was Treasurer of the Avalon Woods Homeowners Association at the Village. He said that a citation had not been issued against the Sportsman's Club, and no ballistic report had returned to prove that the bullet came from the club. He talked about noise regulation and jurisdiction, adding that if a citation had not been issued, then they must be in compliance or the city is not regulating or enforcing existing laws. He placed the responsibility on the homeowners for purchasing property adjacent to a gun range. He said that it was not the place of government to surround an entity in order to shut them down.

Phil Canter - 13915 52nd Ave NW. Mr. Canter addressed the issue of relocation of the Gig Harbor Sportsman's Club. He said that the previous comment that the NRA regulations were put in place during the application process is not correct, adding that these rules were already in place in Kitsap County. He talked about his relationship with the Sportsman's Club, and recommended having qualified range officers inspect the ammunition prior to firing, and having the NRA technical team inspect the premises and evaluate procedures rather than closing the club. Councilmembers asked questions about hours of operation, ammunition, and accepting advise from the NRA. Mr. Canter advised Councilmembers that he could not speak for the Sportsman's Club.

David Gordon - 10220 51st St NW. Mr. Gordon explained that he was a member of the Sportsman's Club and gave an overview of the membership. He called the issue of the stray bullet an aberration, adding that this one incident should not be used an opportunity for the Avalon Woods residents to enlist Council's support to make the pursuit of a hobby impossible. He said that efforts had been made to include information regarding the Sportsman's Club on title reports for surrounding properties, and talked about the hours of operation and special events. He asked that Council not pass a law that would make their pursuit of a hobby difficult. He then answered Council's questions regarding the club rules and regulations.

Doug Tenzler - PO Box 944. Mr. Tenzler explained that he is the President of the Sportsman's Club. He agreed that the stray bullet was indeed an unfortunate incident and an aberration. He read language from the Avalon Woods Development site plan which advised property owners of the location of the Sportsman's Club, that they would subject to gunshot noise, that they should take appropriate precaution for children and pets, and to incorporate trees in the landscaping to mitigate noise. He continued to say that the club is foremost concerned with safety, then read testimony regarding sports clubs across the nation that are under attack from surrounding development. He said that the Sportsman's Club is willing to work with the Avalon Woods' residence for a reasonable solution.

Mr. Tenzler addressed several questions from Councilmembers. He explained that they had investigated the stray bullet themselves as well as cooperating with the Police Department, adding that they feel confident that the round did not come from their grounds. He answered questions regarding safety procedures at the club, adding that they have called the Sheriff's Department several times regarding shooting out on the pole-line road and gravel pit, a major safety concern. He discussed what measures have been taken since 1994 to increase safety at the club and to bring it into compliance. He then addressed concerns regarding the fencing, giving a history of the agreement with John Holmaas and Wade Perrow. He continued to answer questions about the posted hours of operation.

David Jebesen - 9810 43rd Ave NW. Mr. Jebesen talked about the noise from the club, explaining that he knew about the club when he moved in, but felt misled about the hours of operation, the danger, and about the buffering from the club that was removed when the Gig Harbor Business Park was developed. He said that the gun club is unsafe, intolerable, and has no business in a residential community.

Doug Nesbitt - 4205 99th St. Ct. Mr. Nesbitt played one minute of recorded gunfire that he taped from the deck of his home, illustrating the noise from the club on a typical Thursday evening. He invited Councilmembers over to his house on a Thursday evening to listen for themselves.

Don Thompson - 9716 43rd Ave NW. Mr. Thompson explained that he had invited Councilmembers to his house 3-1/2 years ago to listen to the same noise. He extended the invitation urging Council to take the opportunity to hear the noise for themselves.

Doug Tenzler. Mr. Tenzler responded to the Mayor's request that he describe the functions on Thursday evening. He said that for 47 years, the club members have been shooting on Thursday evening starting at approximately 6:30 p.m. He gave an overview of the different programs sponsored by the club, some involving local high schools. He then invited Councilmembers to attend a function on Thursday evening to observe safety measures and the number of participants. He described the configuration of the lanes at the club, adding that there are several other outdoor ranges located within city limits in the Puget Sound. He was then asked to address the concerns about lead contamination reaching the groundwater. He explained that the water source incoming and outgoing is tested with no change in 50 years, so lead is not an issue.

Dan Silberman - Northridge Associates. Mr. Silberman lives adjacent to Avalon Woods and the Sportsman's Club. He said that he had lived there for five years, and agreed that the recording played earlier is an accurate representation of the noise on Thursday evenings until 10:00 p.m. He added that the changing times require some negotiation.

Someone in the audience asked if it was possible for someone to come into the club and shoot unsupervised and what the age limits are to shoot at the club.

Rick Gaida - Range Security Officer. Mr. Gaida explained that shooting is supervised at all times. He described the training requirements for range officers, adding that the range is locked when not in use, and there is a 24-hour caretaker on the grounds at all times. The configuration of

the ranges was illustrated to Council on the whiteboard. He concluded by saying that they are aware of the noise problem needing to be addressed, and are in the process of trying to move the facility.

MOTION: Move to direct the City Attorney to present a number of alternatives, including an ordinance based on police powers to regulate the Sportsman's Club and to bring these recommendations back at the next meeting for consideration.
Owel/Young -

Councilmember Ruffo encouraged an effort to include input from all parties. Mark Hoppen suggested that after the recommendations come to Council, that a workshop involving the stakeholders be scheduled to make a recommendation for final approval.

AMENDMENT: To include the scheduling of a workshop to the motion.
Ruffo/Picinich - unanimously approved.

Councilmember Young thanked all for participating, adding that both parties have valid concerns. He continued to say that the issues are a product of growth and the question is where to go from here. He discussed property owner's rights, stating that the Sportsman's Club does not have the right to dictate the development surrounding them. He said that the issues need to be addressed, adding that the noise issue will probably not be completely abated, but the one thing that needs to be assured, is the safety of the surrounding properties. He said that an escaped round from the gun club is unacceptable and a direct threat to the health and safety of the citizens of Gig Harbor. He recommended that Council consider closure of any lanes that the bullet could possibly have come from until it could be proven that the round did not come from there. Councilmember Ekberg asked Legal Counsel to include the closure of certain lanes as one of the alternatives.

AMENDED MOTION: Move to direct the City Attorney to present a number of alternatives, including an ordinance based on police powers to regulate the Sportsman's Club and to bring these recommendations back at the next meeting for consideration. At that time a worksession, to include all stakeholders, will be scheduled to consider the alternatives.
Owel/Young - unanimously approved.

The Mayor announced a recess at 8:55 p.m. The meeting resumed at 9:08.

3. School District Field Support Resolution. Mark Hoppen explained that at the last meeting he was directed to return with a resolution in support of the initiative to spend ZooTrek money on the Gig Harbor Peninsula on existing facilities, mainly school fields. He described the funding and how the money can be utilized. He answered questions regarding partnering with the school district for use of the fields. Councilmember Young voiced his concerns that the Peninsula had not had the full support that it should have. He made a recommendation to add language to the resolution.

MOTION: Move to amend the resolution, adding "Further, the City of Gig Harbor stresses the importance of continued support and funding of parks in the greater Gig Harbor community."
Young/Ekberg - unanimously approved.

MOTION: Move to adopt Resolution No. 577 as amended.
Picinich/Owel - unanimously approved.

4. Pierce County Interlocal Agreement - Fire Investigation Services. John Vodopich presented this agreement with the Pierce County Fire Marshal office to conduct fire investigations. He gave an overview of the costs, adding that the cost is determined by a five-year rolling average of the number of investigations required.

MOTION: Move to authorize the Mayor to sign the interlocal agreement with Pierce County for fire investigation services.
Ruffo/Picinich - six voted in favor. Councilmember Dick abstained as an employee of Pierce County.

5. Resolution Authorizing Amendments to the Pierce County Countywide Planning Policies. John Vodopich presented these proposed amendments to the Countywide Planning Policies addressing buildable lands program required by state statute. Mayor Wilbert and Mark Hoppen answered questions regarding the tiering concept that was being eliminated by the amendments.

MOTION: Move approval of Resolution No. 578 authorizing amendments to the Pierce County Countywide Planning Policies.
Ruffo/Picinich - six voted in favor. Councilmember Dick abstained as an employee of Pierce County.

6. Authorization for the Use of Uniforms and Hold Harmless and Indemnity Agreement. Lieutenant William Colberg presented this agreement to authorize the officers to wear their uniform during off-duty functions. Councilmember Ekberg asked about insurance coverage and whether Carol Morris had a recommendation on the agreement. Carol explained that Scott Snyder had drafted the agreement and that she had not reviewed it.

MOTION: Move to table this item until Carol Morris has had an opportunity to review the document and make a recommendation.
Ekberg/Picinich - unanimously approved.

7. First Reading of Ordinance – School Impact Fees. Carol Morris explained that this ordinance came at the request of Councilmember Young, and that a similar ordinance and interlocal agreement had come up before, but it was not acceptable to the school district. She explained that these revised documents use the current impact fee framework, and that the procedures follow the last discussion with the school district with regard to appeals, collection and distribution of fees. She said that one issue that had not been addressed was the appeal of the School District to the fee that is determined by the city. She said that this ordinance would allow

the city to impose school impact fees the same as for transportation and park impact fees, adding that the school would have to submit the information to complete the formula. Mark Hoppen explained that he was waiting for direction from Council before moving forward and submitting a copy of the documents to the School District for review. Councilmember Dick asked that the documents be given to the School District for their review and comment.

Jack Darragh - 3620 40th St. Ct. Mr. Darragh explained that he had pursued School Impact Fees for many years and thanked Councilmember Young for bringing it back for consideration. He also thanked Councilmember Pasin for his service on the Council, asking that he consider future volunteering or political participation. He addressed concerns with the ordinance and the distribution of fees, then handed out a copy of a study regarding impact fees, stating that the study shows that impact fees reduce the cost of housing because supplies match the real demand.

Mark Hoppen answered questions regarding the collection of fees through the SEPA process versus an impact fee imposed by the city.

8. First Reading of Ordinance - 2002 Budget. David Rodenbach said that the changes from the Budget Workshops had been added to the ordinance, and the only substantive change was the increase to the Park Budget for benches and informational signage. This will return for a second reading at the next meeting.

9. First Reading of Ordinance - SEPA Authorization Amendment. Carol Morris explained that she drafted this ordinance based upon the challenge of the School Impact Fees in the recent lawsuit made by Bill Lynn, attorney for the Harborwood West Developer. The main challenge was that the city SEPA ordinance did not have a specific policy addressing school mitigation fees, so a policy has been added so that the School District would not have to face this challenge in the future. This will return for a second reading at the next meeting.

10. First Reading of Ordinance - 57th St. Ct. NW Annexation. John Vodopich, Planning Director, presented the ordinance accepting the annexation of three properties along 57th St. Ct. NW. He added that back in August, Council approved a resolution accepting the annexation petition. He said that the Boundary Review Board has approved the proposed annexation and the adoption of the ordinance will be the final step in the annexation process. This will return at the next meeting for adoption.

11. First Reading of Ordinance - 62nd St. Ct. NW Annexation. John Vodopich, Planning Director, presented this ordinance accepting the annexation of four properties along 62nd St. Ct. NW. He added that back in August, Council also approved a resolution accepting the annexation petition for these properties. He said that the Boundary Review Board has approved this annexation. The adoption of the ordinance will be the final step in the annexation process. This will return at the next meeting for adoption.

STAFF REPORT:

John Vodopich reported that he had followed up on the request at the last meeting and contacted the business owner with the noisy compressor resulting in complaints from residents in Avalon Woods. He added that the plant manager assured him that they would make every effort to implement a solution. He said that he notified the neighbors.

PUBLIC COMMENT:

Jack Bujacich. Mr. Bujacich explained that when the new Catholic School was built at St. Nicholas Church on Rosedale, one entrance was turned into a pedestrian pathway as a requirement of the city. He said with the new configuration in the parking lot, vehicles were having a difficult time, and emergency vehicles could not easily access the church. He added that a fire truck could not negotiate the parking lot at all during a service and the lot was full. He asked that the access be re-opened.

Mark Hoppen explained that the church chose the option of turning the narrow entrance into pedestrian access rather than the more expensive option of constructing sidewalks along Silver Street. He advised Mr. Bujacich to meet with Leonard Spadoni, Dave Brereton, and Chris Munter to discuss alternatives to the design.

COUNCIL COMMENTS / MAYOR'S REPORT:

Councilmember Jim Pasin congratulated Jim Franich on the results of the election. He thanked everyone for the opportunity to learn and grow. He said that he looked forward to working with Council and Staff in the future.

Mayor Wilbert thanked Jim for his willingness to serve, adding that he brought a valuable voice from the Westside. She asked him to keep in touch, and to let her know which committee he would like to serve on next.

Councilmembers took turns thanking Councilmember Pasin for his service, complimenting his professionalism, consciousness, preparedness, and sharing of information.

ANNOUNCEMENT OF OTHER MEETINGS:

Ribbon-cutting ceremonies on Saturday, at Les Schwab and a Dentist at the Gig Harbor Corporate Center.

EXECUTIVE SESSION: For the purpose of discussing pending litigation per RCW 42.3 1.110(I).

MOTION: Move to adjourn at 10:20 p.m. to Executive Session for approximately 20 minutes to discuss pending litigation.
Picinich/Ruffo - unanimously approved.

MOTION: Move to return to regular session at 10:40 p.m.
Owel/Picinich - unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 10:40 p.m.
Young/Ruffo - unanimously approved.

Cassette recorder utilized
Tape 632 - Side A 397 - end.
Tape 632 - Side B 000 - end.
Tape 633 - Both Sides.
Tape 634 - Both Sides.
Tape 635 - Side A 000 - end.



Gretchen A. Wilbert, Mayor



Molly Towslee, City Clerk