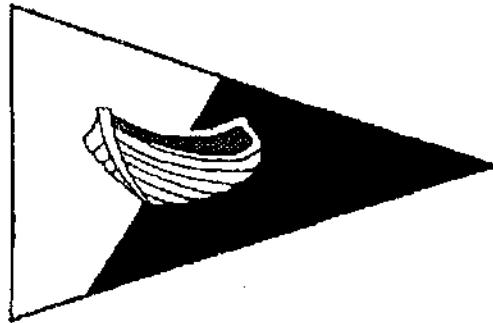


**GIG HARBOR
CITY COUNCIL MEETING**



DECEMBER 12, 1994

7:00 P.M., CITY HALL COUNCIL CHAMBERS

AGENDA FOR GIG HARBOR CITY COUNCIL MEETING
December 12, 1994 - 7:00 p.m.

PUBLIC COMMENT/DISCUSSION:

CALL TO ORDER:

APPROVAL OF MINUTES:

CORRESPONDENCE:

OLD BUSINESS:

1. Second Reading - Modification to the Harbor Ordinance.

NEW BUSINESS:

1. Request to Revise Smoke Detector Ordinance - Northview Terrace.
2. Sewer Extension Request - Sabsowitz/Turner.
3. First Amendment / Peninsula School District Interlocal Agreement.
4. Liquor License Renewals - Marco's Restaurant & Mimi's Pantry.
5. Special Occasion Liquor License - Gig Harbor Lions.

MAYOR'S REPORT: Updates.

COUNCIL COMMENTS:

STAFF REPORTS:

Modifications to Personnel Manual - Mark Hoppen.

ANNOUNCEMENT OF OTHER MEETINGS:

APPROVAL OF BILLS:

APPROVAL OF PAYROLL:

EXECUTIVE SESSION: None scheduled.

ADJOURN:

REGULAR GIG HARBOR CITY COUNCIL MEETING OF NOVEMBER 28, 1994

PRESENT: Councilmembers Stevens Taylor, Platt, Picinich, Ekberg, and Mayor Wilbert. Councilmember Markovich was absent.

PUBLIC COMMENT / DISCUSSION: None. Mayor Wilbert welcomed the visiting Boy Scout Troop #245.

PUBLIC HEARING:

1995 Proposed Budget. Mayor Wilbert opened the second public hearing on this item at 7:05.

Joe Crites - 9514 Goodman Avenue. Mr. Crites stated he had heard that the paving of the 300' of gravel road on Goodman Avenue had been taken out of the 1995 Budget. He explained the condition of the unpaved portion and asked that this item be placed back in the budget.

Ben Yazici explained that this item was never a budget item, and that it was briefly discussed along with other road repairs in pre-budget preparations. Ben illustrated the portion of the undeveloped right-of-way and said the approximate cost of the improvement would be \$250,000. He asked that if Council wished to include this project in the 1995 Budget, it be contingent upon the bids for the North Harborview Drive Project being close to or under the Engineer's Estimate. He felt that if the bids were higher, the additional funds should be made available to complete the North Harborview project.

Councilmember John Picinich recommended that Council take this under consideration.

Robin Bailey - 9424 Goodman Avenue. Ms. Goodman also spoke to the conditions on this undeveloped portion of the street.

Mattie Van Ommen - 9325 Goodman Avenue. Ms. Van Ommen asked Ben what the time frame was for receiving the bids on the North Harborview Drive project, so they would know when to expect an answer regarding the road improvements on Goodman. Mr. Yazici said the bids should be received within the next few months.

The Mayor closed the public hearing for this item at 7:19 p.m.

CALL TO ORDER: 7:19 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the November 14, 1994 meeting as presented.
Picinich/Platt - unanimously approved.

OLD BUSINESS:

1. Second Reading - 1995 Proposed Budget Ordinance. Tom Enlow explained the modifications made to the budget from comments at the budget workshop.

Councilmember Platt stated he would approve the budget but with notations that certain software items be researched for less expensive options before the funds were spent. He added that he would like to form an Ad Hoc committee to study alternatives to the Eden Systems software currently being utilized. He and Councilman Picinich volunteered to serve on this committee.

MOTION: Move adoption of Ordinance 684 adopting the 1995 Budget, with addition of the Goodman Avenue improvements contingent upon receipt of successful bids for the North Harborview Project, and further research on software options being done before purchase of any software.
Platt/Ekberg - unanimously approved.

2. Modifications to the Right-of-Way Ordinance - Second Reading. Ben Yazici presented the second reading of this ordinance modifying the existing Right-of-Way Ordinance to limit the permit requirements to fences, scaffolding or objects for commercial uses. Legal Counsel, Carol Morris, presented suggested changes to the ordinance to cover zoning concerns. Discussion by Councilmembers and Staff led to the following motion:

MOTION: Move approval of Ordinance No. 685 deleting the word "residential" in Section 12.02.010, and incorporating the changes to the ordinance per legal counsel.
Stevens/Taylor -

AMENDED MOTION: Move to amend the motion to read that any funds collected to date from residential use of public right-of-way be refunded.
Ekberg/Picinich - unanimously approved.

NEW BUSINESS:

1. First Reading - Modification to the Harbor Ordinance. Mark Hoppen explained the proposed change in the City's Harbor Code regarding Seaplanes. Changes in language were discussed, and legal counsel was directed to "tighten up" the language for the next reading.
2. Ordinance - Adoption of the Comprehensive Plan. Ray Gilmore presented the final draft of the Comprehensive Plan and explained the final changes in the boundary map to be presented to Pierce County Council. Because Pierce County was meeting Tuesday, November 29th, Ray suggested Council exercise their option to pass this ordinance at its first reading.

Carol Holmaas - 7524 Goodman Drive. Ms. Holmaas spoke about the boundary line affecting the East Side of the Harbor. She explained that if a portion of Goodman Drive NW was left out of the Urban Growth Area, their Improvement Association would run into difficulty in forming a ULID

because certain property owners would be forced to pay 150%. She asked Council to encourage the inclusion of both sides of Goodman Avenue in the Urban Growth Area.

Walt Smith - 11302 Burnham Drive. Mr. Smith thanked the City and Staff for their time and effort spent in developing this Comprehensive Plan. He said the City should be proud of the process and the integrity of the Plan.

Mayor Wilbert closed the public testimony portion of this item.

MOTION: Move we use the high speed adoption process for this ordinance.
Platt/Picinich - unanimously approved.

MOTION: Move we approve Ordinance No. 686 adopting a revised and updated city of Gig Harbor Comprehensive Plan in compliance with the State of Washington Growth Management Act.
Picinich/Ekberg - unanimously approved.

MAYOR'S REPORT: Employment Security Public Hearing. Mayor Wilbert invited any comments from Councilmembers in regards to a meeting regarding the upcoming changes to the Employment Security Public Services in the area.

COUNCIL COMMENTS: Councilman Platt asked if any progress had been made in exploring the option of offering a prepaid childcare as a benefit for city employees. He explained the program allows for childcare payments to be deducted from their payroll before income tax deduction. Mark Hoppen will explore the options and report back.

STAFF REPORT:

Police Department. Chief Richards was absent so a verbal report was not presented.

ANNOUNCEMENT OF OTHER MEETINGS:

Employment Security Public Hearing - November 30, 1994 at Fire Station #5 on Kimball Drive at 7:00 p.m.

There will be no second City Council Meeting during the month of December. Councilmembers Stevens Taylor, Platt, and Picinich will come into City Hall on the 23rd of December for the purpose of signing warrants.

APPROVAL OF BILLS:

MOTION: Move approval of warrants #13244 through #13298 in the amount of \$37,084.14.
Platt/Picinich - unanimously approved.

EXECUTIVE SESSION: Negotiation Matters and Property Acquisition.

MOTION: Move we go into Executive Session to discuss Negotiation Matters and Property Acquisition at 8:20 p.m.
Platt/Picinich - unanimously approved.

MOTION: Move we return to regular session at 8:29.
Picinich/Stevens Taylor - unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 8:29 p.m.
Platt/Ekberg - unanimously approved.

Cassette recorder utilized.
Tape 371 Side A 338 - 000.
Tape 371 Side B 000 - end.
Tape 372 Side A 000 - end.
Tape 372 Side B 000 - 216.

Mayor

City Administrator



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: MAYOR WILBERT, CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR *MH*
SUBJECT: PROPOSED CHANGE IN THE CITY'S HARBOR CODE / SEAPLANES
DATE: DECEMBER 7, 1994

INFORMATION/BACKGROUND

Currently, the city's harbor code, GHMC Chapter 8.24.160 Ordinance 671 (1994), states

Within the waters of the city's harbor, it shall be unlawful for any person to operate any aircraft, or to take off or land any aircraft on such waters, except in emergency situations.

This language was adopted into ordinance for the health, safety, and welfare of Gig Harbor residents. For years, seaplanes have landed safely on Gig Harbor Bay. Given the current influx of boaters, however, the question of safety and the conflict of uses between seaplanes and both anchored and moving boaters is obviously an increasingly significant issue. Since the implementation of the ordinance, seaplane users have expressed on-going concern over a lack of access to harbor waters. As a result, seaplane officials from various organizations met with Mayor Wilbert, City Administrator Mark Hoppen, and Legal Counsel Carol Morris, in an attempt to reach a consensus on a safe and reasonable means for seaplanes to reach moorage within the city's jurisdiction without danger to boaters and others.

This ordinance is back before Council for a second and final reading. As per Council's direction, the language in this ordinance has been "tightened up" by Carol Morris, Legal Counsel.

POLICY CONSIDERATIONS

Despite the seaplane community's stance that the City of Gig Harbor is preempted under federal law from regulating seaplane operations, it is the city's position that the city retains the police power to regulate landing/takeoff sites. The issue at hand, however, is one of safety. A conservative, safe alternative for seaplane use is recommended in the attached ordinance. Essentially, this alternative provides for landing outside Gig Harbor's jurisdiction and for seaplane use of city waters to taxi to moorage. Also, in light of dangerous conditions outside the bay, seaplanes would be able to land within the city's jurisdictional waters with 200 feet of lateral separation.

RECOMMENDATION

Staff recommends approval of the ordinance as presented.



**Washington State
Department of Transportation**

Sid Morrison
Secretary of Transportation



Aeronautics Division
King County Int'l Airport - Boeing Field
8900 East Marginal Way, South
Seattle, WA 98146-4031

(206) 764-4131 / 1-800-852-0001
Fax (206) 764-4061

October 17, 1994

Mr. G. R. Hamilton, Vice President
Seaplane Pilots Association
P.O. Box 1610
Vashon Island, WA 98070

Dear Mr. Hamilton:

Thank you for agreeing to serve on the Statewide Advisory Group. It's important to me to have the Seaplane Pilots Association represented, and you're right...you're an advocate for the Seaplane folks and that's why you're on the board.

On the matter of the Gig Harbor Ordinance, I think your proposal is "right on"! It's not only a good compromise, its reasonable as well. If there is anything I can do in support of the proposal, let me know. In the meantime I have included a letter to the city that you may present on my behalf.

I look forward to working with you on behalf of both our constituencies.

Sincerely,

BILL BRUBAKER
Director for Aviation

BB:ls (gig)
enclosure

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE HARBOR CODE, ADDRESSING THE MANNER IN WHICH SEAPLANES MAY TAKE-OFF, LAND AND OPERATE IN OR OVER THE WATERS OF THE CITY'S HARBOR, AMENDING GIG HARBOR MUNICIPAL CODE SECTIONS 8.24.140 AND 8.24.160.

WHEREAS, the City's Harbor Code currently prohibits seaplanes from landing, taking off and operating in or over the waters of the City's Harbor; and

WHEREAS, the Seaplane Pilots Association and other groups of seaplane operators have demonstrated to the Council that the City of Gig Harbor's seaplane safety concerns can be adequately addressed; and the Council is willing to make appropriate changes to the Harbor Code to allow seaplane take-offs, landings and operation in the waters of the City's Harbor, under certain limited circumstances; now, therefore,

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

Section 1. Section 8.24.140 of the Gig Harbor Municipal Code is hereby amended to read as follows:

8.24.140 Speed regulations.

Within the waters of the city's harbor, it shall be unlawful for any person to operate a vessel or to taxi a seaplane at a speed in excess of four nautical miles per hour. Nothing in this section shall be construed as exempting any person from liability caused by wake action from operation of any vessel in the city's harbor.

Section 2. Section 8.24.160 of the Gig Harbor Municipal Code is hereby amended to read as follows:

8.24.160 Seaplanes. (Aircraft Prohibited)

~~Under normal conditions, seaplane take offs and landings shall not occur within the City's harbor. Seaplane operators are encouraged to take off and land in the area outside the mouth of Gig Harbor, or in the County portion of Gig Harbor, and may taxi the seaplane into the City's harbor. However, seaplane take offs and landings are prohibited in the City's harbor except in emergency situations and where allowed if, in the individual pilot's discretion,~~

~~conditions outside the mouth of Gig Harbor are dangerous, and the pilot can maintain a minimum of 200 feet of lateral separation between the seaplane and other underway vessels, while operating on the water. (Within the waters of the city's harbor, it shall be unlawful for any person to operate any aircraft, or to take off or land any aircraft on such waters, except in emergency situations.)~~

Section 3. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK: 11/22/94
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. _____

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

On the ____ day of _____, 1994, the City Council of the City of Gig Harbor, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE HARBOR CODE, ADDRESSING THE MANNER IN WHICH SEAPLANES MAY TAKE-OFF, LAND AND OPERATE IN OR OVER THE WATERS OF THE CITY'S HARBOR, AMENDING GIG HARBOR MUNICIPAL CODE SECTIONS 8.24.140 AND 8.24.160.

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

DATED this ____ day of _____, 1994.

CITY ADMINISTRATOR, MARK HOPPEN



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS
FROM: *SB* STEVE BOWMAN, BUILDING OFFICAL/FIRE MARSHAL
DATE: DECEMBER 6, 1994
SUBJECT: NORTHVIEW TERRACE/SMOKE DETECTOR ORDINANCE

INTRODUCTION / BACKGROUND

In preparation for the City Council Meeting on December 12, 1994, I am submitting the following information for your review:

HISTORY: In July of 1992 the Gig Harbor City Council passed Ordinance No. 632 which requires smoke detectors be installed in existing multi-family buildings (R-1) with more than 4 living units. The ordinance further states that smoke detectors must be installed by September 1, 1994.

Letters were sent to the property manager & property owners in 1992, 1993 and 1994 indicating what would be required for compliance with the ordinance.

I have met with and talked over the phone about how to comply with the ordinance with many property owners and electrical contractors during the past two years. I have stated that the ordinance requires:

1. Smoke detectors obtain their power from the building (110V) with battery backup.
2. Smoke detectors must be installed in each bedroom
3. Smoke detectors must be installed in the hallway leading to the bedrooms
4. Smoke detectors must be installed in each area were the ceiling is over 2 feet higher than the ceiling of the hallway
5. Smoke detectors need not be intertied and may be mounted on a wall in accordance with the smoke detector's listing

HarborVilla Apts, WestRidge Apts, Laurelwood Apts, Norwegian Woods Apartments, Soundvista Village, Stinsonview Apartments, Colvos Terrace, and Dolphin Reach Condominiums are presently in compliance. Harborview East, Harborview West, Harbormaster Apts. are installing smoke detectors and have partial compliance. Eight property owners at Northview Terrace have installed smoke detectors as of this date and I have talked with an electrician who indicated that he was contracting to install a number of additional smoke detectors for property owners at Northview Terrace.

On October 11, 1994 a letter (FN:\USERS\STEVE\GENCORE\SMOKE.NOR) was sent to property owners within Northview Terrace. See copy attached. Property owners have been contacting Councilpersons; Stevens Taylor and Ekberg have been contacted by Northview Terrace property owners. I have briefed Mark Hoppen and the council persons on the particulars of the ordinance and what action I have taken to enforce the ordinance.

On October 19, 1994, I had a conversation with Carol Morris during which she stated that the City Council could elect to revise the smoke detector ordinance or adopt another ordinance which would be less restrictive than the present ordinance. The present ordinance is more restrictive than the minimum WA State Code. The City Council can therefore choose to modify the ordinance as long as the new code is not less restrictive than the minimum WA State Code. I questioned if the fact that individuals had already complied with the ordinance at some expense (some over \$5,000.00). She indicated that the City Council would not be responsible to the property owners for their expenses in seeking to comply with the ordinance. She further indicated that she would research the ordinance to be prepared if questions come up during the City Council Meeting.

On November 17, 1994, the Gig Harbor Building Code Advisory Board (BCAB) heard an appeal of the Smoke Detector Ordinance by Mr. M.J. Rodriguez on behalf of a number of property owners at Northview Terrace. Upon review of the information submitted and after hearing further comments from those present, the BCAB voted to deny the requested appeal on the grounds that the conditions as stated by Mr. M.J. Rodriguez in his letter of November 21, 1994 are not alternate methods of construction or an approved interpretation to that stated in Section 1210, 1991 Uniform Building Code, Section 15.12.026 GHMC and Ordinance No. 632 of the City of Gig Harbor.

On November 22, 1994, a meeting was held with representatives of Northview Terrace, Mayor Gretchen Wilbert and the Building Official/Fire Marshal. During the meeting discussion occurred on the options available by the property owners. The representatives determined to submit a request to the City Council on revising the Smoke Detector Ordinance No. 632.

On November 28, 1994, a letter was received (copy attached) requesting Mayor Wilbert and the City Council to consider a request to modify Ordinance No. 632.

DISCUSSION

The proposed revisions would reduce the effectiveness of the code and provide less protection for the occupants of the buildings which would have smoke detectors installed after code revision adoption. The minimum Washington State Code requires a more stringent smoke detector system for new construction than the present code for existing multi-family buildings. The present code does not require smoke detectors to be intertied for existing buildings. It has been demonstrated by the property owners who have already installed smoke detectors that it is possible to install smoke detectors in the existing building of Northview Terrace.

RECOMMENDATION

As stated by the City Attorney, the City Council may adopt a revision to the Ordinance No. 632 which is less restrictive than the existing ordinance, but may not adopt a revision which is less restrictive than the minimum Washington State Code. It is the recommendation of the Building Official/Fire Marshal that the ordinance not be revised as proposed by property owners at NorthView Terrace Condominiums.



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GIG HARBOR, WASHINGTON 98335
(206) 851-8136

October 11, 1994

Manuel & Gerda Rodriguez
7400 Stinson Ave. #303
Gig Harbor, WA 98335

RE: NEW SMOKE DETECTOR ORDINANCE
EFFECTIVE DATE SEPTEMBER 1, 1994

Dear Sir/Madame:

In response to the need for better fire protection in motels, hotels, retirement and nursing homes and multi-family buildings, the Gig Harbor City Council passed a new ordinance which will require new smoke detectors to be installed in each living unit of your building(s) within two (2) years after the effective date (September 1, 1992) of the ordinance. Section 15.12.026, Gig Harbor Municipal Code states the following:

- A. Each existing dwelling unit or guest room shall be provided with approved smoke detectors. A smoke detector shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. Additional detectors shall be centrally located on the ceiling of the main room and sleeping rooms. Where sleeping rooms are on an upper level, the detector shall be placed at the center of the ceiling directly above the stairway. All detectors shall be located in accordance with approved manufacturer's instructions and in conformance with the Uniform Building Code Standards. When actuated, the detector shall provide an alarm in the dwelling unit or guest room.
- B. Power Source. Smoke detectors shall receive their primary power from the building wiring and shall be equipped with a battery back-up. Wiring shall be permanent without a disconnecting switch other than those required for over-current protection. Building owners or their agents shall identify those smoke detectors which are not wired to the primary building wiring, and shall install new smoke detectors with complying wiring

within two years of the effective date of this section. Notification of compliance shall be sent to the Gig Harbor Building Official/Fire Marshal."

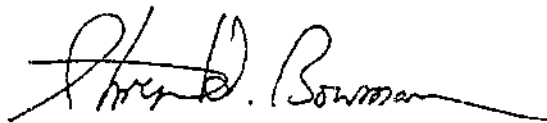
Notice including the above information was given to each property owner and the property manager of Northview Terrace. I have not received notice from you indicating compliance with the smoke detector ordinance. I called the property manager, McMenemy's, on October 6, 1994 and informed him of the need for compliance. Terry Wilson of McMenemy's indicated that information was shared with members of the Northview Terrace Property Association during the last two annual business meetings. He also indicated that smoke detectors were installed in the manager's unit and have been made available for residents within Northview Terrace to view. He further indicated that an estimated cost for the installation of the smoke detectors was provided to each property owner.

To provide the most convenient method for inspection, I suggest the following: Please call Diane at (206) 851-4278 and schedule a date and time for inspection. If you cannot be available at the time of inspection, please leave a key with the manager. I will visit your home with the manager present.

Since the date September 1, 1994 has passed and I have not received notice that smoke detectors have been installed in conformance with the smoke detector ordinance, you are in violation of the ordinance. Please contact me or Diane as soon as possible. If a notice is not received by me within the next 30 days, a civil penalty order will be issued.

If you have any questions, please give me a call at (206) 851-8145.

Sincerely,



Steven H. Bowman
Building Official/Fire Marshal
City of Gig Harbor

cc: Terry Wilson

F:\USERS\STEVE\GENCORE\SMOKE.NOR

For the purpose of this Section, area separation walls shall not define separate buildings.

(Ord. 610 § 5, 1991).

15.12.023 Amendment to Section 85.104, Uniform Fire Code.

Section 85.104 of the Uniform Fire Code is amended as follows:

Section 85.104. When any electrical hazards are identified, measures to abate such conditions shall be taken. All identified hazardous electrical conditions in permanent wiring shall be brought to the attention of the authority enforcing the Electrical Code. The Washington State Division of Labor and Industries must provide all necessary electrical inspections within the City of Gig Harbor to identify any electrical hazards as defined by the Washington State Electrical Code. Such inspections must include, but are not limited to, 1) underground work prior to cover; 2) roughing in wiring prior to cover; 3) final prior to occupancy; and, 4) other requested inspections when a hazard has been identified by the Gig Harbor Fire Marshal.

(Ord. 610 § 6, 1991).

15.12.024 Automatic fire sprinkler systems.

A. Policy and Purpose. The city council finds that automatic fire sprinkler systems are now technologically and economically viable and can help to reduce the loss of life and property due to fire, and are therefore reasonably necessary in order to protect the public health, safety and welfare.

B. An automatic sprinkler system shall be installed as required in every existing building classified as a Group R, Division 1 occupancy which exceeds 5,000 square feet or exceeds two stories in height or which contains five or more units, and in every existing hotel and motel which contains six or more guest rooms.

1. For the purposes of this section, a structure with two stories and a basement shall be considered as exceeding two stories.

2. For the purposes of this section, area separation walls shall not define separate buildings.

Residential or quick-response standard sprinkler heads shall be used in dwelling unit and guest room portions of the building. The automatic fire sprinkler system may be installed in accordance with the requirements of Uniform Building Code Standard 38-3 for all existing buildings housing Group R,

Division 1 occupancies, which are four or less stories in height. In buildings housing Group R, Division 1 occupancies over four stories in height, the sprinkler system shall be installed in accordance with the requirements of Uniform Building Code Standard 38-1. A Uniform Building Code Standard 38-3 system is to be installed in buildings with a height to highest humanly-occupied floor less than 75 feet above lowest fire department access.

C. Sprinkler Installation Requirements.

1. Automatic sprinklers in all hotels and motels shall be installed, tested and approved within five years of the effective date of this section.

2. An automatic sprinkler system, in accordance with this section, shall be required to be installed immediately whenever:

a. A building classified as a Group R, Division 1 (as defined in subsection B of this section) occupancy is being substantially remodeled or renovated; or

b. A building classified as a Group R, Division 1 occupancy incurs a fire with substantial damage.

3. In the event there is a conflict between any provisions of this section and the provisions of the last adopted I.C.B.O. Uniform Building Code or the Uniform Fire Code, the more restrictive (greatest protection) provisions shall apply. (Ord. 632 § 1, 1992).

15.12.025 Limitation of benefited and protected classes.

The uniform and other building codes are adopted for the purpose of providing for and promoting the health, safety and welfare of the general public. Notwithstanding any provision of any uniform code to the contrary, nothing in this title shall be interpreted to create or otherwise establish any particular class or group of persons who will or who would be especially protected or benefited by the adoption of any uniform code in this title. (Ord. 565 § 4, 1989).

15.12.026 Fire alarm systems.

A. Each existing dwelling unit or guest room shall be provided with approved smoke detectors. A smoke detector shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. Additional detectors shall be centrally located on the ceiling of the main room and sleeping rooms. Where sleeping rooms are on an upper level, the detector shall be placed at the center of the ceiling directly above the stairway. All detec-

tors shall be located in accordance with approved manufacturer's instructions and in conformance with the Uniform Building Code Standards. When actuated, the detector shall provide an alarm in the dwelling unit or guest room.

B. Power Source. Smoke detectors shall receive their primary power from the building wiring and shall be equipped with a battery backup. Wiring shall be permanent without a disconnecting switch other than those required for over-current protection. Building owners or their agents shall identify those smoke detectors which are not wired to the primary building wiring, and shall install new smoke detectors with complying wiring within two years of the effective date of this section. Notification of compliance shall be sent to the Gig Harbor building official/fire marshal. (Ord. 632 § 2, 1992).

15.12.030 Conflicts with other codes.

In case of conflict between the fire code and any other city code, the fire code shall govern all such codes, with the exception of the building code. (Ord. 493 § 4, 1986).

15.12.040 Definitions.

The following are additional definitions and abbreviations to those found in Article 9 of the Uniform Fire Code:

1. "AWWA" means the American Water Works Association.
2. "Building valuation data" means the Building Standards monthly publication issued by the International Conference of Building Officials.
3. "Commercial areas" means any development with buildings other than dwellings or industrial structures. Questions arising in the administration of this regulation, concerning whether a development is commercial shall be resolved by reference to the occupancy tables contained in the Uniform Fire Code.
4. "Corporation counsel," as used in the Uniform Fire Code, means the city attorney for Gig Harbor.
5. "Dead-end main" means a water main over 50 feet long and not being fed from both ends at the time of installation.
6. "Draft hydrant" means a mechanical device designed for the removal of water by a fire pumper by applying a negative pressure without going through the normal domestic water system.
7. "Expanding water system" means an approved, expanding water system which is undertaking new construction (definition follows) to provide water service to additional service connections. Any expanding water system shall install

facilities sized to meet the necessary minimum design criteria for area being served. The expanding system shall show by plans submitted by a registered professional engineer how fire flow, if required, is to be provided and the plan shall be approved by the Gig Harbor public works department and the Gig Harbor fire marshal.

8. "Fire chief," "chief," or "chief of the fire prevention bureau," as used in the Uniform Fire Code, means the fire marshal of Gig Harbor.

9. "Fire flow" means the flow of water required for fire-fighting at a specific building or within a specific area.

10. "Fire marshal" means the city fire marshal or his appointee.

11. "Flush-type hydrant" means a hydrant installed entirely below grade.

12. "G.P.M." means gallons per minute.

13. Hydrant. "Hydrants" shall have a minimum of two 2-1/2 inch hose outlets, and one four-inch inner diameter pumper port outlet. All outlet ports shall be approved by the fire department. Special purpose adaptors may be used with approval of the fire department.

14. "Industrial area" means manufacturing operations (as outlined in Chapter 4, NFPA LSC #101, 1981 edition; warehouses, cold storage, freight terminals, truck and marine terminals, bulk oil storage, hangars, grain elevators; and unusual structures that are not classified) conducted in buildings of conventional design suitable for various types of manufacture.

15. "Inspector" of the fire department, or bureau of fire prevention, means personnel designated and assigned to perform the fire inspection functions by the fire marshal of Gig Harbor.

16. "ISO" means Insurance Services Office pamphlet entitled "Guide for Determination of Required Fire Flow," 1974 edition.

17. "Office of fire prevention and arson control," as used in the Uniform Fire Code and as amended in this chapter means that office as recognized by the fire marshal to be able to perform the necessary functions of arson control.

18. "Private hydrant" means a fire hydrant situated and maintained to provide water for fire-fighting purposes with restrictions as to use. The location may be such that it is not readily accessible for immediate use by the fire department for other than certain private property.

19. "Public hydrant" means a fire hydrant so situated and maintained as to provide water for fire-fighting purposes without restriction as to use

RECEIVED

DEC 2 1994
RB

CITY OF GIG HARBOR

RECEIVED

NOV 28 1994

CITY OF GIG HARBOR

TO: CITY OF GIG HARBOR, WA., ATTN: CITY COUNCIL
FROM: THE RESIDENTS OF NORTHVIEW TERRACE CONDOMINIUMS
DATED: NOVEMBER 28, 1994

RE: SMOKE ALARM ORDINANCE

REQUEST FOR CONSIDERATION OF AN ALTERNATE METHOD
OF INSTALLATION OF SMOKE ALARMS.

* ORDINANCE ADOPTED BY CITY COUNCIL IN 1992 REQUIRES THAT HARD-WIRED ALARMS BE INSTALLED IN EACH CONDOMINIUM UNIT.

* IN ADDITION TO THE HARD-WIRE FEATURE, THE ORDINANCE REQUIRES AN ALARM IN EACH BEDROOM, ONE IN THE HALLWAY AND ONE IN THE RAISED PORTION OF THE LIVING ROOM IN 19 OF THE CONDOMINIUM UNITS.

* THE COST WILL BE \$300 TO \$500 PER CONDOMINIUM UNIT AS COMPARED TO \$30 TO \$50 FOR BATTERY ONLY ALARMS.

* NORTHVIEW TERRACE CONDOMINIUMS ARE UNIQUE IN CONSTRUCTION AND LAYOUT. HARD WIRING WILL BE QUITE DIFFICULT AND EXPENSIVE AND IT WILL BE VIRTUALLY IMPOSSIBLE IN THE SEVEN RAISED CEILINGS IN THE TWO-STORY BUILDINGS. IN THE OTHER 12 RAISED CEILINGS, THE WIRING WILL BE VERY DIFFICULT AND WILL REQUIRE A HOLE IN THE ONE-HOUR FIRE WALL AND POSSIBLY A NON-CODE CONNECTION TO THE OUTLET IN THE UTILITY ROOM. ALL OF THE CONNECTIONS WILL REQUIRE PUNCHING AN EXTRA HOLE IN THE BACK OF THE SWITCH OR OUTLET BOX. IT IS NOT KNOWN AT THIS POINT IF SUCH AN EXTRA HOLE MEETS CODE.

* THE GIG HARBOR CODE GOES BEYOND THE REQUIREMENTS OF THE UNIFORM BUILDING CODE. THE UNIFORM BUILDING CODE ALLOWS FOR BATTERY-ONLY ALARMS IN EXISTING BUILDINGS, AS DOES THE STATE OF WASHINGTON AND PIERCE COUNTY.

* THE INDIVIDUAL OWNERS AT NORTHVIEW TERRACE CONDOMINIUMS ARE PROPOSING A CHANGE IN THE ORDINANCE IN ORDER TO MAKE THIS A MORE FEASIBLE PROJECT.

PROPOSAL:

WE REQUEST THAT THE CITY OF GIG HARBOR, WASHINGTON

1. PROVIDE AN ALTERNATE METHOD OF SMOKE ALARM INSTALLATION IN EXISTING BUILDINGS.
2. FOLLOW THE UNIFORM BUILDING CODE, WHICH ALLOWS ALL SMOKE ALARMS TO BE BATTERY OPERATED IN EXISTING BUILDINGS.
3. REQUIRE INSTALLATION OF ONE ONLY HARD-WIRED SMOKE ALARM IN THE MOST CRITICAL LOCATION, (THE HALLWAY OF EACH UNIT), WITH BATTERY OPERATED ALARMS INSTALLED IN ALL OTHER LOCATIONS.

REPRESENTATIVES AND CONTACTS:

RUDY NICKOLAC	858-2924
PETE LANDRY	851-7719
JOHN COPELAND	851-6251



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: BEN YAZICI, DIRECTOR OF PUBLIC WORKS *BY*
SUBJECT: SANITARY SEWER EXTENSION REQUEST
DATE: DECEMBER 6, 1994

INTRODUCTION

Mr. Arnold Sabsowitz and Mr. James Turner own a duplex in the Shore Acres area. Their septic system has failed. They are requesting to connect to the City sewer.

BACKGROUND/ ISSUES

The property owners had experienced this same problem back in 1991. Their request to connect to the City sewer was then approved by the City Council. The property owners did not sign a standard utility extension agreement as they could not obtain an easement to build a sewer line to connect to the City sewer. The agreement had to be signed within 45 days of City Council's approval. Otherwise, they had to come back to the Council for another agreement approval.

They repaired their system and it lasted three years. They are now in the same position as they were three years ago. Tacoma/Pierce County Health Department gave notification to them with the enclosed letter and asked them to do the necessary repairs on the septic system.

The property owners would like to connect to the City sewer as they believe that any new repair job will not last. They want to fix this problem permanently, by connecting to the City sewer.

They have contacted the immediate property owners between their property and Soundview Drive for an easement acquisition. Although they do not have a legal easement document to build a sewer line, they were told that they can get an easement. If you choose to approve this request, they will have to obtain the necessary easements and record them with the Pierce County Assessors office.

POLICY ISSUES

The City Council in the past approved most sewer requests that were documented as being failed by the Health Department. The Council, however, has been very cautious to the Shore Acres area requests, as the property owners in this area had been objecting to the future annexation to the City of Gig Harbor.

Mr. Sabsowitz is working with the Shore Acres residents to instigate an annexation. It is my understanding that the property owners who once objected to the annexation are now in favor of it.

SANITARY SEWER EXTENSION REQUEST

Page 2

FISCAL IMPACT

Extending the sewer to Mr. Sabsowitz's property has no financial impact to the City. The property owner would have to pay all permit and connection fees associated with this connection. In addition, he will have to pay 50% higher monthly user fees than the City customers.

RECOMMENDATION

Due to the health department action associated with this failure, I recommend a Council motion to approve Mr. Sabsowitz's request to extend the City sewer to his property. This extension should be approved to his property only and no other property owner should be allowed to hook up to it. Therefore, I recommend a council motion to deny his request for the Latecomers Agreement and to conclude a sewer connection contract contingent upon evidence of appropriate legal easements.



TACOMA-PIERCE COUNTY HEALTH DEPARTMENT

Community Based, Competitive, Integrated, Preventive

Governed by a local Board of Health

Director of Health

FEDERICO CRUZ-URIBE, MD, MPH

November 23, 1994

OSS 94-0229 - SECOND NOTICE

SEWAGE2

Arnold Sabsowitz
6218-B Reid Drive Northwest
Gig Harbor, WA 98335

RE: PROPERTY LOCATED AT 6218-B REID DR NW

Dear Mr. Sabsowitz:

It has come to the attention of this department that your sewage disposal system at the above-referenced address is malfunctioning and is discharging onto the ground as confirmed by dye test November 15, 1994.


This condition is in violation of the Tacoma-Pierce County Board of Health Rules and Regulations, Resolution #87-900, and of Washington Administrative Code, (WAC) 246-272, and must be corrected. You must contact the Health Department with the name of your installer within ten (10) days of the receipt of this letter. An application for a repair permit must be submitted to the Health Department within ten (10) days of the date of this letter. The installation of the system must be completed within ten (10) days of the date that the application is approved by the Health Department. If not corrected, further legal action may be necessary.

The Health Department must be contacted and a repair permit obtained prior to initiating the repair.

Enclosed with our first notice was a list of on-site sewage disposal system installers licensed by the Health Department, and recommendations on ways to reduce your water usage until your system is repaired. If your site is a marginal one, you will need to have a licensed on-site sewage disposal system designer submit a design for your repair. You will be notified if you must meet this requirement.

Please contact me at 591-6031 if you have any questions regarding this matter.

Sincerely,


Joyce Seger
Environmental Health Specialist II
Compliance Program

JS:db
Sabsowitz.sw2



THE HOLLY CORPORATION

101 EAST 26TH STREET, SUITE 301
TACOMA, WASHINGTON 98421
(206) 627-5800
FAX: (206) 272-5591

4/22

Mr. Salsowitz -

Enclosed are :

- 1) Approved Sewer + Water Plan
- 2) Approved Storm Drainage Plan
- 3) Approved Short Plat.
- 4) Tax Assessor's map.

As I suggested, you might call Bill Triquart
or Jerry Wakefield at Pac-Tech (473-4491). For design
surveys
you should get a quote for both the design
and construction survey (staking, etc).

Any questions, please call!

Thanks

Chris Vaughan
Development Mgr.

October 21, 1992

PIERCE COUNTY HEALTH DEPT.

Attention: Melody Oliver

RE: Septic System failure located at 6218 Reid Dr. N.W.
Gig Harbor, Wa. 98335

Dear Melody:

In response to our phone conversation on 10/20/92 I am sending this explanation and account of our activities in regards to this problem we've been working with since 7/17/91

To date we have invested some \$1200.00 towards the resolve of this issue and have had very little help once we spent the funds for such help. This we realize is not really your problem but since it's been implied that we've done very little if anything to resolve this problem I wanted you to know that we have continually made an honest effort to get this problem resolved.

Certainly we were very concerned over the failure along with all the complications associated with it. We had log holes dug all around our property and all the proper inspections made. We paid our health dept fees along with the fees to re-design our system to be submitted to your dept. for approval.

Our septic tanks were exposed and pumped on a regular basis as we were advised to do and we patiently waited for a positive to take place. It seems that communication breakdowns have occurred both with the Dave Ray Co., the Health Dept., and of course ourselves. We sincerely apologize for that.

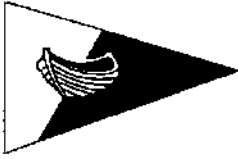
In our frustration over this matter we decided to expose the S&D pipe coming from the septic tank to see if we could expedite matters in the resolution of the problem. When we did we found a collapsed S&D pipe. During this time a new home was being built up behind us and when the phone Co. came out to install their new phone line their Back-Hoe exposed a pipe in the drain ditch that had evidence of sewer water. This caused us to examine further the actions of the previous owners who made no such declaration of said pipe and when we asked the health dept. for an as built record of our system we found that not one person could tell us even where our drain field was located. The health dept. apparently had no record of our system and our neighbors were very reluctant to speak with us over this matter.

One good neighbor, however, spoke up. We were told by him that the previous owner to ourselves had installed this pipe identified in my sketch with pink marker. He had a failure due to a collapsed pipe and his solution was to bi-pass the entire system in order to resolve his immediate problem.

We then purchased S&D Solid pipe (rigid) , cut away the damaged S&D pipe and using the proper sleeves re-hooked up our drain field and have had no failure since. We never did find the drain field, we merely replaced a collapsed pipe and resumed business as usual. In a very short period of time the drain ditch dried up, and with continued usage and inspection there has been no visible evidence to indicate that waste water or any form of sewage is finding it's way to the storm drain ditch.

I do appreciate your concerns and your assistance in resolving this matter.

Sincerely; Mr. James L. Turner
6218 Reid Dr. N.W.
Gig Harbor, Wa. 98335
(206) 851-7086 or (206) 858-6464



City of Gig Harbor. The "Maritime" City."

3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

July 16, 1991

Mr. James L. Turner
6218 Reid Drive N.W.
Gig Harbor, WA 98335

Re: Sewer Utility Extension Request

Dear Mr. Turner:

In May, you were sent a standard Utility Extension Agreement to be completed and returned to our office. As of this date, you have not returned that agreement to us.

You were asked to return the agreement to this office within 45 days of receipt of the document. The time allotted is about to expire. If you are still interested in utilizing the City Sewer Utility, please sign and return the documents to our office with necessary deposit funds in the form of a check payable to the City of Gig Harbor no later than July 31, 1991.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Ben Yazici, P.E.
Director of Public Works

BBY/mmt

cc: Michael Wilson, City Administrator
Jeff Jorgenson, Tacoma/Pierce County Health Department



City of Gig Harbor. The "Maritime City."
3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

May 14, 1991

Mr. James L. Turner
6218 Reid Drive N.W.
Gig Harbor, Washington 98335

RE: Sewer Utility Extension Request

Dear Mr. Turner:

The City Council, at their regular meeting last night, approved your request to extend the sewer utility to your property located at 6218 Reid Drive N.W., Gig Harbor, in the "Shore Acres" area.

Please retain a licensed professional engineer to design the details of the sewer connection and send it to us for our review and approval.

Attached is a standard Utility Extension and Capacity Agreement which would have to be executed and a copy of it will be sent to the Pierce County Boundary Review Board. Please sign the document and send it to us, along with the legal description of your property, a map showing location and a \$50.00 check.

Should you have any questions, please contact me, or Mr. Michael Wilson, City Administrator, at 851-8136.

Very truly yours,

Ben Yazici, P.E.
Public Works Director

BBY:gh
Enclosure

cc: Gretchen Wilbert, Mayor
Michael Wilson, City Administrator
Jeff Jorgenson, Tacoma/Pierce County Health Department



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: MAYOR WILBERT, CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR *with*
SUBJECT: FIRST AMENDMENT/SCHOOL DISTRICT INTERLOCAL
DATE: DECEMBER 8, 1994

INFORMATION/BACKGROUND

The original interlocal agreement between the Peninsula School District and the City of Gig Harbor requires revision in order to conclude the remaining 2100 linear feet of sewer line which was uncompleted due to the need to obtain a Shoreline Substantial Development Permit and due to administrative appeals. As a result of the delay, the city closed its contract with Active Construction. Additionally, the school district sewer capacity agreement expired over this time period and requires formal renewal. The attached First Amendment to the interlocal agreement is presented to accomplish these objectives.

POLICY CONSIDERATIONS

The amendment has been reviewed by legal counsel and the Public Works Committee. It is a relatively simple agreement describing dedication, construction, inspection, maintenance bond requirements, and pro-ration of the capacity commitment payment based on the reduction of hook-up needs from 38,000 gpd to 30,000 gpd.

FISCAL CONSIDERATIONS

The school district originally paid \$36,423 as a capacity commitment payment for 38,000 gallons per day of sewer capacity reservation at the treatment plant. Now, the district is planning to use 30,000 gpd. Therefore, \$28,755 of the capacity commitment payment will be applied to the connection fee for 30,000 gpd. The connection fee paid will be a consequence of the connection rate per Equivalent Residential Unit in effect at the time of connection. Currently, the rate that applies to the school district's connection is \$1650 per ERU.

RECOMMENDATION

Staff recommends approval of the First Amendment to the Interlocal Cooperative Agreement as presented.

**FIRST AMENDMENT TO INTERLOCAL COOPERATIVE AGREEMENT FOR
CONSTRUCTION OF A SANITARY SEWER AND REIMBURSEMENT FOR
LATECOMERS BETWEEN THE CITY OF GIG HARBOR AND
PENINSULA SCHOOL DISTRICT NO. 401**

This First Amendment is entered into this ____ day of _____, 199_, by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and Peninsula School District No. 401, a Washington municipal corporation (hereinafter the "District").

I. RECITALS

A. The purpose of this Amendment is to amend that certain Interlocal Cooperative Agreement between the City and the District executed on June 11, 1992 (hereinafter the "Interlocal").

B. Except for approximately 2,100 linear feet of sewer line between Milepost 19.27 and Milepost 19.66 on State Highway 302 known as the Purdy portion of the sewer line, the sanitary sewer line between the City of Gig Harbor and the District's Purdy campus line was complete before the July 15, 1993 completion date set forth under Paragraph 2 of the Interlocal. To install the remaining 2,100 feet of sewer line, it was necessary to obtain a Shoreline Substantial Development Permit from Pierce County in compliance with the Shoreline Management Act.

C. Significant delay occurred in obtaining the Substantial Development Permit as a result of procedural delays and appeals filed in connection with the approval process for the Substantial Development Permit. As a result of these delays, it became necessary for the City to close its construction contract with Active Construction for construction of the remaining portion of the sanitary sewer line. These delays further prohibited the District from connecting its Purdy Campus to the sewer line.

D. The District has determined that there would be economical savings and administrative efficiencies if the District constructed the remaining 2,100 feet of sewer line, given the work necessary on the Purdy Campus to connect to the sewer line.

E. The District and the City are authorized to enter into this First Amendment consistent with the Interlocal Cooperation Act, chapter 39.34 RCW.

F. It is in the best interest of both the City and the District to enter into this First Amendment for construction and reimbursement of the sanitary sewer line, of which the primary purpose is to provide sanitary sewer service to the District's Purdy Campus.

II. AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and benefits herein, the parties agree as follows:

1. Dedication of Phase I of Sanitary Sewer Line to the City. By this First Amendment, in accordance with Paragraph 1.2.6 of the Interlocal, the District dedicates all that portion of Phase I of the sanitary sewer line and appurtenances thereto known as a Purdy sewer line portion to the City. The City hereby accepts this dedication.

2. Construction of Approximately 2,100 Linear Feet of Sanitary Sewer Line.

2.1 The District shall construct, at its expense (subject to reimbursement as set forth below) the remaining 2,100 linear feet of the sanitary sewer line approximately between Milepost 19.27 and Milepost 19.66 along State Highway 302 in accordance with the construction plans and specifications approved by the City. The District shall be solely responsible for obtaining all necessary permits and compliance with all applicable statutory requirements for construction of public works in the construction of this 2,100 linear feet of the sanitary sewer line.

2.2 The City shall furnish an inspector for the construction of the sanitary sewer line project, in order to confirm compliance with the City's standards and the approved plans. Any cost incurred by the City related to such inspections shall be borne by the District, subject to reimbursement in accordance with Paragraph 5.

2.3 The District shall communicate with the City during the course of construction when reasonably necessary. Although the District shall have control over all the work described in the approved plans, the District acknowledges that the City may refuse to accept dedication of any construction which does not comply with the approved plans or standards. Therefore, the City and District agree to cooperate at all times during the course of construction.

2.4 The District shall notify the City upon completion of the 2,100 linear feet of the sanitary sewer line and prior to the District's acceptance of the sewer line, of the District's intent to dedicate the sewer line to the City. The City shall have a final opportunity to inspect the construction, and if the sewer line is constructed in conformance with the approved plans and City standards, the City shall accept the District's dedication. The District shall require its contractor to use the City's maintenance bond forms, and the bond shall be written to allow the City to make claims under the bond to the same extent and in the same manner as the District.

3. Completion of the Sanitary Sewer System. The City and the District recognize and acknowledge that the sanitary sewer system was not completed by July 15, 1993, as required under Paragraph 2 of the Interlocal, as a result of events and circumstances beyond the control and influence of either the City or the District. As a result of these unforeseen circumstances, the District and the City agree that the date of completion of the sanitary sewer line shall be the date of dedication of the remaining 2,100 linear feet of sewer line to the City following completion of construction by the District.

4. Sanitary Sewer System Use Guaranty. The City renews its commitment to provide sanitary sewer capacity to the District, as provided in paragraph 4 of the Utility Extension and Capacity Agreement between the parties executed on September 18, 1991, (hereinafter the "Capacity Agreement"). The City hereby warrants, at no additional charge to the District, that the sanitary sewer system shall have capacity commitment allocated to the District of 30,000 gallons per day

(gpd) to satisfy the District's sanitary sewer needs for its Purdy Campus at the time of connection by the District to the sanitary sewer system. The District originally reserved 38,000 gpd from the City, and upon hook-up of 30,000 gpd will be credited for 15/19 of the \$36,423 capacity commitment payment, a credit toward connection of \$28,755.

5. Latecomer Reimbursement.

5.1 The City and the District agree that the final costs and expenses, including, but not limited to construction expenses, design fees, engineering fees, permit expenses, consultant fees, and attorneys' fees, as these costs and expenses are associated with design and construction of the sanitary sewer line from the City of Gig Harbor to the District's Purdy Campus, shall be reconciled by the City's Public Works Director and the District in accordance with the Interlocal. The final costs and expenses determined eligible for latecomer reimbursement through this reconciliation process shall be confirmed by inclusion in a Second Amendment to the Interlocal.

5.2 Costs and expenses associated with the remaining 2,100 linear feet of the sewer line will be reconciled by the parties in accordance with the Interlocal following completion of construction and dedication of this remaining portion of the sewer line. The costs and expenses determined eligible for latecomer reimbursement through this reconciliation process shall be confirmed by inclusion in a Second Amendment to the Interlocal.

6. Recordation of First Amendment. The parties agree that the District shall record this First Amendment to the Interlocal.

7. Other Terms of Interlocal. All other terms and conditions of the Interlocal shall remain in full force and effect. In the event of any conflict between the Interlocal and this First Amendment, this First Amendment shall control.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date and year set forth above.

DATED this _____ day of _____, 199__.

CITY OF GIG HARBOR

PENINSULA SCHOOL DIST. #401

Gretchen A. Wilbert, Mayor

Dr. Mark A. Mitrovich, Superintendent

ATTEST:

Mark E. Hoppen, City Administrator

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

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

Dated: _____

(print or type name)
NOTARY PUBLIC in and for the State
of Washington, residing at _____.
My commission expires _____.

STATE OF WASHINGTON)
)ss:
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that Dr. Mark A. Mitrovich is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Superintendent of Peninsula School District No. 401 to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

(print or type name)
NOTARY PUBLIC in and for the State
of Washington, residing at _____.
My commission expires _____.

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF GIG HARBOR
FOR EXPIRATION DATE OF 2/28/95

	LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	CLASSES
1	WAMBOLD, MARK HENRY WAMBOLD, KYONG MI	MARCO'S RESTAURANT 7707 PIONEER WAY GIG HARBOR WA 98335 0000	074950	C D
2	WAMBOLD, MARK HENRY WAMBOLD, KYONG MI	MIMI'S PANTRY 7707 PIONEER WAY GIG HARBOR WA	078350	E F

WASHINGTON STATE LIQUOR CONTROL BOARD-License Services
1025 E Union - P O Box 43075
Olympia WA 98504-3075

TO: MAYOR OF GIG HARBOR

12-5-94

SPECIAL OCCASION #091260

CLASS: GJK

GIG HARBOR LIONS
PO BOX 331
GIG HARBOR WA

DATE/TIME: JANUARY 21, 1995 1800 TO 2330

PLACE: GIG HARBOR YACHT CLUB

CONTACT: BRAD CARPENTER 851-2236

PLEASE RETURN ONE COPY TO THE LIQUOR CONTROL BOARD

SPECIAL OCCASION LICENSES

- * G - License to sell beer on a specified date for consumption at specific place.
- * J License to sell wine on a specific date for consumption at a specific place.
 Wine in unopened bottle or package in limited quantity for off premises consumption.
- * K - Spirituous liquor by the individual glass for consumption at a specific place.
- * I - Class I, to class H licensed restaurant to sell spirituous liquor by the glass, beer and wine to members and guests of a society or organization away from its premises.
- * I - Annual license for added locations for special events (Class H only)

If return of this notice is not received in this office within 20 days (10 days notice given for Class I) from the date above, we will assume you have no objection to the issuance of the license. If additional time is required please advise.

1. Do you approve of applicant? YES__ NO__
2. Do you approve of location? YES__ NO__
3. If you disapprove and the Board contemplates issuing a license, do you want a hearing before final action is taken? YES__ NO__

<u>OPTIONAL CHECK LIST</u>	<u>EXPLANATION</u>	
LAW ENFORCEMENT	_____	YES__ NO__
HEALTH & SANITATION	_____	YES__ NO__
FIRE, BUILDING, ZONING	_____	YES__ NO__
OTHER:	_____	YES__ NO__

If you have indicated disapproval of the applicant, location or both, please submit a statement of all facts upon which such objections are based.

DATE

SIGNATURE OF MAYOR, CITY MANAGER, COUNTY COMMISSIONERS OR DESIGNEE

MAYOR'S REPORT
December 12, 1994

UPDATES

1993 - Audit Report

On Tuesday, November 29th, Mark, Tom and I met with the State Auditor for the final step in the 1993 audit process. The exit conference proved to be a very positive experience. The auditor had no findings to report and had nothing but praise for the city's financial management. The auditor congratulated the City for recognizing and addressing the concerns of the past. The Audit Report, when published, will present a clean opinion. This is the second consecutive reporting year with a clean opinion and no findings.

Holiday Tree Lighting

Thanks to George Borgen, Fire District #5 volunteers, Peninsula Light Company, and time and donations from the City staff, the annual Holiday Tree Lighting at Jerisich Park went on as planned Friday evening, December 2nd at 6:00 p.m.

An estimated 500 people enjoyed the musical gift from Gig Harbor and Peninsula High Schools' carollers, and cookies, coffee, and cocoa served by Altrusa, with proceeds going to Peninsula F.I.S.H. Santa arrived by fire truck to be greeted by squeals of joy from the children. Candy canes were furnished by Keith Uddenburg, Bag & Save and Payless.

Heretofore, the Downtown Business Association handled the celebration. Because that association is undergoing a change in direction, they turned over all their lights to the City in November and asked to be relieved of the celebration obligation. That's when the City staff volunteers said "we can do it," and they did a tremendous job. The community thanks them.

There has been talk in the community of replacing the small, vandalized Noble Fir with a larger, slow-growing conifer. The hauling and planting of a larger tree would need a gift of funds to pay the cost. Scott Junge of Rosedale Gardens donated his time toward the planting of the existing tree given to the City by the Horsehead Bay Garden Club. The smaller tree was chosen because of the cost. Scott also could not guarantee a larger conifer would survive the transplant.

I am inviting comments from Council, Staff, and the Community regarding next year's celebration.