

SPECIAL/REGULAR COUNCIL MEETING
NOVEMBER 10, 2004

Mayor Kordonowy opened the special City Council meeting at 6:00 PM with Council members Knobloch, Llewellyn, Rolfes, Scales, Tooloee, Vancil and Vann present as well as City Administrator Briggs, Directors Frazier and Witt, Police Chief Haney, City Engineer Mustain, Senior Planner Hudson, Planner Morse and City Attorney Kaseguma. The regular meeting began at 7:00. City Clerk Kasper monitored the tape of the meeting.

ITEMS DISCUSSED

1. PUBLIC HEARING: AB 0699 ORDINANCE NO. 2004-09, COMPREHENSIVE PLAN UPDATE (2ND READING)
2. RECESS
3. ADDITIONS/DELETIONS TO THE AGENDA
4. PUBLIC COMMENT: A. ITEMS NOT ON THE AGENDA
5. ORDINANCES: 2ND READING
 - A. AB 0793 ORDINANCE NO. 2004-24, SETTING SEWER RATES FOR CUSTOMERS IN LID NO. 20, SOUTH ISLAND SEWER
 - B. AB 0745 ORDINANCE NO. 2004-27, LTGO 1996, 1997 & 1999 REFUNDING
6. OLD BUSINESS: AB 0798 OPEN SPACE PROPERTY EXCHANGE
7. NEW BUSINESS: A. AB 0796 CHILDREN'S MUSEUM FUNDING - \$10,000
 - B. AB 0796 BIAHC FUNDING - \$6,000
8. CITY COUNCIL COMMITTEE REPORTS: A. INTERGOVERNMENTAL OPERATIONS & COORDINATING COMMITTEE
 - B. PUBLIC WORKS/TRANSPORTATION COMMITTEE
9. MAYOR'S REPORT
10. CITY ADMINISTRATOR'S REPORT
11. CONSENT AGENDA: A. VOUCHER & PAYROLL APPROVAL
 - B. MINUTES SPECIAL CITY COUNCIL MEETING OCTOBER 25, 2004
 - C. MINUTES SPECIAL/REGULAR CITY COUNCIL MEETING OCTOBER 27, 2004
 - D. MINUTES SPECIAL CITY COUNCIL MEETING NOVEMBER 1, 2004
 - E. AB 0801 ACCEPT PROPOSAL, ROBINSON, NOBLE & SALTBUSH, INC, (WATER MANAGEMENT STUDY/SANDS AVENUE WELL NO. 1) - \$27,992
 - F. AB 0733 APPROVE ALLOCATION COSTS FOR FERNCLIFF AVENUE LATECOMER'S AGREEMENT (ALTERNATIVE C)
 - G. AB 0557 BUDGET AMENDMENT, PHASE I JOEL PRITCHARD PARK/NIDOTO NAI YONI MEMORIAL PROJECT - \$1,481,250
12. ORDINANCES: 1ST READING
 - A. AB 0789 ORDINANCE NO. 2004-18, FERRY-RELATED PARKING (PHASE II) COMPREHENSIVE PLAN AMENDMENT
 - B. AB 0797 ORDINANCE NO. 2004-25, COMPREHENSIVE PLAN REQUEST TO EXPAND ALLOWED USES IN LIGHT MANUFACTURING DISTRICT
13. MEETING EXTENSION:
14. ORDINANCES: 1ST READING (CONTINUED)
 - C. AB 0799 ORDINANCE NO. 2004-29, AMENDING BIMC 15.16, FLOOD DAMAGE PREVENTION
15. ORDINANCES: 3RD READING: A. AB ORDINANCE NO. 2004-21, PROPERTY TAX LEVY
 - B. AB 0463 ORDINANCE NO. 2004-30, SOUTH BEACH ROAD VACATION (FORMERLY ORDINANCE NO. 2001-23)
16. EXECUTIVE SESSION: POTENTIAL LITIGATION
17. ADJOURNMENT

1. PUBLIC HEARING: AB 0699 ORDINANCE NO. 2004-09, COMPREHENSIVE PLAN UPDATE (2ND READING)

Mayor Kordonowy opened the Comprehensive Plan Update public hearing. She explained staff members will make opening comment and requested that citizens keep their comments to 3 minutes. She introduced Director Frazier who stated the public hearing held October 13, was continued to allow additional comments. He explained the public hearing this evening will address the Land Use, Environmental, Housing, Economic and Human Services Elements of the Comprehensive Plan Update and is considered the 2nd reading of the ordinance.

Senior Planner Hudson explained two additional comments and a memo inadvertently omitted from the City Council packet have been distributed to the City Council. She stated there are 5 elements to discuss this evening as well as additional revisions to the Transportation Element based on public comment received on October 13.

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Land Use Element

Senior Planner Hudson stated minor map amendments have been proposed to the High School Road and Madison Avenue areas and that the Rolling Bay Neighborhood Center become a special planning area, that the Winslow study area be designated as the 50% future growth area in Winslow and that a policy recommending the Wyckoff property as a public acquisition be added. She explained a memo dated November 4, regarding the Land Use Element, has been included in the City Council packet.

Charles Schmid, 10677 Manitou Park Boulevard, stated the environmental portion of the element should be strengthened by mentioning results of community surveys; Pg. 3, Rolling Bay, change to "A special planning process is recommended for Rolling Bay neighborhood Service Area" and delete the phrase "Expansion of Boundaries" because it will with other topics be considered and makes it consistent with Goal NSC 1.5, Pg. 43; Pg. 20, delete the sentence "Commercial development since 1992... This; Pg. 36, Goal 5, instead of deleting the Goal substitute it with language addressing "the importance of good planning for our harbor areas with reference to the Harbor Commission; Pg. 45, Light Manufacturing, this amendment radically changes the uses in LM zones and is confusing to have an update and radical change occurring simultaneously; General, are there any goals addressing maintaining trees in the Mixed Use Town Center and are there any goals to justify new design review boards and their mission which he would be glad to see instituted.

Gary Tripp, representing Bainbridge Citizens United, stated the protection of private property rights and protection of the environment are not equally balanced in the Comprehensive Plan and proposed the following language which he would like adopted: All land use and environmental regulations shall provide equal protection to both private property rights and the environment. All regulations will consider the cost and benefit of restrictions on the use of private property. He addressed the issue of Wildlife/Open Space stating we share our rural land with wildlife. He asked that the adequacy of the SEIS be determined now; he provided the following language regarding the Transfer of Development Rights: It is the policy of the City of Bainbridge Island to allow the free transfer of development rights (TDR) from lots which are severely impacted by wetlands, streams, slopes, frequently flooded areas and/or their buffers to other existing lots. TDR may only occur within the same density zone or to a greater density zone. In no case shall the density of the receiving lot more than double. Transferring the development right from a lot shall extinguish all use rights to the lot and the lot will be contributed to public open space; references to the raise in sea level and frequently flooded areas along the shoreline should not be included in the Comprehensive Plan; encouragement of light business should appear in the Comprehensive Plan.

Carol Ann Barrows, 321 High School Road, requested that definitive language addressing water monitoring appear in the Comp Plan as well as base growth on the actual amount of water resources available and renewable.

Father Sean O'Laughlan, St. Cecilia's Parish, thanked the City for the work it has done on re-designating the zoning for the church from residential to Madison Avenue District. He stated either zoning designation would have worked; however, to make improvements to the church a base height of 35 ft. is necessary. He asked the City Council to approve the re-designation.

Environmental Element

Planner Morse explained policies that existed in the Land Use Element of the Comprehensive Plan have been added to the Environmental Element addressing seismic data. He requested that comments made by the Department of Fish & Wildlife be approved and that EN1.6 be added to the element as recommended by staff.

Charles Schmid stated Pg. 1, should mention community surveys; Pg. 6, AQ1.2 Good goal; AQ1.8, needs some grammatical help; Pg. 7, AC1.10, why were streams not mentioned as a concern in agricultural land; AQ1.14, OK to drop language about TDRs, but retain the first line about not including wetlands in density calculations because it is a policy issue; GW3.1, add specific language stating "The Waterfront Trail in Winslow should be completed"; and, language addressing glare should agree with the ordinance passed 2 years ago..

Kjell Stoknes, 168 Wood Avenue S., addressed language appearing in GW1.3, on road ends and proposed the following language: Encourage the development of City road ends to promote neighborhood access and/or view corridors to the shorelines.

Housing Element

Senior Planner Hudson explained this element is comprised primarily of language addressing Affordable Housing.

Charles Schmid stated the City has a need for additional affordable housing and complimented the Affordable Housing Task Force. He addressed the issues of fixed zoning, stating there should be additional discussion of the impact on the Island of cottage industry housing which is a good use in high density areas; Pg. 6, H3.2, ADUs require a CUP along the shoreline; Community Land Trusts are

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a good way to create affordable housing; Pg. 9, H5.3, good because it keeps rentals affordable for 30 years; H5.4, is not good because an affordable house can be sold anytime and become a non-affordable house.

Planner Cook explained one of the main intents was to delete specific language about income levels, the amount of density bonuses, how the program should be staffed and specific numeric goals for new housing and was broadened to allow for flexibility to revise the plan more easily. Since the committee completed its review a letter was received from Charles Wenzlau, Affordable Housing Task Force Chair, addressing H5.4, Pg. 9, and stating the program will be reviewed in 2005, will probably be revised and therefore should be made more general. She stated staff concurs with that recommendation.

Economic Element

Planner Cook explained the Economic Element had no major changes, however, policies relating to agricultural uses and products were strengthened, the Business Park Zone has been changed to Small Business Zone because its title was inappropriate/confusing; Goals 5, 7 and 8 are recommended for deletion.

Gary Tripp stated the plan assumes there is no economic impact from the proposed changes and even if a fraction of the changes in the critical areas ordinance are enacted impacts to business and homeowners, the value and resale, are going to be great.

Charles Schmid, addressing Microenterprises, Pg. 6, stated delete the definition because it could be interpreted in many ways and economics is rarely the justification for land use designations.

Human Services Element

Planner Guyott explained the primary change to the element relates to updates made based on the needs assessment conducted by the HHH&S Council in 2003.

Dana Quitslund, 13724 Sunrise Drive, stated the element has not changed much and recognized those who have brought the element to life, especially Jan Lambert.

Jan Lambert, HHH&S Council, addressed the Community Needs Assessment conducted in 2003 stating Phase I is currently being conducted; Phase II, will be completed in June of 2004; Phase III, will move action team recommendations forward. She explained 80 volunteers identified service gaps and that the immediate results are the opening of a Health Clinic in August; a dental referral system; community education phase which requires public/private partnerships. She stated the City plays a large role in strengthening partnerships.

Mayor Kordonowy explained the HHH&S Council has agreed to place an emphasis on the affordable housing issue and conducted a meeting last evening at which the live aboard issue was discussed.

Transportation Element

Roger Mustain, City Engineer, stated Pg. 1, clarification to clear up the status of SR 305; no changes to Pg. 2 or 3; Pg. 4, clarification of terms submitted by DOT; no changes Pg. 5 or 6; Pg. 7, technical clarification cannot have non urban areas on BI, therefore, changed to serving less densely developed areas; no changes Pg. 8 or 9; Pg. 10, clarifying statement we have a responsibility to determine the expected transportation impact of proposed development rather than just monitor; Pg. 11, TR4.11, clarification; no changes Pg. 12, 13 or 14; Pg. 15, TR10.34, clarification to read more clearly; no changes Pg. 16 or 17. He addressed projected growth changes suggested by Vince Mattson in which Mr. Mattson did not project growth in Hotel rooms and an incorrect factor for determining the prorated growth for 2008 (used 25% rather than 37%). He addressed calculations made by Mr. Mattson, which did not take into account all data regarding transportation. He stated the data contained in the model is valid and should go forward.

Kathryn Hjerrild, 1161 Grow Avenue, addressed inconsistencies in the Transportation Element relating to Mandus Olson Road where an unimproved gravel path is located and limited to non-motorized use linking the neighborhoods of Meadowmeer and Mandus Olson with the Grand Forest providing safe, non-motorized transport to the Sands Road ball park and Winslow; the Transportation Element appears to be contradictory with the NMTP; a trail is also located on Island Way and NM1.4 is contradicted by the Transportation Element. She asked that the public be well informed about meetings at which the Transportation Element will be discussed.

Lin Kamer Walker, 907 Lovell Avenue NW, stated the transportation element contains inconsistencies and discrepancies. She opposed ~~proposed~~ adding the Island wide Transportation Study to the Comprehensive Plan

Water Resources Element

Senior Planner Hudson stated comments from Charles Schmid received October 13, appearing on Pg. 16, Matrix, add language concerning connection of the volume of recharge and aquifer recharge areas and is supported by staff as well as his comment changing Goal 1, to add the word "land" to land use.

There was no public comment. Senior Planner Hudson recommended that the hearing be continued to November 23, that staff responses to comments made this evening will be available early next week and that adoption is planned for December 8.

There was discussion regarding scheduling a 2 – 3 hour workshop to enable the City Council to confer with planning staff prior to the approval of the Comprehensive Plan Update.

Mayor Kordonowy continued the Comprehensive Plan Update public hearing to November 23, and a meeting will be scheduled for the Council to deliberate.

2. RECESS

The regular City Council meeting of November 10, 2004, was adjourned for a 5-minute recess. The meeting reconvened following the recess with the aforementioned Mayor and City Councilmembers present.

3. ADDITIONS/DELETIONS TO THE AGENDA

There were no additions/deletions to the agenda, however, the decision was made to remove the Ferncliff Latecomer's Agreement from the consent agenda and consider that agreement at this time; and, Item 8 should read: BIHAC rather than HHH&S.

City Administrator Briggs stated concern that several significant pieces of information were received by the City today and suggested that this issue be tabled to the next Council meeting to allow the Council sufficient time to review new information to which City Attorney Kaseguma responded the public hearing was closed at the last Council meeting and letters received in the last 2 days from attorneys representing the developer contain legal arguments. He recommended placing this item on the consent agenda for the next meeting and requested that the Council move to state no legal arguments will be accepted after today on the latecomer reimbursement.

Councilmember Scales moved to pull the latecomer's agreement from the consent agenda, continue it to the next City Council meeting and discuss this issue in executive session. The motion was seconded by Councilmember Vancil and unanimously approved.

Council Chair Rolfes moved that the latecomer's agreement appear on the consent agenda for the next meeting and that no additional legal arguments be allowed. Councilmember Vann seconded the motion.

Roberta Farris, Attorney, was asked if she will be making additional legal arguments following her review of the file to which she answered yes. She stated she will not comment on the City's position regarding legal argument. She explained it is fair to the Council and to her client that she be allowed to review the file.

Council Chair Rolfes moved to table the motion. Councilmember Tooloe seconded the motion, which was unanimously approved.

City Attorney Kaseguma asked whether the Council wishes to place deadlines on filing legal arguments with the City and, hearing no objection, the decision was made that additional legal arguments will be submitted by November 19, and placed in the packet for the City Council meeting of November 23.

4. PUBLIC COMMENT: A. ITEMS NOT ON THE AGENDA

There was no public comment.

5. ORDINANCES: 2ND READING

A. AB 0793 ORDINANCE NO. 2004-24, SETTING SEWER RATES FOR CUSTOMERS IN LID NO. 20, SOUTH ISLAND SEWER

Director Konkel introduced Ordinance No. 2004-24, Sewer Rate Structure, by stating the formation of Local Improvement District (LID) No. 20, South Island Sewer, has necessitated the passage of the proposed ordinance, which will create a sewer rate structure.

There was no public comment and the ordinance was referred to the Finance Committee for its November 29, meeting.

Councilmember Vancil moved to waive the 3 reading requirement and approve Ordinance No. 2004-24, Setting Sewer Rates for Customers in Local Improvement District No. 20. Councilmember Vann seconded the motion. The Council did not waive 3rd reading

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and the ordinance was referred to the Finance Committee, with Councilmembers Vancil and Llewellyn voting in favor; Councilmembers Knobloch, Rolfes, Scales, Tooloee and Vann opposed.

There was discussion regarding notification to LID No. 20, participants during which it was determined notification is not necessary, however, neighborhood leaders will receive notification.

B. AB 0745 ORDINANCE NO. 2004-27, LTGO 1996, 1997 & 1999 REFUNDING

Director Konkel explained during preliminary analysis it was determined that by refunding Limited General Obligation bonds for the years 1996, 1997 and 1999, the City could save up to \$200,000, however, due to the current fluctuation in the stock market he proposed proceeding on a week to week basis and that this issue no appear on the agenda of the November 15, budget workshop.

There was no public comment.

6. OLD BUSINESS: A. AB 0798 OPEN SPACE PROPERTY EXCHANGE

Andy Maron, Open Space Commission Chair, provided the history of the formation of the Open Space Commission and introduced fellow Open Space Commissioners. He asked the City Council to approve the purchase by the City of the Strawberry Plant Property.

Commissioner Sutton explained Bill Carruthers and the Island Senior Community recognized this opportunity for the exchange of the properties (Strawberry Plant property & John Nelson Park property) each valued at \$1.5 million. He provided the characteristics of each property; identified the agreement with the Park District to relinquish its 99-year lease of John Nelson Park, and the proposal to move development rights to the FAR program to be returned for the open space acquisition.

Bill Carruthers explained this proposal benefits everyone equally; and, will provide senior housing in John Nelson Park.

On motion by Council Chair Rolfes, second by Councilmember Vancil, the property exchange of John Nelson Park property for the Strawberry Plant property was unanimously approved and the Mayor was authorized to sign the agreements.

7. NEW BUSINESS: A. AB 0796 CHILDREN'S MUSEUM FUNDING - \$10,000

Director Konkel explained the request made by the Children's Museum is to add \$10,000 in capital funding to the 2005 budget which was followed by discussion regarding the \$10,000 in matching funds to be provided by the Linda & Bill Gates Foundation if the funding is provided by the City and that the Children's Museum will not be eligible for any type of funding next year.

Councilmember Scales moved to approve an expenditure of \$10,000 from the Contingency Fund to the Children's Museum with the condition that the Children's Museum will not be eligible for any City funding in 2005, including Hotel/Motel funds. His motion was seconded by Councilmember Vancil and unanimously approved.

C. AB 0796 BIAHC FUNDING - \$6,000

Director Konkel explained the Finance Committee has unanimously forwarded this proposal to which Mayor Kordonowy responded an ad hoc committee will be formed to develop a scope of work and a facilitator will be hired to provide fair and equal discussion.

On motion by Councilmember Scales, second by Councilmember Vancil, an expenditure of \$6,000 from the Contingency Fund to Bainbridge Island Arts & Humanities Council to establish a program to distribute funding to community agencies was unanimously approved.

8. CITY COUNCIL COMMITTEE REPORTS: A. INTERGOVERNMENTAL OPERATIONS & COORDINATING COMMITTEE

Council Chair Rolfes reported the Kitsap Regional Coordinating Council is prioritizing transportation funding for the county, which will be discussed by the Public Works/Transportation Committee; that Councilmember Knobloch has investigated the proposal to construct a monorail along SR 305 to connect the Ohalva project with the ferry. She explained there has been a proposal made to schedule a meeting between the City Council and the Poulsbo City Council on Thursday, January 26.

Councilmember Knobloch suggested that the meeting between the City Councils and other legislators to discuss the monorail proposal occur for 1 hour on December 9. Consensus of the City Council was that the meeting not be scheduled for December 9.

B. PUBLIC WORKS/TRANSPORTATION COMMITTEE

Councilmember Knobloch reported 17 citizens attended the last committee meeting at which the Ferncliff Avenue Latecomer's Agreement cost allocation was discussed as was the request made by the Wing Point Way Association regarding its proposal to utilize

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Non-Motorized Transportation funding to construct a bicycle/pedestrian lane along Wing Point Way. He explained the Thousand Years Institute has requested an exemption from the herbicide program to rid the Island of a pervasive noxious weed. He stated the consensus of the committee was to allow the Thousand Years Institute to move forward with a noxious weed control grant application and, if approved, the institute will apply for an exemption under the pesticide ordinance for the application of Aquamaster.

9. MAYOR'S REPORT

Due to time constraints Mayor Kordonowy had no report.

10. CITY ADMINISTRATOR'S REPORT

City Administrator Briggs stated as follow-up to Councilmember Scales' comments regarding attorney client privileged correspondence, City Attorney Kaseguma gave a presentation to Director's. She stated from time to time the privilege needs to be waived and asked the Council to formally provide approval to continue this practice.

On motion by Councilmember Scales, second by Councilmember Vann, the City Council unanimously authorized the Mayor or the Mayor's designee to waive the attorney/client privilege for matters that the Executive Department deems appropriate

11. CONSENT AGENDA:

- A. MINUTES SPECIAL CITY COUNCIL MEETING OCTOBER 25, 2004**
- B. MINUTES SPECIAL/REGULAR CITY COUNCIL MEETING OCTOBER 27, 2004**
- C. MINUTES SPECIAL CITY COUNCIL MEETING NOVEMBER 1, 2004**
- D. AB 0801 ACCEPT PROPOSAL, ROBINSON, NOBLE & SALTBUSH, INC, (WATER MANAGEMENT STUDY/SANDS AVENUE WELL NO. 1) - \$27,992**
- E. AB 0733 APPROVE ALLOCATION COSTS FOR FERNCLIFF AVENUE LATECOMER'S AGREEMENT (ALTERNATIVE C)**
- F. AB 0557 BUDGET AMENDMENT, PHASE I JOEL PRITCHARD PARK/NIDOTO NAI YONI MEMORIAL PROJECT - \$1,481,250**

On motion by Councilmember Vancil, second by Council Chair Rolfes, the consent agenda as listed above was unanimously approved with the exception of Item No. F, Allocation costs for Ferncliff Avenue Latecomer's Agreement.

Voucher & Payroll Approval

Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing that has been made available to the Council.

As of this date November 10, 2004, the Council, by unanimous vote does approve for payment those vouchers included in the above list and further described as follows: Prepaid check numbers 303370 through 303527 in the amount of \$64,671.02, regular run check numbers 303382 through 303526 in the amount of \$472,975.67 for a total amount of \$537,646.69 and Payroll Warrants consisting of direct deposit check numbers 0001179 through 0001300 in the amount of \$196,483.95, regular run check numbers 100467 through 100492 in the amount of \$38,628.72, Payroll Vender check numbers 10043 through 100506 in the amount of \$164,391.87 and Federal Tax Electronic Transfer in the amount of \$84,127.08 for a total amount of \$483,631.62

12. ORDINANCES: 1ST READING

- A. AB 0789 ORDINANCE NO. 2004-18, FERRY-RELATED PARKING (PHASE II) COMPREHENSIVE PLAN AMENDMENT**

Director Frazier introduced the proposed ordinance explaining the Land Use Committee made a recommendation based on a request made by the Mayor. He stated staff made a recommendation that the cap be lifted because the Comprehensive Plan would complicate the flexibility needed to work with the Winslow Tomorrow plan. He stated a further reduction will be made to the parking located at the Stutsman property and the department recommends going forward with Phase II, to remove the cap from the Comp Plan, to avoid major impacts on the vitality of downtown Winslow. He recommended accepting the amendment conditioned on a review of a means to provide additional parking in a 3 to 5 year time period.

There was discussion regarding the Planning Commission recommendation not to approve the ordinance at this time; discussion of Phase II review; the impact Winslow Tomorrow will have on parking; deferring the amendment until next year; continuing on with the 3 reading process; incorporating the ordinance into the yearly process; determining whether the staff recommendation allows more parking spaces; and, the fact that zoning regulations can be modified.

Mayor Kordonowy listed recommendations made by Sandy Fischer, Winslow Tomorrow Project Manager, that no parking study will be conducted by Winslow Tomorrow because no new information will be provided

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Council Chair Rolfes moved not to deny consideration of the ordinance and carry Phase II discussion over to next January. Her motion was seconded by Councilmember Vann and unanimously approved.

B. AB 0797 ORDINANCE NO. 2004-25, COMPREHENSIVE PLAN REQUEST TO EXPAND ALLOWED USES IN LIGHT MANUFACTURING DISTRICT

Planner Guyott introduced the proposed ordinance, which, the Planning Commission has unanimously recommended, be approved by the City Council following review by the Land Use Committee.

The proposed ordinance was referred to the Land Use Committee for its 2nd reading.

13. MEETING EXTENSION:

On motion by Council Chair Rolfes, second by Councilmember Tooloe, the regular City Council meeting of November 10, 2004, was extended to 9:15 PM to complete the City Council's regular business.

14. ORDINANCES: 1ST READING (CONTINUED)

A. AB 0799 ORDINANCE NO. 2004-29, AMENDING BIMC 15.16, FLOOD DAMAGE PREVENTION

Director Frazier introduced the proposed ordinance by explaining Phase I requires additional review as does the building permit procedure because it is questionable that some building permits were approved. He stated that in order to bring the ordinance into compliance flood plain elevation certification (requiring a surveyor) needs clarification.

The proposed ordinance was referred to the Land Use Committee for second reading.

15. ORDINANCES: 3RD READING: A. AB ORDINANCE NO. 2004-21, PROPERTY TAX LEVY

On motion by Councilmember Vancil, second by Councilmember Tooloe, Ordinance No. 2004-21, Property Tax Levy, Levying Property Taxes for the Purpose of Supplying Sufficient Revenue to Carry on the Normal Activities of the City as Required by Law and Special Levy Taxes as Authorized by the Voters in the November 6, 2004 Election. The motion was seconded by Councilmember Tooloe and unanimously approved.

B. AB 0463 ORDINANCE NO. 2004-30, SOUTH BEACH ROAD VACATION (FORMERLY ORDINANCE NO. 2001-23)

Council Chair Rolfes moved to approve Ordinance No. 2004-30, South Beach Road Vacation (Formerly Ordinance No. 2001-23), contingent upon the outstanding flood plain issues being resolved with the Planning Department. Councilmember Vancil seconded the motion.

Councilmembers discussed the purpose of the ordinance, which is to approve the right-of-way vacation following construction of improvements which have been made and that this is a separate issue from the flood plain issue. Council Chair Rolfes withdrew her motion following the discussion.

At 9:11 PM, on motion by Councilmember Knobloch, second by Councilmember Llewellyn, Ordinance No. 2004-30, South Beach Road Vacation, was unanimously approved.

16. EXECUTIVE SESSION: POTENTIAL LITIGATION


At 9:15 PM Mayor Kordonowy adjourned the regular City Council meeting of November 10, 2004, to executive session announcing that the City Council will, with legal counsel, discuss a matter of potential litigation as per RCW42.30.110.(1)(i) until 9:45 PM and that no action will be taken following executive session. The tape recorder was turned off, the door to Council Chambers was posted, and the Mayor, City Council and City Attorney Kaseguma moved to the Long Range Planning Conference Room.

17. ADJOURNMENT:

The regular City Council meeting of November 10, 2004, was unanimously adjourned at 9:50 PM.


DARLENE KORDONOWY, Mayor

ATTEST/AUTHENTICATE:



SUSAN P. KASPER, City Clerk