



ABERDEEN CITY COUNCIL

May 10, 2017

COUNCIL MEETING AGENDA

7:15 PM – 3rd Floor, City Hall

COMMITTEE OF THE WHOLE

- A. Guest Speakers
 - 1. Aberdeen Revitalization Movement
- B. Additions to Agenda
- C. Department Heads
- D. Mayor's Report
- E. Non-Standing Committee Reports

COUNCIL MEETING

I. ROLL CALL

II. FLAG SALUTE

III. APPROVAL OF MINUTES

IV. ADDITIONS / DELETIONS

V. PUBLIC COMMENT Re: Agenda Items (Please limit your comments to 3 minutes)

VI. FINANCE COMMITTEE

- A. Committee Chair Report
- B. Approval of expenditures
 - 1. Recommend approval of expenditures and payroll.
- C. Public Hearings
- D. Reports & Communications
 - 1. Report from Finance and the Parks Director recommending that the Council approve the request to waive the permitting fees in the amount of \$372.00 for the Cub Scout Cub Mobile Races on June 17th.
- E. Ordinances

VII. PUBLIC WORKS

- A. Committee Chair Report
- B. Reports & Communication
- C. Ordinances
 - 1. Third reading of Bill No. 17-03 relating to the abatement of unfit dwellings and amending sections 15.50.030, 15.50.050, 15.50.090 and 15.50.100 of the Aberdeen Municipal Code.

2. First reading of Bill No. 17-04 in regards to a petition to vacate a 60 foot section of the unimproved Columbus Street right-of-way abutting the West boundary of Lot 12, Block 19, first addition to South Aberdeen, and the East boundary of Lot 1, Block 9, Plat of South Aberdeen.

VIII. PUBLIC SAFETY

- A. Committee Chair Report
- B. Reports & Communications

IX. SPECIAL AGENDA ITEMS

- A. Reports & Communication
- B. Proclamation
- C. Resolutions
- D. Appointments

X. CITY COUNCIL COMMENT PERIOD

XI. PUBLIC COMMENT PERIOD (Please limit your comments to 3 minutes)

XII. EXECUTIVE SESSION

The City of Aberdeen does not discriminate against or exclude anyone from participation in public meetings. Requests for assistance should be made by contacting the Finance Department at 360-537-3236, 48 hours in advance of the meeting. Thank you.

Attn:

Sandy Mullin

4/17/17

Stacie Barnum

RE: Special Event (Cub Mobile Races)

Thank you for approving the use of Broadway St on June 17th for the Cub Scout Cub Mobile Races. This event is one of the highlights of the year for the cub scouts.

As you may know scouting is a nonprofit and all volunteer organization on the local level. Which means that we are always in a perpetual fund raising mode. So that the kids can do the things they need to do to earn their badges and also do the community service projects that they do each year. That being said we are asking the City to please waive the \$372.00 fee for having this event.

The cub mobile races are a time of getting together and interacting with other scouts in our area. Any concession on the part of the city would be greatly appreciated by all the local regional scouts and their families.

We would like to thank you in advance for your investment in the lives of these boys, by allowing them to participate in this event and helping us keep the cost down so that all can participate.

Thank you

Leland Wilson

Hoquiam Pack 4023 Cub Master

17 - 03

ORDINANCE NO. _____

AN ORDINANCE RELATING TO THE ABATEMENT OF UNFIT DWELLINGS AND AMENDING SECTIONS 15.50.030, 15.50.050, 15.50.090, AND 15.50.100 OF THE ABERDEEN MUNICIPAL CODE.

WHEREAS, the Public Works Committee has recommended that the city's Unfit Dwellings, Buildings, and Structures code be amended to clarify that: [1] active utility services are an essential component of buildings and structures designed for human habitation; and [2] the appeal hearings held before the Building Code Commission are the city's "open-record" hearings used to create the record on review in land use petitions filed in superior court; **NOW, THEREFORE**,

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ABERDEEN:

SECTION 1. CODE SECTION AMENDED. Section 2 of Ordinance 6311, in part, codified as AMC 15.50.030, is hereby amended to by adding the following sub-section number 40:

40. Whenever the water, solid waste, electric, or natural gas utility service to an occupied building has been disconnected for more than thirty (30) days.

SECTION 2. CODE SECTION AMENDED. Section 2 of Ordinance 6311, in part, codified as AMC 15.50.050, sub-section D, is hereby amended to read as follows:

D. The complaint shall state that an administrative hearing will be held before the building official at a specified time and place, not less than ten (10) days nor

more than thirty (30) days after service of the complaint; and that all persons having any legal interest in the property shall have the right to provide a written response prior to the hearing and to appear in person or by representative at the time and place fixed in the complaint. The rules of evidence shall not apply in administrative hearings before the building official. At the hearing the building official shall receive and consider all information provided, including proposals for the occupation, vacation, repair or demolition of the property. The building official shall consider issuance of a consent order for the necessary repairs and may continue the date of the administrative hearing to provide interested persons additional time to propose detailed repair schedules or other information to be used in making the building official's determination under AMC 15.50.070.

SECTION 3. CODE SECTION AMENDED. Subsection 2 of Ordinance 6311, in part, codified as AMC 15.50.090, sub-section D, is hereby amended to read as follows:

D. The Board shall conduct an open-record hearing ("de novo" hearing) on the building official's complaint and order. The Board shall have the authority to affirm, modify, or reverse the order of the building official, or remand the case to the building official for further proceedings.

SECTION 4. CODE SECTION AMENDED. Section 2 of Ordinance 6311, in part, codified as AMC 15.50.100, is hereby amended to read as follows:

The Board shall follow the rules of procedure for administrative and quasi-judicial hearings adopted in chapter 2.18 AMC. The Board may inspect any building or premises involved in the appeal before the hearing or during the course of the hearing; provided that: (1) notice of such inspection shall be given to the parties before the inspection is made; and (2) the parties are given an opportunity to be present during the inspection.

SECTION 5. SEVERABILITY. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation.

SECTION 6. PUBLICATION BY SUMMARY. The Finance Director is authorized and directed to publish the attached summary in lieu of this ordinance.

SECTION 7. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage, signing, and publication.

PASSED and APPROVED this ____ day of _____, 2017.

Erik Larson, Mayor

ATTEST:

Mike Folkers, Finance Director

17 - 03

ORDINANCE NO. _____

AN ORDINANCE RELATING TO THE ABATEMENT OF UNFIT DWELLINGS AND AMENDING SECTIONS 15.50.030, 15.50.050, 15.50.090, AND 15.50.100 OF THE ABERDEEN MUNICIPAL CODE.

WHEREAS, the Public Works Committee has recommended that the city's Unfit Dwellings, Buildings, and Structures code be amended to clarify that: [1] active utility services are an essential component of buildings and structures designed for human habitation; and [2] the appeal hearings held before the Building Code Commission are the city's "open-record" hearings used to create the record on review in land use petitions filed in superior court; **NOW, THEREFORE,**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ABERDEEN:

SECTION 1. CODE SECTION AMENDED. Section 2 of Ordinance 6311, in part, codified as AMC 15.50.030, is hereby amended to by adding the following sub-section number 40:

40. Whenever the water, solid waste, electric, or natural gas utility service to an occupied building has been disconnected for more than thirty (30) days.

SECTION 2. CODE SECTION AMENDED. Section 2 of Ordinance 6311, in part, codified as AMC 15.50.050, sub-section D, is hereby amended to read as follows:

D. The complaint shall state that an administrative hearing will be held before the building official at a specified time and place, not less than ten (10) days nor more than thirty (30) days after service of the complaint; and that all persons having any legal interest therein in the property shall have the right to ~~file an answer to the complaint,~~ provide a written response prior to the hearing and to appear in person or by representative and to give testimony at the time and place fixed in the complaint. ~~At the administrative hearing, the building official shall have the authority to administer oaths and affirmations, examine witnesses and receive evidence.~~ The rules of evidence shall not apply in administrative hearings before the building official. At the hearing the building official shall receive and consider all information provided, including proposals for the occupation, vacation, repair or demolition of the property. The building official shall consider

issuance of a consent order for the necessary repairs and may continue the date of the administrative hearing to provide interested persons additional time to propose detailed repair schedules or other information to be used in making the building official's determination under AMC 15.50.070.

SECTION 3. CODE SECTION AMENDED. Subsection 2 of Ordinance 6311, in part, codified as AMC 15.50.090, sub-section D, is hereby amended to read as follows:

D. The Board shall conduct an open-record hearing ("de novo" hearing) on the building official's complaint and order. The Board shall have the authority to affirm, modify, or reverse the order of the building official, or remand the case to the building official for further proceedings. ~~The Board shall summarily dismiss an appeal which is determined on its face to be without merit, frivolous, or brought merely for the purpose of delay.~~

SECTION 4. CODE SECTION AMENDED. Section 2 of Ordinance 6311, in part, codified as AMC 15.50.100, is hereby amended to read as follows:

The Board shall follow the rules of procedure for administrative and quasi-judicial hearings adopted in chapter 2.18 AMC. The Board may inspect any building or premises involved in the appeal before the hearing or during the course of the hearing; provided that: (1) notice of such inspection shall be given to the parties before the inspection is made; and (2) the parties are given an opportunity to be present during the inspection.

- ~~A. A record of the entire proceedings shall be made by tape recording, or by any other means of permanent recording determined to be appropriate by the board.~~
- ~~B. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. Such fees may be established by the board, but shall in no event be greater than the cost involved.~~
- ~~C. The board may grant continuances for good cause.~~
- ~~D. The board of appeals or appellants may obtain the issuance and service of a subpoena for the attendance of witnesses or the introduction of other evidence.~~
- ~~E. Oral evidence shall be taken only on oath or affirmation.~~
- ~~F. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the board or officer. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding.~~
- ~~G. The board of appeals may inspect any building or premises involved in the appeal before the hearing or during the course of the hearing; provided that: (1) notice of such inspection shall be given to the parties before the inspection is~~

~~made; and (2) the parties are given an opportunity to be present during the inspection.~~

~~H. Parties to the appeal shall have the right to call and examine witnesses on any matter relevant to the issues of the hearing; to introduce documentary and physical evidence; to cross examine opposing witnesses on any matter relevant to the issues of the hearing; to impeach any witness regardless of which party first called him to testify; to rebut the evidence against him; and to represent himself or to be represented by an attorney.~~

SECTION 5. SEVERABILITY. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation.

SECTION 6. PUBLICATION BY SUMMARY. The Finance Director is authorized and directed to publish the attached summary in lieu of this ordinance.

SECTION 7. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage, signing, and publication.

PASSED and APPROVED this ____ day of _____, 2017.

Erik Larson, Mayor

ATTEST:

Mike Folkers, Finance Director

ORDINANCE NO. _____

AN ORDINANCE VACATING A 60 FOOT SECTION OF THE UNIMPROVED COLUMBUS STREET RIGHT-OF-WAY ABUTTING THE WEST BOUNDARY OF LOT 12, BLOCK 19, FIRST ADDITION TO SOUTH ABERDEEN, AND THE EAST BOUNDARY OF LOT 1, BLOCK 9, PLAT OF SOUTH ABERDEEN.

WHEREAS, the City of Aberdeen has received a petition to vacate 60 feet of the unimproved Columbus Street right-of-way;

WHEREAS, the City Council directed that a notice of public hearing be published for a hearing on the petition and a public hearing was held before the City Council on April 12, 2017; **NOW, THEREFORE**,

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ABERDEEN:

SECTION 1. RIGHT OF WAY VACATED. Subject to the conditions hereinafter stated the following right-of-way is hereby vacated: the 60 foot section of the unimproved Columbus Street right-of-way abutting the West boundary of Lot 12, Block 19, First Addition to South Aberdeen, and the East boundary of Lot 1, Block 9, Plat of South Aberdeen, fronting on West Curtis Street, City of Aberdeen, Grays Harbor County, Washington.

SECTION 2. INDEPENDENT APPRAISAL WAIVED. The city council finds that the requirement of an independent appraisal should be waived pursuant to AMC 12.10.020(C) because the cost of obtaining an appraisal would be uneconomical due to the assessed value of the abutting property, the small size of the area to be vacated, and because the county's commercial rate for determining assessed value per square foot of similarly situated property is an adequate measure of the fair market value of the area to be vacated.

SECTION 3. CONDITIONS. This vacation shall not take effect until the following conditions have been met: Payment in the amount of \$14,580.00 representing one-half

the fair market value of the vacated area (one-half of 7,200 square feet @ \$4.05 per square foot). Payment shall be made prior to the city clerk filing this ordinance with the County Auditor.

SECTION 4. PUBLICATION BY SUMMARY. The Finance Director is authorized and directed to publish the attached summary in lieu of this ordinance.

PASSED and APPROVED this _____ day of _____, 2017.

Erik Larson, Mayor

ATTEST:

Mike Folkers, Finance Director



Curtis Columbus

**PROPOSED
VACATION**

401
W. CURTIS

328
W. CURTIS

319
W. CURTIS

12

10

9

8

20 Feet

