City of Forks
Council Meeting Minutes Regular Session
City Council Chambers
October 28, 2019 7:30 p.m.

INVOCATION, PLEDGE OF ALLEGIANCE, AND CALL TO ORDER
Pastor George Williams with the Forks Bible Church led the invocation. Attorney/Planner Fleck led the Pledge of Allegiance. Mayor Fletcher then called the meeting to order.

ROLL CALL
Council members present: Preston, Brager, Soha, Hillcar, Weissenfels [arrived at 7:37 p.m.], and Mayor Fletcher. Staff present: Grafstrom, Clerk/Treasurer, Hampton, Public Works Director, Rowley, Police Chief, Fleck, Attorney/Planner.

MODIFICATIONS/APPROVAL OF AGENDA
Motion to approve the agenda with the addition of a five-minute executive session to discuss potential litigation with possible action, by Hillcar, second Preston, motion carried.

PUBLIC COMMENTS
Joey Roberts, Alder Grove Mobile Home Park said Bob Schroeder, Executive Director of the Manufactured Housing Communities of Washington had planned to attend, but was unable due to transportation issues. He distributed a portion of Sunnyside, Washington’s city code that he feels addresses all the issues between the City of Forks and mobile home park owners.

George Powers, The Grove (LGD Properties LLC) says that we live in a unique place where we’re all neighbors. After 38 years we should be able to come up with a solution to the issues between the City and mobile home park owners. The City contract for water is a contract. He asks why the City is willing to shred three out of ten people’s contracts. He feels that mobile home park tenants are being singled out. Mobile home park owners have said they’ll pay for water loss, allow for easements, upgrade meters, and so on. Why is that not enough? He feels that the City’s only issue with individual meter reading is one of convenience. Mobile home park owners will have to redo their leases, which are legal, binding agreements that currently state park owners are not responsible for utilities.

[Council Member Weissenfels arrived.]

Powers understands that not everyone involved can have three minutes to speak to Council, so he is speaking for 21 families, 54 people, including eight elderly people, two of whom are veterans and two have spouses in long-term care, that he feels need to have a voice.

Lynn and William “Skip” Barnes were present representing the Forks Elks Lodge. Lynn is the Drug Awareness Chair. October 23rd to 31st is recognized nationally as Red
Ribbon Week promoting awareness of the hazards of drug use. She thanked the Mayor for issuing a proclamation in support of Red Ribbon Week in Forks.

Mark Soderlind, with Marietta I and II Mobile Home Parks reports having read “volumes” on the topic of water meters. He claims that the City jumped through hoops to have mobile home park owners install individual meters that the City would read, and that the incentive for doing so was a year’s waiver on property taxes. In his research, he has been unable to find anything that indicates that the City should stop reading individual meters.

Jocelyne Gray, Washington State Department of Health (DOH) Office of Drinking Water said that DOH does support the reading of meters, but there is a Washington Administrative Code (WAC) that exempts clustered housing, i.e., mobile home parks, from even having individual meters. It was the mobile home lobby that pushed for this exemption.

**ACTION ITEMS**

1. **Motion** to approve minutes of the Regular Meeting held October 14, 2019 by Preston, second Soha, motion carried.

2. **Motion** to approve payroll checks 37467 through 37481 for $59,308.97, and claim checks 37482 through 37521 for $146,593.97 by Weissenfels, second Brager, motion carried.

3. **Motion** to approve the September 2019 Treasurer’s Report by Weissenfels, second Preston, motion carried.

4. **Motion** to set the 2020 Budget Hearing dates for November 12, November 25, and December 2 by Hillcar, second Weissenfels, motion carried.

5. **Forks Municipal Code Chapter 13.20 Water Department**
   a. **Discussion**
   Council Member Brager suggested that discussion be concentrated on his proposal for two code changes, which address the water loss issue.

Council Member Weissenfels accompanied Paul for a couple of hours while he was reading meters in mobile home parks. Several meters were six to eight inches under water, some were under porches or otherwise difficult to get to, and some were right up against sewage pipes. The roads in a couple of the parks were in terrible shape. She understands why the City feels the mobile home park owners should have to deal with their individual meters. Reading them is a horrible job.

Council Member Preston doesn’t understand why mobile home park owners would want any City employee or government representative in their business, not because of any distrust, but because it gives them the opportunity to discover problems such as code violations. If he had a business like a mobile home park, he would do anything to keep them away, including read his own meters.
Council Member Hillcar agrees with Council Member Preston’s comment, and he also understands the pleas of the mobile home park owners. However, he feels that the City is more involved in the mobile home park business than it is in any other private business and that all businesses should be treated equally as customers.

Council Member Brager addressed Council Member Weissenfels’ concerns about meter access and road conditions. He feels that the code addresses these issues, or could be changed to do so. Further, he says that we’re now talking about making the reading of individual meters by park owners optional. He feels it should be required. He estimates that with the loss of per-unit and minimum charges currently applied to mobile home park submeters, the City will be losing considerably more than the $15,000 in revenue calculated from data provided by Clerk/Treasurer Grafstrom.

Council Member Hillcar believes that the current struggle between the City and mobile home park owners shows us the dangers of precedence. What effect will our failure to adhere to existing code now have in the future?

Attorney/Planner Fleck noted the fact that the issue in front of the Council now is whether or not the City will adhere to the code. If the City continues to read submeters in violation of the code, what is the City to do if a motel with individual cabins, each with its own water meter for example, is built in the water district? Is the City obligated to take on a limitless number of submeters?

Council Member Preston asked Jerry King if he paid the $980 connection fee for each of the meters in his park as is called for in section 13.30.030 of the municipal code. Jerry King answered that he had paid for and installed his own meters and lines, to which Council Member Preston replied, “I rest my case.”

Council Member Brager emphasized his belief that the only way to track water loss is to read individual meters. Council Member Hillcar feels that making the reading of submeters by the City an option available to mobile home park owners, as Council Member Brager suggests, makes an enterprise of meter reading. Are we willing, and is it even legal, to hire out City employees in this way?

Council Member Soha reminded the Council that we know where water loss is occurring—between the main meter and the submeters. However, as those lines are the private property of the mobile home park owner, we are unable to fix them. How does knowing where there is a leak help if we are unable to do anything about it?

b. **Motion** to table this discussion and continue it at a later date by Brager, second Weissenfels, motion failed 3-2 with Brager and Weissenfels in favor.

**Motion** to enforce the current City code by Soha, second Preston, motion carried 4-1 with Brager against.

Council Member Brager insists that we have submeters in place that allow the City to measure water loss. The City should begin charging mobile home park owners for water loss immediately.
Motion to pass two code revisions proposed by Council Member Brager, motion died for lack of second.

6. Resolution #477 Approval of Forks Urban Growth Area Comprehensive Plan Update
Attorney/Planner Fleck explained that nearly all of the projects had been completed, with the exception of the Palmer Road and Campbell Pit stormwater retention ponds. In addition, information on broadband expansion that should be considered as time and grant money allows was added to the Plan.

Council Member Brager feels that the wording used on page 39 should be changed. The current language makes the City responsible for developing, providing, and ensuring affordable housing, and preventing homelessness. He feels the addition of words such as “assist”, “support”, and “encourage” would be better.

Attorney/Planner Fleck stated that the City has in fact been developing, providing, and ensuring affordable housing for 20 years. The City has been the subrecipient on Community Development Block Grants, including one to help build Section 8 housing in Burke Place, and assisted with, and was a partner in, grants that funded St. Catherine of Siena to name two projects that were a part of housing goals carried forward from 15 or 20 years ago. In most cases, adding the words “assist” or “support” is not a problem, but as the grant recipient on projects, the City is responsible for some things.

Motion to approve Resolution #477 adopting an update of the Forks Urban Growth Area Comprehensive Plan, with revisions on page 39 referenced by Council, by Hillcar, second Weissenfels, motion carried.

7. Mill Fire Settlement
Clerk/Treasurer Graefstrom referred to a series of e-mails regarding the fire at the City-owned mill commonly known as Sherico Cedar, Inc., but last rented by Premium Shingle. As there is very little demand for the City’s shake and shingle mills, it is the staff’s recommendation that the City accept the insurance company’s settlement of $130,000 and demolish the entire building.

Motion to authorize the mayor and staff to negotiate and enter into a settlement for the damaged mill building on Russell Road by Soha, second Weissenfels, motion carried.

DISCUSSION ITEMS
1. 3rd Quarter 2019 YTD Reports: Building permits and jail statistics were reviewed. There were not as many community service hours logged as in previous years. This greatly reduced the amount of help supplied to the Public Works crew.

Council Member Weissenfels noted that the 52 hours indicated for animal shelter trustee hours must be copied and pasted every time. It never changes, and she is certain that jail trustees are not spending that much time there.
2. **Council Member Reports**

Council Member Preston hiked the Bogachiel Loop trail after the rain. The trail is still negotiable, but all four bridges on the trail were out. He informed Lissy Andros, Chamber of Commerce Director so she could pass the information along to visitors. He expressed his satisfaction with how the mobile home park water billing issue was discussed and handled by all parties. He learned a lot, and he appreciates it when people participate in the democratic process, even when things don’t ultimately go their way.

Council Member Soha went to Port Angeles last Monday. He was the first in line for a pilot car and experienced a 24 minute wait.

Council Member Hillcar has noticed more people with lights on their bicycles. Headlights and tail lights on bicycles helps to make them so much more visible in the rain and in the dark. He also noted that the lack of a center high mount stop light may provide law enforcement with a reason to stop a suspicious looking vehicle.

Council Member Weissenfels reported that a jury determined that Clallam Transit System was not at fault when a Sequim woman tripped over an empty tree box at the Sequim Transit Center. She asked everyone to vote against I-976. It would be terrible for CTS.

It was noted that the City has not taken a position on I-976.

3. **Closed Session** was called from 9:01 p.m. to 9:31 p.m. to consider the position to be taken in collective bargaining.

It was announced that Council was exiting closed session and entering executive session.

4. **Executive Session** was called from 9:32 p.m. to 9:37 p.m. to discuss potential litigation. Mayor Fletcher called the meeting back to order at 9:37 p.m.

**Motion** to authorize the Mayor and staff to close-out the United States Department of Agriculture funded water tank rehab project and resolve any real or imagined outstanding claims by any party by Preston, second Soha, motion carried.

5. **ADJOURNMENT**

**Motion** to adjourn by Preston, second Hillcar, motion carried. Meeting adjourned at 9:38 p.m.

Tim Fletcher, Mayor

[Signature]

Audrey Grafstrom, Clerk/Treasurer

October 28, 2019