

# CITY MANAGER WEEKLY UPDATE REPORT ~ KENT MYERS

January 30, 2009

This report is intended to keep the City Council informed about major activities involving the City. Once you have reviewed the report, including the attachments, please let me know if you have any questions. In an effort to keep city employees and the general public informed about these major activities, copies of this report are being sent to each department head as well as the local media. At the current time, printed copies of the report are included in the City Council's mailbox. However, our plans are to have a paperless report in the next several weeks.

The first attachment to this report is a letter from Nathan West, which removes the Stop Work Order on the Gateway Project. This decision was based upon the engineering report, which is also attached. This decision will allow work to continue on the top floor of the Gateway while the engineers design the improvements necessary to address the spalling/cracking problem. In addition, we received a temporary certificate of occupancy for the west parking garage this week (see attached) that will allow this facility to open.

I have also attached information reported at last Tuesday's meeting on the sales tax refund to Nippon with the supporting information from the State.

One issue that I need guidance from the Council is the handling of the trolley. As you may recall, the Chamber and the Downtown Association have both declined the trolley due to various reasons. Therefore, Staff recommends that we proceed with declaring this vehicle as surplus so that we can start advertising it for sale. The current value of the trolley is about \$15,000.

I wanted to also make you aware of an issue that the issue of connection fees for Peninsula Village will be before the Council in the near future. Attached is some preliminary information from the City Attorney on what we will likely propose for recalculating these fees.

This week we had an initial meeting to discuss the proposed lease with Rayonier on the tank site. We plan on continuing negotiations with Rayonier in the coming weeks and, hopefully, we will have a lease for the Council's consideration in the next 30-60 days.

This week we also spoke to Jim Pendowski with the Department of Ecology regarding their future funding of the Rayonier property cleanup. Jim related that the project remains a high priority of the State. However, due to limited funding available under the Governor's proposed new budget, Ecology needs for the ownership issue to be resolved before we can get in line for funding commitments from the State. He also indicated that they continue to be committed to funding for planning and site assessments and these activities can move forward. Ecology plans to prepare a press release clarifying some of these issues in the next several days.

Today, Nathan, Glen and I met with Lower Elwha Tribal officials at their offices and we had a positive exchange of information on a number of mutual projects. I believe that we can work with the Lower Elwha Tribe in a number of partnerships in the coming months and years.

It has been a hectic and exciting week. I look forward to seeing you at Tuesday's Council meeting.



January 29, 2009

Jim Mahlum  
Project Manager  
Public Works and Utilities Department  
City of Port Angeles  
321 E. Fifth St.  
Port Angeles, WA 98362

Subject: Removal of STOP WORK NOTICE - Port Angeles International Gateway

Dear Mr. Mahlum:

As the City Building Official, I am directing this letter to you in your capacity as project manager and applicant of the above mentioned project. On November 21, 2008, I issued a STOP WORK NOTICE on the Port Angeles International Gateway Facility plaza.

On January 28, 2009 I received a report from Mr. Craig Miller entitled "Independent Review and Evaluation: Gateway Transportation Center Plaza Structure Port Angeles Washington." The report was certified by Mr. Robert Mast, State of Washington Professional Engineer. It documented analysis of structural concerns and design issues identified by myself and Zenovic and Associates (my contracted engineer reviewing the project). Mr. Mast has conducted multiple reviews of the structure and has concluded placing of the "topping" is a reasonable course of action. In view of Mr. Mast's analysis and recommendation and upon thorough review of his findings, I hereby remove the STOP WORK NOTICE. I am allowing for the plaza deck to be loaded in accordance with the attached letter from Mr. Tracy Gudgel of Zenovic and Associates.

At this time no occupancy shall be permitted until such time that outstanding issues discussed at the October 9, 2008 meeting attended by you and other project proponents are satisfactorily resolved. A letter will soon follow outlining those concerns that remain to be addressed prior to occupancy.

Sincerely,

Nathan A. West, AICP  
Director of Community and Economic Development

CC: Glenn Cutler, Director of Public Works and Utilities, City of Port Angeles  
Kent Myers, City Manager, City of Port Angeles

Phone: 360-417-4750 / Fax: 360-417-4711

Website: [www.cityofpa.us](http://www.cityofpa.us) / Email: [smartgrowth@cityofpa.us](mailto:smartgrowth@cityofpa.us)

321 East Fifth Street - P.O. Box 1150 / Port Angeles, WA 98362-0217

January 29, 2009

Mr. Jim Lierly  
Building Inspector  
City of Port Angeles Department of Community Development  
321 East Fifth Street  
Port Angeles, WA 98362

**SUBJECT: Port Angeles International Gateway**

Dear Mr. Lierly:

I have reviewed the Independent Review and Evaluation Report by Robert Mast of Berger/ABAM Engineers, Inc. dated January 23, 2009 which was performed for Craig Miller in regards to the Port Angeles International Gateway Project. It is my understanding that the purpose of the report was to provide an independent review of the cracking and spalling/delamination issues at the project noted above. This report addresses a number of the issues previously brought up to the design engineer, Ade Bright, which had not yet been answered to the satisfaction of this office or the building department.

To expedite the process, I contacted Robert Mast by phone today, January 29, 2009, to get clarification on several items within the report. The most pressing question in the report was a statement on page 6 stating "A reasonable course of action may be to go ahead and place the topping now, and concentrate on the permanent repair" which was somewhat vague as to whether this was a proper course of action. Based on my phone conversation with Mr. Mast, he is comfortable with allowing placement of the topping slab at this time since the imposed load of the topping slab on the supporting wall of PB3 where the spalling/delamination has occurred is only 4 kips. He feels this loading can occur without endangering the structure based on his review and calculations and that temporary shoring is not required to allow resumption of the work.

In order to expedite the resumption of work by the contractor, it is the recommendation of this office that the building department remove the stop work order and allow the placement of the topping slab while the final design of the spalling/delamination repair is completed. It is recommended that a condition of resumption of work be that this office, along with building department personnel and any other interested parties perform a visual inspection after each pour to determine whether the increase in load is causing any additional cracking or spalling. If it is found that the work is creating additional cracking or spalling, it is recommended that the building department retain the right to stop work until the issues can be resolved to protect life and safety.

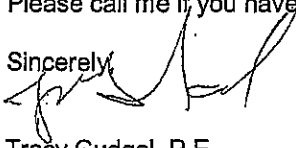
The recommendation of allowing work to begin in no way constitutes an approval of the structure or any proposed repairs nor does it constitute a final of the structure or a certificate of occupancy. It is recommended that this office along with all interested parties be required to review and approve the proposed final repair plans and calculations for the spalling/delamination in the wall under PB3 prior to performing the work. It is the opinion of this office that Robert Mast be part of the review and approval of the proposed final fix by the design engineer.

Page 2  
Port Angeles International Gateway  
January 29, 2009

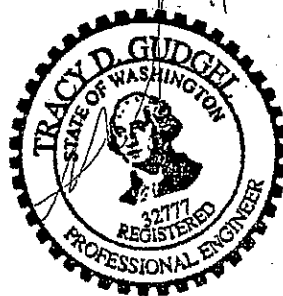
Although not all questions and concerns have been completely addressed, it is the opinion of this office that work may progress while the remaining issues are addressed. A number of these issues were clarified during my phone conversation with Robert Mast and a follow up letter will be provided to your office. My intention of addressing only this one issue is to allow work to commence without further delay since the report and phone conversation with Robert Mast indicate that it is safe to do so.

Please call me if you have any questions on this matter.

Sincerely,

  
Tracy Gudgel, P.E.

Fc: JN 08091





January 28, 2009

Primo Construction  
Jennifer Howell  
P.O. Box 296  
Carlsborg, WA 98324

Re: Gateway Project – West Parking Garage Temporary Certificate of Occupancy  
115 East Front Street – Building Permit 07-742

Dear Jennifer:

This letter will serve as notice that temporary occupancy of the west parking garage of the Gateway is hereby given as of this date based on the understanding that outstanding issues noted by Building Inspector Jim Lierly on January 26, 2009, will be satisfactorily addressed within 30 days from this date (February 28). Those issues are as follow:

1. The location of the exit sign in the south lower parking area shall be corrected to be visible per the 2006 IBC.
2. The emergency exit sign identifying the stairway location at the south lower end of the garage shall be corrected per 2006 IBC.
3. It is unclear where the second required ADA van parking space will be located. The location shall be identified verifying the parking space location.
4. The non ADA spaces do not meet the intent of the parking regulations as set forth in the Chapter 14 Port Angeles Municipal Code. Revised plans identifying required stall size and spacing shall be submitted for approval.
5. The turnaround (hammer head) shall be delineated such that parking will not occur in the area designated for maneuvering.

If you have any questions, please don't hesitate to contact either Building Inspector Jim Lierly or myself.

Sincerely,

Nathan A. West, Director  
Community & Economic Development

Cc: Glenn Cutler, Public Works and Utilities Director  
Jim Mahlum, Public Works and Utilities Engineer  
Trent Peppard, Senior Electrical Inspector

Phone: 360-417-4750 / Fax: 360-417-4711

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321 East Fifth Street - P.O. Box 1150 / Port Angeles, WA 98362-0217

CITY OF



# PORT ANGELES

WASHINGTON, U. S. A.

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## FINANCE DEPARTMENT

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**DATE:** JANUARY 27, 2009  
**TO:** KENT MYERS, CITY MANAGER  
**FROM:** YVONNE ZIOMKOWSKI, FINANCE DIRECTOR  
**SUBJECT:** UPDATE ON SALES TAX REFUND TO NIPPON

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As you are aware, the Department of Revenue (DOR) recently notified the Finance Department of a \$198,000 reduction in the City's sale tax receipts due to a refund for sales tax paid by Nippon on construction projects dating back to 2004. When the City was initially notified by the DOR in December 2008, the amount of the refund seemed excessive and we asked for written confirmation of the amount. Again, we were assured that the amount of \$198,000 was correct and a written confirmation would be provided. DOR also asked if we wished to make our repayment in two installments due to the large refund amount.

While waiting for written confirmation of the refund amount, I followed up with the DOR. And, today I received good news! The DOR acknowledged that they made a mistake and the City's portion of the refund is just under \$20,000. This refund will be deducted from the City's January 2009 sales tax receipts. What a relief!

I am still awaiting the written confirmation from the DOR, but will provide that as soon as possible. Please let me know if I can provide any additional information and let me know when to share this memo with the Council.

January 27, 2009

Rebecca Horton  
City of Port Angeles  
Po Box 1150  
Port Angeles, WA 98362

Dear Rebecca:

Nippon Paper Industries USA Co, Tax Registration Number 600 082 514 coded taxable sales of \$2,377,033.00 during 12/2004-12/2007. The amount deducted from your 11/2008 local sales/use tax distribution was as follows:

**LOCAL TAX DISTRIBUTED**

	\$ -11,885.17 <u>.005</u>
Less 1% Administrative Fees	<u>-118.86</u>
Less 15% County Fee	<u>-1,782.78</u>
	\$ -9,983.53

**OPTIONAL TAX DISTRIBUTED**

	\$ -11,885.17 <u>.005</u>
Less 1% Administrative Fees	<u>-118.86</u>
Less 15% County Fees	<u>-1,782.78</u>
	\$ -9,983.53

Per your request and our conversation today, the incorrect amount of \$-198,000.00 was quoted to you in December 2008 to be deducted from your November 2008 tax distribution.

This letter is confirmation of the correct local sales tax amount for Nippon Paper Industries USA Co was \$-19,967.06.

If you have any questions please call me at (360) 902-7004 or my Tax Administration Manager, Tiffany Johnson at (360) 902-7122.

Local Tax Distribution  
January 27, 2009  
Page 2

Sincerely,

Kathy McIsaac  
Senior Excise Tax Examiner

exc/cor





January 29, 2009

Lee M. Thomas  
Chairman, President and Chief Executive Officer  
Rayonier Inc.  
50 North Laura Street  
Jacksonville, FL 32202

Re: Port Angeles HarborWorks Development Authority


Dear Lee,

At a special meeting of January 27, 2009, the Port Angeles City Council unanimously passed Resolution No. 3-09, affirming its commitment to the Port Angeles HarborWorks Development Authority. A copy of the Resolution is enclosed for your records.

The City Council and City staff members look forward to the ongoing partnership with the Port of Port Angeles and the Port Angeles HarborWorks Development Authority in the implementation of appropriate measures for remediation and redevelopment of the former Rayonier Mill site. We fully support the joint effort in the interest of economic development for the entire region.

We wish to assure Rayonier of our confidence that the efforts of the City and the Port in supporting the mission of the Port Angeles HarborWorks Development Authority will lead to ultimate success for the betterment of the entire community.

Sincerely yours,



Kent Myers  
City Manager

Copies: Community & Economic Development  
Public Works & Utilities  
City Attorney

Enclosure



January 22, 2009

Jeff Robb  
Director of Aviation and Marinas  
Port of Port Angeles  
338 W. First Street  
Port Angeles, WA 98362

RE: West Boat Haven parking lot resurfacing

Dear Jeff:

Further to our discussion on Friday January 9, 2009, regarding proposed improvements to the Boat Haven's west parking lot. You indicated that the intent is to resurface the existing parking lot with an over lay of asphalt.

The City of Port Angeles' Shoreline Master Program defines development as *"A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW at any state of water level."*

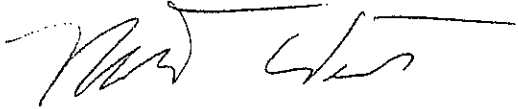
WAC 173-27-040(2)(b) further states, *"Normal repair means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance"*. The project as presented does not meet the definition of development, but, does meet the definition of normal maintenance and repair. As proposed, the project would be exempt from a shoreline substantial development permit.

To undertake an exempt project located within the shoreline jurisdiction, an application (JARPA) must be submitted along with a letter requesting an exemption from shoreline permitting. No fee is collected. The city will then evaluate the information provided and make a final determination that the project actually qualifies for an exemption. Upon making the determination, a letter of exemption will be provided.

Landscaping and pedestrian amenities will not be required at this time, however, you are strongly encouraged to incorporate such amenities at your discretion to improve the function and appearance of the Port Angeles waterfront and waterfront trail.

I understand that in the future there are plans to improve this area and I look forward to working cooperatively with you at that time to promote additional landscaping and pedestrian access on the site.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan West", with a horizontal line extending to the right across the top of the signature.

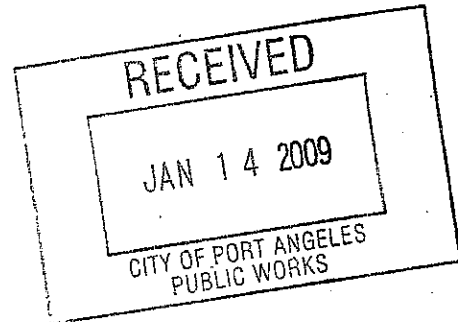
Nathan A. West, AICP  
Director of Community and Economic Development

CC Kent Myers, City Manager  
Bob McChesney, Executive Director, Port of Port Angeles



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
SOUTHWEST DRINKING WATER REGIONAL OPERATIONS  
PO Box 47823, Olympia, Washington 98504-7823  
TDD Relay 1-800-833-6388

January 5, 2009



Glenn Cutler  
City of Port Angeles  
Post Office Box 1150  
Port Angeles, Washington 98362

Subject: City of Port Angeles Water System, ID #68550M, Clallam County; Action Plan, ODW Project #08-0209

Dear Glenn Cuttler:

This is a follow-up letter to my e-mail on July 23, 2008. The Action Plan received by the Office of Drinking Water (ODW) on March 6, 2008, and other supporting documents obtained subsequently, have been reviewed and in accordance with the provisions of WAC 246-290 are **APPROVED**.

The approval issued herein is based on conformance with current standards outlined in WAC 246-290, revised effective January 14, 2008. Future changes in the rules may be more stringent and require facility modification or corrective action.

This project has been reviewed as a Group A water system project submittal in accordance with WAC 246-290 and Agreed Order 2007-SAG-0001.

Based on information provided in this project, the requirements of Section 2.3 of Agreed Order 2007-SAG-0001 are fulfilled.

The number of approved equivalent residential units (ERUs)/service connections will remain **UNSPECIFIED**.

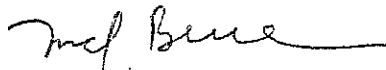
Regulations establishing a schedule of fees for review of planning, engineering, and construction documents were adopted August 3, 2007 (WAC 246-290-990). An itemized invoice for \$102 is enclosed.



Glenn Cutler  
January 5, 2009  
Page 2

If you have any questions, please contact me at (360) 236-3034 or by e-mail at [jozsef.bezovics@doh.wa.gov](mailto:jozsef.bezovics@doh.wa.gov).

Sincerely,



Jozsef Bezovics, P.E.  
Office of Drinking Water, Regional Engineer

Enclosures

cc: Ernest Klimek III, City of Port Angeles  
Clallam County Health Department

**From:** "Sullenger, Tammy" <tsullenger@co.clallam.wa.us>  
**To:** <bupton@cityofpa.us>  
**Date:** 1/29/2009 4:07 PM  
**Subject:** Creation of a Metropolitan Park District

Becky,

It was nice to see you today. As promised here is the information that you requested.

Clallam County will complete the information needed for the Boundary Review Board in regards to the creation of the Metropolitan Park District. This is pursuant to RCW 35.61 et al, with the exact same boundaries as the Port Angeles School District No. 121, for the purpose of operating and maintaining the William Shore Memorial Pool.

The State Environmental Policy Act (SEPA) is not required for this proposal as it is exempt per WAC 197-11-800 (14) (b) and WAC 197-11-800 (19) that is listed below.

Please let me know if you have any additional questions,

Tammy Sullenger  
Administrative Assistant/Veterans Coordinator  
Commissioners' Office  
223 E. 4th Street, Suite 4  
Port Angeles, WA 98362  
360.417.2383 Fax 360.417.2493

All e-mail sent to this address will be received by the Clallam County e-mail system and may be subject to Public Disclosure under Chapter 42.56 RCW and is subject to archiving and review by someone other than the recipient.

WAC 197-11-800 - Categorical exemptions

- (14) Activities of agencies. The following administrative, fiscal and personnel activities of agencies shall be exempt:
- (b) The assessment and collection of taxes.
- (19) Procedural actions. The proposal or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment shall be exempt. Agency SEPA procedures shall be exempt.

I am writing to you to ask for the cities cooperation in putting in a handicapped space on E. 2nd St.

Currently I live behind 119 E. 2nd St and have no off street parking (My apartment is on the alley behind E. 2nd St where there is no room for parking.) I have to approach my residence through 121 E. 2nd St. Without a handicapped spot placed near my residence, I am frequently having to park up past the Quality Inn which makes it very far for me to walk that distance. I have disabled license plates, but no where to park. Therefore I am writing to ask for the cities Reasonable Accommodation in this matter.

I would think under reasonable accommodation that the city would consider this as an important issue and put in a space on either side of the street. Currently the street is used by mostly bar patrons for the bar around the corner, making it impossible for me to park where I live or even close to where I live. There are also cars and trucks parked there that have not moved for the entire month I've been living in Port Angeles.

I would appreciate your consideration for this matter. However I do know that the Americans with Disabilities Act insures an appropriate place to park within 100ft of a business or residence and I do not want to get others involved in the request.

Thank you for your time and your consideration. I would appreciate your response within the next 10 days. Thank you. The NorthWest Justice Department has told me to forward this to the city attorney and city manager so that they are apprised of this matter in advance.

Sincerely,

Dig Scott, Ph.D.

cc: City Attorney

**From:** Glenn Cutler  
**To:** Sperr, Steve  
**Date:** 1/26/2009 8:52 AM  
**Subject:** Re: Dig Scott's request for Reasonable Accommodation

**CC:** Myers, Kent  
Steve,  
Very nice note with a good explanation...Glenn

>>> Steve Sperr 1/26/2009 8:49 AM >>>

Dig,  
I have looked into the issue of providing on-street handicapped parking. While I understand your frustration at finding consistent on-street parking near your residence, the short answer is that the City does not provide on-street handicapped parking. Now for a bit of an explanation:

The City does receive requests from individuals such as yourself, as well as doctors offices and churches, requesting on-street handicapped parking, but has not allowed nor provided any due to safety issues. I have no knowledge of the City ever providing handicapped on-street parking. You cannot mark and sign a location along a curb as handicapped without widening the street in that area so that handicapped individuals are not exposed to traffic as they get in or out of vehicles. And even if the City went to the considerable expense of providing any on-street handicapped parking, we would first have to review what impact this would have on our existing plan to improve ADA access in the City with curb ramps and sidewalks in areas that lack such.

Where there are requirements to provide handicapped parking under the Americans with Disabilities Act, for example building permits for commercial buildings and certain residential structures, the City does ensure that adequate handicapped parking is provided off-street by the property. However, I am not aware of any requirement in the ADA to provide on-street parking.

In your case, I would recommend that you discuss with your landlord or property manager the possibility of providing a parking spot for you either onsite or nearby. Please call me if you'd like to discuss in more detail.

\*\*\*\*\*

Stephen Sperr, P.E.  
Deputy Director of Engineering Services/City Engineer  
City of Port Angeles  
P.O. Box 1150  
321 E. 5th Street  
Port Angeles, WA 98362  
[www.cityofpa.us](http://www.cityofpa.us)  
phone: 360-417-4803  
fax: 360-417-4709

>>> D S <[didly1@gmail.com](mailto:didly1@gmail.com)> 1/22/2009 10:51 AM >>>  
January 21, 2009

Steve Sperr  
City of Port Angeles  
321 E. 5th St.  
Port Angeles, WA 98362

Dear Mr. Sperr: