



CITY OF KIRKLAND

123 Fifth Avenue, Kirkland, WA 98033 (425) 587-3000
www.ci.kirkland.wa.us

MEMORANDUM

To: Dave Ramsay, City Manager

From: Noel Schoneman, Neighborhood Traffic Control Coordinator

Date: November 9, 2007

Subject: Letter to Mr. Bob Hentges regarding his objection to the removal of a basketball hoop

RECOMMENDATION

It is recommended that the Council authorize the Mayor to sign a letter responding to Mr. Bob Hentges who has objected to a City requirement that a basketball hoop be removed from the street right-of-way in his cul-de-sac.

BACKGROUND DISCUSSION

In early October 2007, a City street sweeper hooked the post of a basketball hoop assembly that was set in the earth behind the curb between the addresses of 4822 and 4828 – 118th Ave NE. The post was left leaning; the street sweeper was not damaged.

Mr. Bob Hentges, 4819 – 118th Ave NE, who lives across the street from the basketball hoop, witnessed the accident and wrote to the City requesting the hoop be repaired. Noel Schoneman, Public Works, called Mr. Hentges and explained that, by City Code, basketball hoops are not allowed in street rights-of-way and that the abutting neighbors would be asked to remove the hoop assembly. Mr. Schoneman further explained that while we don't go looking for basketball hoops in the street, they pose a liability risk and they can interfere with street maintenance. Thus we are obligated to take action when such hoops come to our attention.

Letters were sent to the two residents adjacent to the basketball hoop explaining the situation, suggesting alternatives, and requesting the removal of the hoop by November 25, 2007.

Citywide, three other residents have received letters in 2007 requesting the removal of basketball hoops from the street right-of-way. These three cases involved portable basketball hoop assemblies.

Subject: FW: Basketball hoop Hentges enote to CC
From: Bob Hentges [mailto:bobh@advisorsnw.com]
Sent: Wed 10/24/2007 11:13 AM
To: Dave Asher; Mary-Alyce Burleigh; Jessica Greenway; Tom Hodgson; Bob Sternoff
Cc: 'Craig Bevan'; 'Richard Harrison'; 'Sumeet Shrivastava'; 'Eric W. Peterson'
Subject: Disappointment

Dear Council members,

I apologize for writing to you today and taking up your time. The reason I am writing is that I am a resident of Kirkland in the Sablewood neighborhood bordering Bridle Trails State Park. Several weeks ago as I was leaving for work I noticed the street sweeper cleaning our cul-de-sac and the driver happened to run into our neighborhood basketball hoop bending it over at the base. When I got to work I placed an email to the city regarding the incident which was then passed along to public works for their assessment.

I just finished a phone call with Noel at the Public works department and he informs me that the hoop is in the right of way and needs to be removed, and that they inspected the truck and luckily there wasn't any damage otherwise they would have to pass on the cost to repair to the homeowner where the hoop is located. This hoop is not new, it has been a part of the neighborhood for as long as I have lived there. Our cul-de-sac is the only flat location and kids gather every week to play because of the topography and the basketball hoop and now it is going away because a city vehicle crashed into it. As Noel stated the city doesn't go looking for such infractions but when they come to their attention they need to be addressed, (especially when it might cost the city an insurance claim).

Noel brought up the issue of safety for the drivers and the children playing in the street, it isn't safe for other drivers because they might have to pay attention and not hit the hoop. It isn't safe and good for the well being of the children in our neighborhood. They utilize the basketball hoop, they are in the street, a cul-de-sac in the middle of a dead end neighborhood playing, being outside, active, learning teamwork and basically how to get along with others. In my conversation with Noel he was very quick and ready to contradict all of this and shift responsibility onto us.

Let's take the basketball hoop away from them, let's take away a reason for gathering, let's get them inside playing video games eating Cheeto's because a street sweeper hit their basketball hoop and it is bad to play in your neighborhood street, and now the city is taking it away, that isn't quite accurate the city is actually going to make the homeowner take it away absolving themselves of any wrongdoing whatsoever, taking no responsibility for their actions.

I was taught if you broke it you fixed it, evidently that isn't in the city's frame of mind in this instance. If you broke it look for ways to get out of it and completely pass the buck. The facts are the street sweeper hit the hoop, the hoop as I have been told is placed in the right of way, this is not to city code and shouldn't have been done, the hoop has been there for over 7yrs (when my family and I moved in) the street sweeper comes by twice a month or so (That's approximately 112 trips per year for 7 years that's 784 trips without incident), the city is going to make the property owner where the hoop resides remove it due to all of the inherent dangers and codes, the 14 kids under 13yrs of age in our (yes our) 9 house cul-de-sac alone not to mention the kids in the rest of the 37 houses in the neighborhood will be without.

Again I apologize for the rant but this position seems ridiculous and I will maintain that stance. Let us keep our hoop, let the kids play, take responsibility for replacing a bent steel post.

I look forward to hearing from you and discussing this further as you see fit.

Regards,

Bob Hentges

Bob Hentges
ADVISORS NW

P: 206.405.4300

F: 206.405.4400

DRAFT

November 21, 2007

Bob Hentges
4819 – 118th Ave NE
Kirkland, WA. 98033

Subject: Basketball Hoop in the Roadway

Dear Mr. Hentges:

This is in reply to the letter you e-mailed to Council Members Asher, Burleigh, Greenway, Hodgson, and Sternoff about the basketball hoop in your cul-de-sac that was damaged by a city street sweeper.

As you point out in your letter, outdoor physical activity is extremely important to the health and education of children. The lessons derived from team sportsmanship in activities such as basketball add to the benefits of the physical activity. We agree wholeheartedly. I hope you have noticed that the City of Kirkland is very proactive in encouraging physical activity for all its residents. We do this through park facilities, including the pool, basketball, baseball, tennis courts, beach facilities, and walking routes along our streets. We also go into elementary schools each year to promote “walk your child to school”.

We realize that the hoop was installed with the best of intentions and is probably considered a neighborhood asset. However, the placement of such objects in the street right-of-way is in violation of the Kirkland Municipal Code, Sections 19-04-010 and 19-04.050. We are not in the business of searching the city to find violators, but once a violation has come to our attention we have no choice but to uniformly enforce the Code. Thus, the hoop must be removed. Accordingly, letters requesting removal of the hoop have been sent to the adjacent property owners.

You will likely be interested to know that we did give the adjacent property owners the option of using a portable basketball hoop if it is moved to private property while not in use. Along with that option, we also recommended supervision of play in the street to minimize potential conflicts between players and motor vehicles.

Sincerely,
KIRKLAND CITY COUNCIL

James L. Lauinger, Mayor

cc: John Hopfauf, Streets Manager