

**MINUTES**  
**PIERCE COUNTY COUNCIL MEETING**  
**APRIL 4, 2000**

930 TACOMA AVENUE SOUTH, ROOM 1045  
TACOMA, WASHINGTON 98402  
(253) 798-7777 -- FAX: (253) 798-7509 -- TDD: (253) 798-4018

**(Note: These minutes are not verbatim. Recorded tapes are available upon request.)**

**I. CALL TO ORDER**

The regular meeting of the Pierce County Council was called to order at 3:00 p.m. by Chair Casada.

**II. PLEDGE OF ALLEGIANCE TO THE FLAG**

The pledge was led by Casada.

**III. ROLL CALL**

Councilmembers Present: Karen S. Biskey, Wendell Brown, Sarah Casada, Ken Madsen, Harold Moss, and Pat O'Malley; Jan Shabro was excused.

Council Staff Present: Susan Long, Legal Counsel; Gerri Rainwater, Administrator/Clerks & Operations; and Tom Weber, Administrator/Research & Policy.

There were approximately 14 visitors present.

**IV. APPROVAL OF AGENDA**

Brown moved approval of the Agenda as amended; motion seconded and passed.

**V. CONSENT AGENDA**

a. Approval of Minutes

1. The Minutes of the March 7, 2000, regular Council meeting.

b. Action on Ordinances (refer, set date of hearing)

1. PROPOSAL NO. 99-127S3, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING RESOLUTION NO. 21424 AND AMENDING CHAPTER 2.72 OF THE PIERCE COUNTY CODE, "PIERCE COUNTY ARTS COMMISSION," TO CODIFY THE ONE-PERCENT-FOR-THE-ARTS SOURCE OF FUNDING, TO ADD DEFINITIONS, AND TO REVISE THE MEMBERSHIP, FUNCTIONS AND RESPONSIBILITIES OF THE PIERCE COUNTY ARTS COMMISSION.

Sponsored by: Councilmember Jan Shabro  
Contact person: Pete Philley, 798-4173

DO PASS AS SUBSTITUTED RECOMMENDATION - BUDGET AND OPERATIONS COMMITTEE (Jan Shabro, Chair; Karen S. Biskey, Vice Chair; Wendell Brown; Sarah Casada; Ken Madsen)

Suggested date of Council hearing: April 18, 2000

2. PROPOSAL NO. 2000-18, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL CANCELING CERTAIN UNCOLLECTIBLE PERSONAL PROPERTY TAXES.  
Sponsored by: Councilmember Jan Shabro  
Contact person: Jack Rusler, 798-7551  
For referral to the Budget and Operations Committee
  3. PROPOSAL NO. 2000-19, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 4A.20.020 OF THE PIERCE COUNTY CODE, "IMPACT FEE CALCULATIONS" FOR REGIONAL PARK IMPACT FEES; CLARIFYING LANGUAGE BUT NOT CHANGING THE FEE OBLIGATION; AMENDING PIERCE COUNTY CODE 4A.20.030 A, "IMPACT FEE SCHEDULE"; CLARIFYING THE COUNCIL'S INTENT FOR THE USE OF REGIONAL PARK IMPACT FEE FUNDS; REQUESTING THAT THE COMPREHENSIVE PARK AND RECREATION PLAN RECOMMEND CHANGES TO THE LEVELS OF SERVICE INCLUDING A COMPONENT FOR FACILITIES, FOR CONSIDERATION IN THE CAPITAL FACILITIES PLAN FOR 2001; AND REQUESTING AN ANNUAL REPORT FROM THE COUNTY EXECUTIVE ON THE USE OF REGIONAL PARK IMPACT FEES.  
Sponsored by: Councilmembers Karen S. Biskey, Wendell Brown, Sarah Casada, Ken Madsen, Harold Moss, Pat O'Malley, and Jan Shabro  
Contact person: Carolyn Pendle, 798-3631  
For referral to the Planning Committee
  4. PROPOSAL NO. 2000-20, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO METROMEDIA FIBER NETWORK SERVICES, INC. FOR A TELECOMMUNICATIONS NETWORK IN PIERCE COUNTY; SETTING FORTH TERMS AND CONDITIONS ACCOMPANYING THE GRANTING OF THE TELECOMMUNICATIONS FRANCHISE; PROVIDING FOR THE REGULATION OF CONSTRUCTION, OPERATION, MAINTENANCE, AND USE OF THE NETWORK; AND PRESCRIBING REMEDIES FOR THE VIOLATION OF THE PROVISIONS OF THE TELECOMMUNICATIONS FRANCHISE.  
Sponsored by: Councilmember Harold Moss  
Contact person: Skip Stansbury, 798-7477  
For referral to the Public Works Committee
- c. Action on Resolutions (refer, set date of hearing)
  - d. Other Items

Brown moved approval of the Consent Agenda as amended; motion seconded and passed on a roll call vote of six to zero.

**VI. MESSAGES FROM EXECUTIVE/JUDGES/PROSECUTING ATTORNEY**

1. A message from the Executive transmitting the following Ordinances, which were approved and signed on March 22, 2000, was read into the record:

ORDINANCE NO. 99-135, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF TIMBER LAND CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTY WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, IN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 17 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS(T)7-99, PHILIP ANTUSH AND HENRIETTA L. MOREY - KAPOWSIN AREA)

ORDINANCE NO. 99-136, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF TIMBER LAND CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTY WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 15 NORTH, RANGE 6 EAST, WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS (T) 8-99, MARIANA SINTAY - ASHFORD AREA)

2. A message from the Executive transmitting the following Ordinances, which were approved and signed on March 22, 2000, was read into the record:

ORDINANCE NO. 99-137, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF OPEN SPACE CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTY WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 20 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN; REQUIRING PUBLIC ACCESS; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS9-99, THE FOOTBALL CLUB UNITED - PUYALLUP AREA)

ORDINANCE NO. 99-138, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF OPEN SPACE CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTY WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, IN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 20 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS11-99, JOSEPH W. AND SUN Y. SHANKS - FIFE AREA)

3. A message from the Executive transmitting the following Ordinance, which was approved and signed on March 22, 2000, was read into the record:

ORDINANCE NO. 99-139, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF OPEN SPACE CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTY WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY, IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 19 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS4-99, TOM AND KATHLEEN MC COY - ORTING AREA)

#### **VII. PROCLAMATIONS, AWARDS, AND/OR APPOINTMENTS TO BOARDS AND COMMISSIONS**

**RESOLUTION NO. R2000-40, A RESOLUTION OF THE PIERCE COUNTY COUNCIL SUPPORTING THE CAMPAIGN FOR TOBACCO-FREE KIDS; AND DECLARING THE DAY OF APRIL 5, 2000, AS "SAFE HOMES ON HILLTOP YOUTH COUNCIL'S KICK-BUTTS DAY."**

Brown moved adoption; motion seconded. Moss read the Proclamation into the record, and presented it to Janis Gull-Martin of the Safe Homes group. Gull-Martin introduced students Kuler Cola and Stephen Burley, who were participating in the Kick-Butts Day program. Gull-Martin thanked the Council for their recognition.

The Proposal passed on a roll call vote of six to zero.

#### **VIII. ORDINANCES**

**PROPOSAL NO. 99-142, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL  
VACATING A PORTION OF POE AVENUE IN THE DASH POINT AREA.**

Brown moved adoption; motion seconded. The Clerk read the title into the record.

Brown moved adoption of Council Amendment No. 1 as set forth in Attachment I to these minutes; motion seconded and passed.

Staff Testimony

Jennifer Andres, Public Works and Utilities Department, stated this vacation request represents 50 feet of right-of-way in the Brown's Point area that is not needed in the County road system. She stated the Department supports the request to vacate.

Moss stated this issue had been before the Council in previous years, and several hearings have been held on the issue. He stated it is the Council's responsibility to determine whether or not the property in question is needed in the County road system, and no other considerations such as easements should affect the Council's decision.

Public Testimony

Bjorn Hansen stated he supports the Ordinance expressing a concern that the integrity of the steep slope is maintained. He stated any development on that slope could result in a liability to the County.

Jim Zimmerman spoke in support of the vacation as proposed.

Dennis Seinfeld, attorney representing Jim Feutz, presented testimony in support of the vacation. A copy of Seinfeld's written statement is contained in the Ordinance file.

Dave Basham spoke in opposition to the Ordinance, stating passage of the vacation would deny him access to the right-of-way, which he needs to build an expanded parking area. He stated the Whitman vacation at the bottom of his property eliminated the possibility of parking at that location. He stated this vacation would deny access to two property owners.

Loren Combs, speaking on behalf of Phil Hughes, stated Mr. Hughes was denied access by the County to receiving copies of regulations governing what would be needed to improve existing structures to provide off-street parking. He requested that the Proposal be tabled and allow these property owners an opportunity to go through a variance process. He cited case law London versus the City of Seattle, stating that a road vacation cannot deny a right peculiar to a property owner. Combs responded to questions of Councilmembers regarding the degree of the slope, how his client had been denied due process by the County, and how a variance permit could be obtained.

Jerry Barrett spoke in support of the vacation request, stating the steep slope is dangerous and creates a liability for the County.

The Proposal passed as amended on a roll call vote of six to zero.

#### **IX. RESOLUTIONS**

**PROPOSAL NO. R2000-38, A RESOLUTION OF THE PIERCE COUNTY COUNCIL SETTING THE DATE OF AN EVENING MEETING IN COUNCIL DISTRICT NO. SEVEN, FOR TUESDAY, MAY 2, 2000, IN THE KEY PENINSULA CIVIC CENTER, LOCATED AT 17010 SOUTH VAUGHN ROAD KPN, VAUGHN, WASHINGTON 98394.**

Brown moved adoption; motion seconded. The Clerk read the title into the record.

Biskey stated passage of this Resolution would establish the annual District meeting in Council 7 in compliance with the Charter requirement. She stated there would be a presentation by the Sheriff's Department on meth labs, and urged Councilmembers to attend. Moss stated he had attended the meth lab presentation at the Life Center this week, stating it was informative and well attended. Casada stated this is one method the Council is using to address the problem of meth labs in the County.

The Proposal passed on a roll call vote of six to zero.

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**X. OTHER BUSINESS/ANNOUNCEMENTS - None**

**XI. GENERAL PUBLIC COMMENTS - None**

**XI. ADJOURNMENT**

There being no further business, the meeting was adjourned  
at 4:00 p.m.

Attest:

Clerk of the Council

Approved:

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Council Chair

(Date Approved)

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