

**MINUTES
PIERCE COUNTY COUNCIL MEETING
MAY 8, 2001**

GIG HARBOR CITY HALL
3105 JUDSON
GIG HARBOR, WA

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

I. CALL TO ORDER

The District No. 7 meeting of the Pierce County Council was called to order at 7:10 p.m. by Chair Brown.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The pledge was led by Brown.

III. ROLL CALL

Councilmembers Present: Karen S. Biskey, Wendell Brown, Calvin Goings, Pat O'Malley, Jan Shabro, and Kevin Wimsett; Harold Moss was excused.

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

There were approximately 12 visitors present.

Brown passed the gavel to the Host Councilmember for District No. 7, Councilmember Biskey, who introduced Councilmembers and Staff present.

Gig Harbor Mayor, Gretchen Wilbert thanked the Council for conducting a meeting in the area, stating she feels that it is a good practice for the County Council to meet throughout the County.

Susan Richmond, Girl Scout Troop #999 of Gig Harbor, thanked the Council for allowing the Troop to visit the meeting as a means of working toward their Junior Citizenship badges.

IV. APPROVAL OF AGENDA

O'Malley moved approval of the Agenda; motion seconded and passed.

V. CONSENT AGENDA

a. Approval of Minutes

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

1. PROPOSAL NO. 2001-48, 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 NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 22 NORTH, AND RANGE 1 WEST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS(T)9-00, BREFFNI MCGEOUGH - KEY PENINSULA AREA)

Sponsored by: Karen S. Biskey

Contact person: Airyang Julia Park, 798-2783

For referral to the Planning and Environment Committee

To be heard by the Planning and Environment Committee on May 16, 2001

Suggested date of Council hearing: June 5, 2001

2. PROPOSAL NO. 2001-49, 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 14, TOWNSHIP 15 NORTH, AND RANGE 4 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS(T)15-00, JOHN AND SHERRY SANFILIPPO - EATONVILLE AREA)

Sponsored by: Karen S. Biskey

Contact person: Airyang Julia Park, 798-2783

For referral to the Planning and Environment Committee

To be heard by the Planning and Environment Committee on May 16, 2001

Suggested date of Council hearing: June 5, 2001

c. Action on Resolutions (refer, set date of hearing)

1. PROPOSAL NO. R2001-61, A RESOLUTION OF THE PIERCE COUNTY COUNCIL ACCEPTING THE "SPRINKER RECREATION CENTER MASTER SITE PLAN, PHASE I REPORT", MARCH 21, 2000; ESTABLISHING THE ACTION PLAN (PHASE I REPORT); RECOMMENDING THAT THE PIERCE COUNTY EXECUTIVE INCORPORATE FUNDING FOR THE PHASE II PLANNING PROCESS IN THE YEAR 2002 BUDGET; AND REQUESTING THE PARKS AND RECREATION SERVICES

DEPARTMENT TO WORK WITH THE TACOMA-PIERCE COUNTY BOYS' AND GIRLS' CLUB TO PROVIDE FACILITIES AND DEVELOP PROGRAMS.

Sponsored by: Councilmembers Kevin Wimsett and Calvin Goings

Contact person: Thomas Weber, 798-6067

Suggested date of Council hearing: ~~May 29, 2001~~
(The hearing date was originally set at the April 17, 2001, Council meeting.)

2. PROPOSAL NO. R2001-76, A RESOLUTION OF THE PIERCE COUNTY COUNCIL INITIATING A PROPOSED AMENDMENT, PURSUANT TO REVISED CODE OF WASHINGTON 36.70.640, TO AMEND SUBSECTION 18A.25.100 F. OF THE PIERCE COUNTY CODE, TO REQUIRE A CONDITIONAL USE PERMIT RATHER THAN ADMINISTRATIVE REVIEW FOR MOBILE HOME PARKS IN THE MODERATE DENSITY SINGLE-FAMILY ZONE; AND REFERRING THE PROPOSED AMENDMENT TO THE DEPARTMENT OF PLANNING AND LAND SERVICES, AND THE PIERCE COUNTY PLANNING COMMISSION, FOR A REPORT AND RECOMMENDATION BACK TO THE COUNTY COUNCIL.

Sponsored by: Councilmember Calvin Goings

Contact person: Thomas Weber, 798-6067

For referral to the Planning and Environment Committee

d. Other Items

O'Malley moved approval of the Consent Agenda; 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 April 23, 2001, was read into the record:

ORDINANCE NO. 2001-20s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING A NEW CHAPTER 2.55 OF THE PIERCE COUNTY CODE, ENTITLED "SUMMIT VIEW ADVISORY COMMISSION"; AND ESTABLISHING AND CREATING A FIVE-MEMBER LAND USE ADVISORY COMMISSION IN THE SUMMIT VIEW COMMUNITY TO BE KNOWN AS THE SUMMIT VIEW ADVISORY COMMISSION.

ORDINANCE NO. 2001-21s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 2.75.040 OF THE PIERCE COUNTY CODE, "GEOGRAPHICAL BOUNDARIES", ADJUSTING THE JURISDICTIONAL BOUNDARIES OF THE SOUTH HILL ADVISORY COMMISSION.

ORDINANCE NO. 2001-33, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RATIFYING THE COLLECTIVE BARGAINING AGREEMENT REACHED WITH UNITED HEALTHCARE WORKERS, LOCAL 1184, SYSTEM COUNCIL NO. 15, NATIONAL CONFERENCE OF FIREMEN AND OILERS, SERVICE EMPLOYEES INTERNATIONAL UNION - LICENSED PRACTICAL NURSES UNIT; AND AMENDING THE PIERCE COUNTY SALARY CLASSIFICATION PLAN.

ORDINANCE NO. 2000-97s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL TERMINATING THE CONCOMITANT AGREEMENT WHICH WAS APPROVED BY ORDINANCE NO. 86-92S, AS AMENDED, FOR THE SUNRISE DEVELOPMENT (FORMERLY, RAINIER TERRACE); AND REQUESTING PLANNING AND LAND SERVICES TO ADMINISTER THE PROJECT (AFTER THE PROPONENT SUBMITS AN APPLICATION FOR FINAL APPROVAL OF A PLANNED UNIT DEVELOPMENT AND DEVELOPMENT AGREEMENT FOR THE SUNRISE DEVELOPMENT) PURSUANT TO PCC 18A.75.080 AND IN CONSIDERATION OF THE HEARING EXAMINER'S DECISION OF MAY 20, 1997.

VII. PROCLAMATIONS, AWARDS, AND/OR APPOINTMENTS TO BOARDS AND COMMISSIONS - None

VIII. ORDINANCES

PROPOSAL NO. 2000-118, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NON-EXCLUSIVE FRANCHISE TO PUBLIC UTILITY DISTRICT NO. ONE OF LEWIS COUNTY, A PUBLIC UTILITY OF THE STATE OF WASHINGTON, FOR LOCATION OF ELECTRIC LINES ON CERTAIN COUNTY-OWNED RIGHTS-OF-WAY.

O'Malley moved adoption; motion seconded. The Clerk read the title into the record.

Staff Testimony

Weber stated Lewis County is still working out details of the franchise. Their Board will meet on Wednesday, May 9, 2001, and they have requested that the Proposal be continued to May 22, 2001.

O'Malley moved that the Proposal be continued to May 22, 2001; motion seconded and passed.

PROPOSAL NO. 2000-57s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING PIERCE COUNTY CODE CHAPTER 12.32 - RIGHT-OF-WAY FRANCHISES FOR PUBLIC AND PRIVATE UTILITIES; AMENDING CHAPTER 12.34 - TELECOMMUNICATIONS USERS OF PIERCE COUNTY RIGHTS-OF-WAY; AMENDING CHAPTER 17B.10 - GENERAL PROVISIONS; AND ADOPTING THE MANUAL ON ACCOMMODATING UTILITIES IN PIERCE COUNTY RIGHT-OF-WAY, 3RD EDITION.

O'Malley moved adoption; motion seconded. The Clerk read the title into the record.

Staff Testimony

Skip Stansbury, County Executive's Office, provided an overview of the Ordinance, stating passage of the Proposal would amend several sections of the Pierce County Code to establish and revise current telecommunication practices for the County.

O'Malley moved adoption of Council Amendment No. 1 as set forth in Attachment I to these minutes; motion seconded and passed on a voice vote.

The Chair called for public testimony; there was no response. The Proposal passed as amended on a roll call vote of six to zero.

PROPOSAL NO. 2001-10s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO RAINIER CONNECT, INC., FOR A TELECOMMUNICATIONS NETWORK IN PIERCE COUNTY TO BE IN THE PUBLIC INTEREST; 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;

PRESCRIBING REMEDIES FOR THE VIOLATION OF THE PROVISIONS OF THE FRANCHISE; AND AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO THE FRANCHISE AGREEMENT.

O'Malley moved adoption; motion seconded. The Clerk read the title into the record.

Staff Testimony

Stansbury stated this franchise has been requested by Rainier Connect, Inc. He stated Rick Finnigan is the attorney representing that firm, who feels that despite the current Auburn case that is testing telecommunications franchises, the Council could move forward with this franchise. When the court has reached a decision on this case, perhaps this franchise and all others will have to be brought back to the Council for modification to comply with the court's decision. Stansbury recommended adoption of the Proposal as presented at this time. In response to Brown's question as to how the \$500.00 permit fee is assessed, Stansbury and the Council agreed that this figure should be revisited to ensure that the County is recovering all their costs.

Public Testimony

Louise Batchelor stated a concern about responsibility of the County or the franchisee when roads are damaged during installation.

Bruce Russell of Rainier Connect stated he is available to answer any questions the Council may have, and asked that the Council approve the franchise.

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

PROPOSAL NO. 2001-24, 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 SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 17 NORTH, AND RANGE 5 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OST2-00, ROBERT S. AND JAMI S. CASHMAN - KAPOWSIN AREA)

O'Malley moved adoption; motion seconded. The Clerk read the title into the record.

Staff Testimony

In response to Shabro's question as to whether or not the County monitors the Forest Management Practices Plans, Airyang Park stated at the time the Assessor-Treasurer inspects the property the Forest Plan is inspected and if there is a harvesting of trees, there is an additional permit that is required and an inspection is done at that time.

O'Malley moved adoption of Council Amendment No. 1 as set forth in Attachment II to these minutes; motion seconded and passed.

The Chair called for public testimony; there was no response. The Proposal passed as amended on a roll call vote of six to zero.

PROPOSAL NO. 2001-25, 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 21, TOWNSHIP 18 NORTH, AND RANGE 5 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OST4-00, MIKE AND CINDY SCHRADER - ORTING AREA)

O'Malley moved adoption; motion seconded. The Clerk read the title into the record.

O'Malley moved adoption of Council Amendment No. 1 as set forth in Attachment III to these minutes; motion seconded and passed.

The Chair called for public testimony; there was no response. The Proposal passed as amended on a roll call vote of six to zero.

PROPOSAL NO. 2001-26, 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 3, TOWNSHIP 18 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS3-00, RICHARD AND DIANE GAMACHE, SPANAWAY AREA)

O'Malley moved adoption; motion seconded. The Clerk read the title into the record.

O'Malley moved adoption of Council Amendment No. 1 as set forth in Attachment IV to these minutes; motion seconded and passed.

The Chair called for public testimony; there was no response. The Proposal passed as amended on a roll call vote of six to zero.

PROPOSAL NO. 2001-27, 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 25, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS11-00, JANICE M. KOBAK AND GARY CASTELLANE - CRYSTAL VILLAGE AREA)

O'Malley moved adoption; motion seconded. The Clerk read the title into the record.

Staff Testimony

Park stated this property is a vacant lot that has special character in terms of environmental sensitivity. The Department and Planning Commission recommend no public access because of these environmental concerns.

O'Malley moved adoption of Council Amendment No. 1 as set forth in Attachment V to these minutes; motion seconded and passed.

Public Testimony

Louise Batchelor stated these open space applications are the only way people can maintain their land without the taxes being over burdensome.

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

IX. RESOLUTIONS

PROPOSAL NO. R2001-77, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF ELEVEN MEMBERS TO THE PIERCE COUNTY FARM ADVISORY COMMISSION (BOB ARNOLD, ROSS BISCHOFF, ROY BUELER, SCOTT CANDOO, DICK CARKNER, AL DURIS, RON SASAKI, KEN SHAMBLIN, JERRY SMITH, ANNE VAN LIEROP-JOHNSON, AND CHRIS WILCOX).

O'Malley moved adoption; motion seconded. The Clerk read the title into the record.

Public Testimony

Dick Carkner thanked the Council for establishing this Commission, stating he looks forward to working on the Commission to determine ways to maintain the attributes of the agricultural community.

Louise Batchelor stated property should be taxed for what it is being used for, not for what it could be used for.

Roy Bueler thanked the Council for the appointment, stating he looks forward to working on the Commission.

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

PROPOSAL NO. R2001-78, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AMENDING RESOLUTION NO. R2000-183 TO ADD ONE ADDITIONAL MEMBER TO THE PIERCE COUNTY COUNCIL CRIMINAL JUSTICE TASK FORCE; AND APPOINTING THAT MEMBER. (FRAN LEWIS, HUMAN SERVICES DEPARTMENT)

O'Malley moved adoption; motion seconded. The Clerk read the title into the record. The Chair called for public testimony; there was no response. The Proposal passed on a roll call vote of six to zero.

X. OTHER BUSINESS/ANNOUNCEMENTS

Long pointed out that the Council needs to establish a date of hearing for a review of the Emergency Ordinance that was adopted on April 17, 2001, relative to the government zoning areas on McNeil Island. Long stated that Staff did not have an Ordinance number or title, but was asking that Council establish a final date of Council hearing of June 5, 2001, for review of the Emergency Ordinance.

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O'Malley moved that the Council do so; motion seconded and passed. Rainwater pointed out that the June 5 meeting is an evening meeting in District No. 1.

XI. GENERAL PUBLIC COMMENTS

A representative of the Girl Scout Troop #999 thanked the Council for inviting them to the meeting, and stated they had enjoyed their visit.

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:00 p.m.

Attest:

Clerk of the Council

Approved:

Council Chair

Date Approved

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