

**MINUTES
PIERCE COUNTY COUNCIL MEETING
JUNE 5, 2001**

DISTRICT NO. 1
STAHL JUNIOR HIGH SCHOOL - SCHOOL COMMONS
9610 168TH STREET EAST
PUYALLUP, WASHINGTON 98375

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

I. CALL TO ORDER

The District No. 1 meeting of the Pierce County Council was called to order at 7:00 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, Harold Moss, Pat O'Malley, Jan Shabro, and Kevin Wimsett.

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

There were approximately 64 visitors present.

IV. APPROVAL OF AGENDA

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

Brown passed the gavel to Host Councilmember Jan Shabro who introduced Staff, special guests, and Councilmembers.

V. CONSENT AGENDA

a. Approval of Minutes

1. The minutes of the April 17, 2001, regular Council meeting

2. The minutes of the April 24, 2001, regular Council meeting
 3. The minutes of the May 8, 2001, Council meeting held in District No. 7
 4. Motion to amend the Pierce County Council minutes of December 12, 2000.
- b. Action on Ordinances (refer, set date of hearing)
 - c. Action on Resolutions (refer, set date of hearing)
 - d. Other Items
 1. Motion to approve the recommendation of Risk Management and the Special Deputy Prosecuting Attorney regarding Pierce County Cause No. 97-2-07236-6.

Brown moved approval of the Consent Agenda as amended; motion seconded and passed on a roll call vote of seven 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 May 21, 2001, was read into the record:

ORDINANCE 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.

ORDINANCE NO. 2001-16s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 1.28 OF THE PIERCE COUNTY CODE, "RULES OF PROCEDURE - PIERCE COUNTY COUNCIL," BY ADDING NEW SECTIONS TO REQUIRE FISCAL ANALYSES OF ALL PROPOSED LEGISLATION; ADDRESSING PROCEDURES FOR AMENDING CHAPTER 1.28 OF THE PIERCE COUNTY CODE; AND ADOPTING CLARIFYING AND TECHNICAL CHANGES.

ORDINANCE NO. 2001-18, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL CANCELING CERTAIN UNCOLLECTIBLE PERSONAL PROPERTY TAXES.

ORDINANCE NO. 2001-19, AN ORDINANCE OF THE PIERCE

COUNTY COUNCIL AMENDING ORDINANCE NO. 2000-93s2, AND MODIFYING THE 2001 BUDGET FOR THE SHERIFF'S DEPARTMENT, THE COMMUNICATIONS DEPARTMENT, THE PARKS AND RECREATION SERVICES DEPARTMENT, SPECIAL PROJECTS, AND THE RAINIER COMMUNICATIONS COMMISSION FUND.

ORDINANCE 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)

ORDINANCE 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)

ORDINANCE 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)

ORDINANCE 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)

ORDINANCE NO. 2001-28, 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, AND RANGE 6 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION

NO. OST5-00, JRG INVESTMENTS - BURNETT AREA)
(Note: Ordinance No. 2001-28 was reconsidered and passed as amended by the Council on May 22, 2001.)

ORDINANCE NO. 2001-29, 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, LOCATED IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 17 NORTH, AND RANGE 4 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OST7-00, JOEY AND PAM CASTOR - KAPOWSIN AREA)
PROPOSAL NO. 2001-30, 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, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 18 NORTH, AND RANGE 5 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OST6-00, KAREL A. PELTRAM - ORTING AREA)

ORDINANCE NO. 2001-31, 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, LOCATED IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 17 NORTH, AND RANGE 2 EAST OF THE WILLAMETTE MERIDIAN; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OST8-00, ED R. BERG - MC KENNA AREA)

ORDINANCE NO. 2001-32s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING THE 2001-2006 TRANSPORTATION IMPROVEMENT PROGRAM AND 2001-2014 FOURTEEN-YEAR FERRY PROGRAM, TO INCLUDE THE 86TH AVENUE EAST PROJECT, FROM 176TH STREET EAST TO 170TH STREET EAST, AND THE SUNRISE BOULEVARD AT 122ND AVENUE EAST PROJECT, PURSUANT TO REVISED CODE OF WASHINGTON SECTION 36.81.121, AND CHAPTER 136-15 WASHINGTON ADMINISTRATIVE CODE 136, CHAPTER 15; FINDING THAT THESE PROJECTS ARE A PUBLIC NECESSITY; AUTHORIZING THE PROSECUTING ATTORNEY TO COMMENCE CONDEMNATION PROCEEDINGS TO ACQUIRE REAL PROPERTY FOR THE CAPITAL IMPROVEMENT PROJECT CONTAINED IN THE AMENDMENT; AND ADOPTING FINDINGS OF FACT.

ORDINANCE 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.

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

PROPOSAL NO. R2001-98, A RESOLUTION OF THE PIERCE COUNTY COUNCIL PROCLAIMING THE DAY OF SATURDAY, JUNE 9, 2001, AS "EMERALD RIDGE HIGH SCHOOL DAY" IN SOUTH HILL, PIERCE COUNTY, WASHINGTON.

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

Councilmember Goings stated he would be presenting this Proclamation at the School's official dedication on Saturday, June 9, 2001, and thanked the Council for their support.

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

VIII. ORDINANCES

PROPOSAL NO. 2001-36, ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTIONS 4.36.040, 4.36.050, and 4.36.110 OF THE PIERCE COUNTY CODE, REGARDING CLAIMS AND SUITS FOR DAMAGES; TO RAISE THE JOINT SETTLEMENT AUTHORITY OF THE EXECUTIVE AND PROSECUTING ATTORNEY FROM \$50,000.00 TO \$250,000.00.

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

Staff Testimony

Mike Panagiotu, Risk Manager, stated the Executive and Prosecuting Attorney are requesting that the joint settlement authority for the two Departments be raised from \$50,000.00 to \$250,000.00. He stated the original amount was established in 1981 and because of inflation and rising court costs, the Departments are asking that the limits be raised.

Following a discussion among Councilmembers with Panagiotu, O'Malley moved an amendment to be added to Exhibit "A" as follows: the joint settlement authority shall be raised from \$50,000.00 to \$250,000.00 provided that the Risk Manager shall report to the Council on a quarterly basis on outstanding claims and settlements taking place during the reporting period; motion seconded and passed.

Public Testimony

Clarence Walden stated he felt \$100,000.00 would be a reasonable amount.

Wimsett and Goings stated they will be voting in opposition to the Proposal, stating they feel that it displaces authority from the Council to the Executive.

The Proposal passed as amended on a roll call vote of five to two; Wimsett and Goings voted no.

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)

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.

The Chair called for public testimony; there was no

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

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)

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 II to these minutes; motion seconded and passed.

Staff Testimony

At the request of Chair Shabro, Airyang Park, Planning and Land Services Department, explained the process of timber land and open space classifications under current use assessment, explaining the tax credits received.

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

IX. RESOLUTIONS

PROPOSAL NO. R2001-58, A RESOLUTION OF THE PIERCE COUNTY COUNCIL APPOINTING _____ AS A NEW COMMISSIONER REPRESENTING POSITION NUMBER 3, ON THE VALLEY WATER DISTRICT BOARD OF COMMISSIONERS, FILLING AN EXISTING VACANCY.

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

Shabro invited the candidates for appointment to this position to come forward to express their wish to be appointed to the Valley Water District.

Public Testimony

Chris Johnson, representing Chinook Estates, expressed her desire to be appointed to this position. She stated she wants to keep the water systems healthy and envionable. She stated she feels the Commission has been experiencing growing pains and would like to assist.

Andrew Noffke, representing Winchester Heights Water System, stated he is in the landscaping business and engineering, and would like to use his expertise as a member on the Valley Water District Board of Commissioners.

James Morgan, the individual vacating the position, stated he feels the Commission needs representation from a water district that is not currently being represented. He stated the two candidates come from unrepresented districts.

Moss expressed a concern that the Districts settle these issues among themselves so that it doesn't come to the Council for resolution.

The Chair requested that the Council meet in Executive Session to discuss the qualifications of the candidates. Long stated the Council could do so pursuant to Revised Code of Washington 42.30(h).

At 8:10 p.m. the Council convened in an Executive Session; at 8:20 p.m. the Council reconvened in regular session.

Goings moved an amendment to the Resolution on page 1 at line 7 and on page 2 at line 10 to insert the name Chris Johnson; motion seconded and passed.

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

X. OTHER BUSINESS/ANNOUNCEMENTS

- 1. PROPOSAL NO. 2001-46s, AN EMERGENCY ORDINANCE OF THE PIERCE COUNTY COUNCIL DECLARING A MORATORIUM PURSUANT TO THE AUTHORITY AND PROCEDURES SET FORTH IN RCW 36.70A.390 ON NEW CONSTRUCTION ON ALL UNZONED GOVERNMENT LAND ON McNEIL ISLAND OF PIERCE COUNTY, WASHINGTON UNTIL SUCH TIME AS THE COMPREHENSIVE PLAN CLASSIFICATION(S) AND IMPLEMENTING DEVELOPMENT REGULATIONS ARE ADOPTED FOR THAT AREA; ACKNOWLEDGING THE COUNCIL'S COMPLIANCE WITH THE PUBLIC HEARING REQUIREMENT OF REVISED CODE OF WASHINGTON 36.70A.390; SUPERCEDING AND REPLACING ORDINANCE NO. 2001-46; ADOPTING FINDINGS OF FACT; AND DECLARING AN EMERGENCY.**

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

Staff Testimony

Lloyd Fetterly, Deputy Prosecuting Attorney, pointed out the Substitute Ordinance adopts Findings of Fact which are incorporated into the Substitute as Exhibit "A." He stated the Council is required to have a public hearing on 2001-46, which was adopted the 17th day of April, 2001, and signed and approved by the County Executive.

Public Testimony

Elizabeth McNagny, Department of Social and Health Services, submitted a memorandum to the Council. (A copy is contained in the Ordinance file.) McNagny responded to questions of Councilmembers regarding siting criteria and the intent of the Department regarding this facility at McNeil Island.

Bonnie Parker stated Level 3 offenders could be released to other facilities in this State, or to members of their family, in addition to the immediate area in Pierce County.

Deborah Cade submitted written comments and several documents related to the siting of the proposed facility for McNeil Island. Copies are contained in the Ordinance file.

State Representatives Roger Bush and David Morrell and Senator Marilyn Rasmussen all spoke in support of the Ordinance and of the moratorium, stating nothing has been adopted by the Legislature at this point.

Rainwater pointed out that passage of this Ordinance would mean that two Ordinances would be in effect on this subject.

The Proposal passed on a roll call vote of six to zero; Moss was excused.

2. Presentation on Transportation Projects in Pierce County: Canyon Road, 176th Street, and Cross Base Highway Projects by Tom Ballard, County Engineer.

XI. GENERAL PUBLIC COMMENTS

1. Richard Thurston spoke in opposition to the County vacating easements, stating it results in transportation problems.
2. Representative Bush stated he feels there are inconsistencies regarding rights-of-way in the County and asked that the Council correct the situation.
3. Pete Nukin of Silver Creek Homeowners stated he feels the County does not adequately respond to safety concerns.
4. Laura Roberts stated the intersection at 38th and 176th is a major safety issue, and the County needs to do a better job of signlization at railroad crossings.
5. Steve Kelly submitted information on Subsection 18.160.080 of the Code dealing with expiration of applications, and he recommended changes to this language.

Pierce County Council Meeting
June 5, 2001

XII. ADJOURNMENT

There being no further business, the meeting was adjourned
at 10:05 p.m.

Attest:

Clerk of the Council

Approved:

Council Chair

Date Approved

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