

**MINUTES
PIERCE COUNTY COUNCIL MEETING
JUNE 17, 2003**

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(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 Executive Pro Tempore Lee.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The pledge was led by Lee, followed by a Moment of Silence in tribute to our Armed Forces.

III. ROLL CALL

Councilmembers Present: Paul Bocchi, Barbara Gelman, Calvin Goings, and Terry Lee. Harold Moss, Kevin Wimsett, and Shawn Bunney were excused.

Council Staff Present: Denise Johnson, Deputy Clerk; Susan Long, Legal Counsel; Tom Weber, Administrator/Research & Policy; Anna Graham, Research Analyst; Carolyn Pendle, Research Analyst; Patty Face, Deputy Clerk, and Susan Matthew, Councilmember Assistant.

There were approximately 25 visitors present.

IV. APPROVAL OF AGENDA

Goings moved approval of the Agenda; motion seconded and passed on a voice vote.

V. CONSENT AGENDA

- a. Approval of Minutes
 1. The minutes of the May 13, 2003, regular Council meeting.
 2. The minutes of the May 20, 2003, regular Council meeting.
 3. The minutes of the May 27, 2003, regular Council meeting.

Pierce County Council Minutes
June 17, 2003

- b. Action on Ordinances (refer, set date of hearing)
1. PROPOSAL NO. 2003-60, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO AMERICAN WATER RESOURCES, INC., FOR THE LOCATION OF WATER LINES ON CERTAIN COUNTY-OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE FRANCHISE.
Sponsored by: Councilmember Shawn Bunney
Contact person: Jerry West, 798-3687
For referral to the Public Works Committee
 2. PROPOSAL NO. 2003-62, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 19D.60 OF THE PIERCE COUNTY CODE, "STORM DRAINAGE AND SURFACE WATER MANAGEMENT PLAN"; ADOPTING THE "MUCK CREEK BASIN PLAN" FOR THE UNINCORPORATED AREA OF PIERCE COUNTY, AS AN AREA UPDATE TO PIERCE COUNTY'S STORM DRAINAGE AND SURFACE WATER MANAGEMENT PLAN; AND ADOPTING FINDINGS OF FACT AND CONCLUSIONS.
Sponsored by: Councilmember Shawn Bunney
Contact person: Dan Wrye, 798-4672
For referral to the Public Works Committee
 3. PROPOSAL NO. 2003-63, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF CRESCENT VALLEY CUTOFF ROAD NORTHWEST, WHICH IS LOCATED IN THE WEST HALF OF SECTION 33, TOWNSHIP 22 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, IN THE GIG HARBOR AREA.
Sponsored by: Councilmember Shawn Bunney
Contact person: Jerry West, 798-3687
For referral to the Public Works Committee
 4. PROPOSAL NO. 2003-64, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO LONGBRANCH SHORES ASSOCIATION, FOR LOCATION OF WATER LINES ON CERTAIN COUNTY-OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE FRANCHISE.
Sponsored by: Councilmember Shawn Bunney
Contact person: Jerry West, 798-3687
For referral to the Public Works Committee
- c. Action on Resolutions (refer, set date of hearing)

d. Other Items

1. **Rescind Council's Action of Setting Date of Hearing of July 8, 2003**

PROPOSAL NO. 2003-51, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL SUBMITTING TO THE VOTERS OF PIERCE COUNTY AT THE NOVEMBER 2003 GENERAL ELECTION A PROPOSED AMENDMENT TO SECTION 3.70 OF THE PIERCE COUNTY CHARTER TO MAKE THE SHERIFF AN ELECTED POSITION.

2. Approving the Meeting Schedule for the week of June 23-27, 2003.

3. Approving the Meeting Schedule for the week of June 30-July 4, 2003, and the Council Agenda for July 1, 2003, as prepared by the Clerk of the Council.

Goings moved approval of the Consent Agenda; motion seconded and passed on a roll call vote of four 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 June 2, 2003, was read into the record.

ORDINANCE NO. 2003-37s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING A NEW CHAPTER 2.85 OF THE PIERCE COUNTY CODE ENTITLED "KEY PENINSULA ADVISORY COMMISSION"; AND ESTABLISHING AND CREATING A NINE-MEMBER LAND USE ADVISORY COMMISSION IN THE KEY PENINSULA COMMUNITY, TO BE KNOWN AS THE KEY PENINSULA ADVISORY COMMISSION.

ORDINANCE NO. 2003-48, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RATIFYING THE COLLECTIVE BARGAINING AGREEMENT REACHED WITH UNITED FOOD & COMMERCIAL WORKERS UNION, UNITED STAFF NURSES UNION LOCAL 141; AND AMENDING THE PIERCE COUNTY SALARY CLASSIFICATION PLAN.

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

VIII. ORDINANCES

PROPOSAL NO. 2003-32s2, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING CHAPTER 10.32 OF THE PIERCE COUNTY CODE, "JUNK VEHICLES AS PUBLIC NUISANCES", ENACTING A NEW CHAPTER 8.10 OF THE PIERCE COUNTY CODE, "PUBLIC NUISANCE VEHICLES - PROHIBITED ACTIVITIES - PENALTIES - REMOVAL"; AMENDING SECTION 1.22.080 OF THE PIERCE COUNTY CODE TO GRANT THE HEARING EXAMINER THE AUTHORITY TO HEAR CONTESTED PUBLIC NUISANCE VEHICLE ABATEMENT NOTICES; RECOMMENDING A PUBLIC INFORMATION PROGRAM; ADOPTING FINDINGS OF FACT; AND SETTING AN EFFECTIVE DATE.

Goings moved adoption; motion seconded and passed. The Clerk read the title into the record.

Staff Testimony

Steve Wamback, Solid Waste Administrator, Public Works & Utilities Department, and Coordinator of the Pierce County Response Program, provided background information on the Proposal. He stated the Proposal evolved because of the involvement of the public and the Council, concerning abandoned junk vehicles. Wamback outlined the six key points of the Proposal: definition clarification, enforcement authority, establishing a cooperative abatement program, creating a warning and appeal process, establishing a criminal misdemeanor process, and destruction of vehicles used in manufacturing methamphetamine. He emphasized this is a cooperative program that will be reactive not proactive. He stated that people will have to call the complaints into Code Enforcement.

In response to Gelman's question about the number of complaints, Wamback stated an investigation can begin after one complaint is received. Wamback commented on the implementation of the program in response to Lee's question.

Goings moved adoption of Council Amendment No. 1 as printed on the blue; motion seconded.

A copy of the amendment is included with these minutes as Attachment I.

Staff Testimony

Pendle read the amendment into the record and explained that the amendment would clarify the existing language. In response to Lee's question, Pendle concurred that blue tarps will not be acceptable to screen vehicles.

Lee called for public testimony on the amendment.

Public Testimony

Doug LeMay expressed concern about junk vehicles being seen from higher levels. He stated that a junk car may be screened from side views, but it can still be seen looking down from a neighbor's upper window. Wamback responded to his concern by referencing the list of exemptions on page 3 of Exhibit "A", and stated that during the three-month review period, careful records will be kept on complaints of screened junk vehicles. Wamback stated they are trying to come up with an answer that will work for everyone concerning this issue.

Goings stated that during the review there will be a check and balance system to see if the abatement program is too restrictive or not restrictive enough.

Gelman stated that in 1988, she was one of the original sponsors of the Ordinance, and assured Mr. LeMay that the Ordinance is still ongoing, and is a work in process.

Lee stated he is looking forward to the three-month review period of the Ordinance.

The amendment motion passed on a voice vote.

The Chair called for public testimony on the Proposal as amended.

Public Testimony

John Zewaska provided photos of junk cars that have been in his neighborhood for the past year, and stated that numerous calls have been made concerning the vehicles. He expressed concern that landowners should ensure that their tenants are responsible for removing abandoned and junk vehicles from properties. He supports the passage of the Ordinance.

In response to Bocchi's concern about the removal of vehicles on the side of the road, Wamback explained the differences of vehicles abandoned in the travel lane, and on the side of the road. Currently, Pierce County has one full-time person responsible for the vehicles. He stated that Pierce County could write stricter policies that would require vehicles to be impounded immediately if left on, or in the road right-of-way.

Bocchi stated the existing regulations are not working, and this new Ordinance is a step in the right direction.

Goings thanked Wamback, Councilmembers' Bunney and Bocchi for their assistance on the Ordinance, and spoke in support of the Ordinance.

Gelman stated this Ordinance is stronger than the existing one, and is an important tool in Pierce County. She is looking forward to the three-month review period.

The Proposal passed as substituted and amended on a roll call vote of four to zero.

PROPOSAL NO. 2003-35, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING AN UNNAMED ROAD, PORTIONS OF SNELLSTROM-BUSH ROAD, AND EUSTIS-HUNT ROAD LOCATED IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 18 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, IN THE GRAHAM AREA.

Goings moved adoption; motion seconded and passed. The Clerk read the title into the record.

Staff Testimony

Les Olsen, Public Works and Utilities Department, provided information on the Proposal, and stated the roads have been gated by the lumber mill to prevent access to the properties. The Department supports the vacation.

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

PROPOSAL NO. 2003-36s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF 26TH AVENUE EAST LOCATED IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN THE SPANAWAY AREA

Goings moved adoption; motion seconded and passed. The Clerk read the title into the record.

Staff Testimony

Olsen stated the Proposal would vacate an unneeded portion of County road due the realignment of Stone Ridge. The Department has reviewed the Proposal and supports the vacation.

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

PROPOSAL NO. 2003-42, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF 27TH AVENUE NORTHWEST RIGHT-OF-WAY, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, IN THE GIG HARBOR AREA; AND RESERVING THE RIGHT OF ACCESS FOR DRAINING STORM WATER, AND MAINTAINING THE STORM DRAINAGE SYSTEM.

Goings moved adoption; motion seconded and passed. The Clerk read the title into the record.

Staff Testimony

Olsen stated the Proposal would vacate the southern terminus of 27th Avenue, which is a dead-end County road. The Petitioners have constructed a turnaround that pertains to County standards. He stated the storm water issues have been addressed, and the Department supports the vacation.

Public Testimony

Michael Hovind, Apex Engineering, representing Raymond Lavine, an adjacent property owner, stated his client didn't receive notice of the proposed vacation. He expressed concerns that the turnaround is not built to County standards, and stated the position of the proposed gate obstructs access to the southern most portion of the property. He displayed a map of the property and provided photos of the turnaround. Hovind asked that the road vacation be denied.

Staff Testimony

Olsen stated he is not aware that the turnaround is not built to County standards, as he was told by Staff that it is up to standards.

Goings reviewed the displayed map with Hovind.

Public Testimony

Roger Brooks, representing property owners in the area, stated the vacation is needed for security reasons due to criminal activities in the area. He commented that the turnaround is approximately 50 feet, and he supports passage of the vacation.

Carmen Gebauer, representing the Hagmann, Wahler and Hong families, concurred that security is needed in the area. She expressed surprise to learn of Lavine's opposition to the turnaround. She referenced a letter from Lavine supporting the turnaround. Gebauer stated the turnaround was built with guidance from John Cutter and Public Works personnel, and stated the turnaround is in compliance.

Hovind clarified the Lavines' were supporting the thought of vacating a portion of 27th Avenue, not the current location of the turnaround. Hovind asked that Cutter be contacted, since the turnaround was built according to the road conditions allowed due to steep slopes on the sides of the road.

As a result of more research being needed on the Proposal, Goings moved to continue the Proposal to the July 8, 2003, Council Meeting; motion seconded and passed on a voice vote.

PROPOSAL NO. 2003-43, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF APPLICATIONS FOR TIMBER LAND CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTIES LOCATED WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OST13-02, CHONG AND ROMEINA HAN - TANWAX AREA; APPLICATION NO. OST14-02, WESLEY AND MARIAN MARK - TULE LAKE AREA; APPLICATION NO. OST15-02, DENNIS AND ELSIE TOWNSEND - TANWAX AREA; AND APPLICATION NOS. OST16-02 AND OST17-02, WAYNE E. ARNOLD AND BONNIE JO CHRISTNER - TANWAX AREA)

Goings moved adoption; motion seconded and passed. The Clerk read the title into the record.

Goings provided Committee background information on the remaining Proposals, and stated the Proposals were unanimously passed in Committee.

Lee stated the Proposals were also heard by the Planning Commission. Lee asked Airyang Julia Park, Planning and Land Services Department, if she had any changes or updates to the Proposal; she answered no.

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

PROPOSAL NO. 2003-55, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF OPEN SPACE CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTY LOCATED WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS19-02, DAVID R. LARAWAY - ROY AREA)

Goings moved adoption; motion seconded and passed. 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 four to zero.

PROPOSAL NO. 2003-56, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF APPLICATIONS FOR TIMBER LAND CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTIES LOCATED WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OST18-02, DONALD AND DIANE MILLS - TANWAX AREA; APPLICATION NO. OST20-02, ROBERT AND MARTHA SOUTHWORTH - KEY PENINSULA; APPLICATION NO. OST21-02, IRA AND WANDA MARSHALL - TANWAX AREA; AND APPLICATION NOS. OST23-02 AND OST24-02, ELVIN E. FLOBERG - KEY PENINSULA)

Goings moved adoption; motion seconded and passed. 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 four to zero.

PROPOSAL NO. 2003-58, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF OPEN SPACE CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTIES LOCATED WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OS26-02, JOHN MOWER - ORTING AREA;

APPLICATION NO. OS27-02, JERRY AND LUCY BARANSKI - EATONVILLE AREA; APPLICATION NO. OS28-02, MICK BOYNTON - FAIRFAX AREA; APPLICATION NO. OS29-02, CLARITA ABUAN - SOUTH PRAIRIE AREA; APPLICATION NO. OS32-02, DANIEL VADNEY - SUMMIT-WALLER AREA; APPLICATION NO. OS36-02, JERRELL AND PATRICIA LEWELLEN - VAUGHN AREA; APPLICATION NO. OS46-02, RAYMOND FEENER - KAPOWSIN AREA; AND APPLICATION NO. OS47-02, WILLIAM AND SUSAN STYLER - BURNETT-WILKESON AREA)

Goings moved adoption; motion seconded and passed. The Clerk read the title into the record.

Goings moved Council Amendment No. 1 as printed on the yellow; motion seconded. A copy of the amendment is included with these minutes as Attachment II.

Staff Testimony

Graham explained the amendment is technical, to clear up the definition of the area that is to be excluded.

The Chair called for public testimony on the amendment; there was no response.

The motion passed on a voice vote.

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

PROPOSAL NO. 2003-59, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE APPROVAL OF APPLICATIONS FOR TIMBER LAND CLASSIFICATION UNDER CURRENT USE ASSESSMENT ON CERTAIN PROPERTIES LOCATED WITHIN THE UNINCORPORATED BOUNDARIES OF PIERCE COUNTY; AND ADOPTING FINDINGS OF FACT. (APPLICATION NO. OST25-02, LARRY MAGILL - EATONVILLE AREA; APPLICATION NO. OST31-02, KATHRYN BAMFORD - KEY PENINSULA; APPLICATION NO. OST35-02, DON AND RENEE GALLAGHER - ROY AREA; AND APPLICATION NOS. OST40-02, OST41-02, OST42-02, OST43-02, AND OST44-02, MANKE LUMBER COMPANY, INC. - KEY PENINSULA)

Goings moved adoption; motion seconded and passed. 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 four to zero.

IX. RESOLUTIONS - None

X. OTHER BUSINESS/ANNOUNCEMENTS

Goings acknowledged Park and Graham for their work on the Open Space and Timberland Classification Proposals. Lee concurred.

XI. GENERAL PUBLIC COMMENTS - None

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 4:20 p.m.

Attest:

Denise Johnson, Deputy Clerk of the Council

Approved:

Councilmember Harold Moss, Council Chair

Date Approved

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