

**MINUTES  
PIERCE COUNTY COUNCIL MEETING  
JULY 8, 2003**

930 TACOMA AVENUE SOUTH, ROOM 1045  
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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 Chair Moss.

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

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

**III. ROLL CALL**

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

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

There were approximately 14 visitors present.

**IV. APPROVAL OF AGENDA**

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

**V. CONSENT AGENDA**

- a. Approval of Minutes
- b. Action on Ordinances (refer, set date of hearing)
  - 1. PROPOSAL NO. 2003-67, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF FOOTHILLS TRAIL RIGHT-OF-WAY IN THE SOUTHEAST QUARTER OF THE

SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 20 NORTH,  
RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, IN THE  
ALDERTON AREA.

Sponsored by: Councilmember Shawn Bunney  
Contact person: Jerry West, 798-3687  
For referral to the Public Works Committee

2. PROPOSAL NO. 2003-68, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL FINDING THE PROPOSED NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO TOUCH AMERICA, 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.

Sponsored by: Councilmember Shawn Bunney  
Contact person: Hudson Stansbury, 798-7477  
For referral to the Public Works Committee

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

1. PROPOSAL NO. R2003-90, A RESOLUTION OF THE PIERCE COUNTY COUNCIL DECLARING ITS INTENT TO VACATE A PORTION OF FOOTHILLS TRAIL RIGHT-OF-WAY IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 20 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, IN THE ALDERTON AREA; AND DIRECTING THE COUNTY ENGINEER TO EXAMINE THE INTENDED VACATION AND REPORT THE FINDINGS AND CONCLUSIONS TO THE COUNCIL.

Sponsored by: Councilmember Shawn Bunney  
Contact person: Jerry West, 798-3687  
For referral to the Public Works Committee

d. Other Items

Wimsett moved approval of the Consent Agenda; 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 June 23, 2003, was read into the record.

ORDINANCE 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.

ORDINANCE 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.

ORDINANCE 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.

ORDINANCE 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)

ORDINANCE 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)

ORDINANCE 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)

ORDINANCE 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)

ORDINANCE 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)

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

**VIII. ORDINANCES**

**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.**

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

Bruce Duncan, Public Works and Utilities Department, provided an overview of the Ordinance, stating the County

Engineer had reviewed this request to vacate and no opposition has been received. He stated there is no chance that Pierce County would be extending the road in this area, and all property owners support the requested vacation.

Weber pointed out the Proposal had been continued from the June 17 Council Meeting, because of concerns that had been raised regarding adequate room for turn-around.

Public Testimony

Raymond Lavine stated there is other right-of-way in the area that could be used. He would be willing to work with the petitioner to find another option to this road vacation.

Mike Hovind of Apex Engineering, stated he does not believe the turn-around area that has been proposed would be adequate for emergency vehicles. He referenced a letter from Fire District No. 5 that is contained in the Ordinance file.

Lee stated he had prior contact with one of the applicants and asked if the parties would like for him to recuse himself from a vote on this Proposal. There was no objection raised to Lee's participation.

Roger Brooks stated by vacating this portion of right-of-way, that the problem of illegal dumping and vandalism could be corrected.

Doug Ceiger stated he does not feel a road vacation serves the public interest as stated in the Ordinance. He also expressed concern regarding the issue of emergency vehicles accessing the area, creating a threat to public safety.

In response to comments from Councilmember Lee, Long reiterated that the criteria for the Council approving a road vacation is whether or not the right-of-way is needed in the County road system, and whether the vacation serves a public benefit.

The Proposal passed on a roll call vote of six to one. Gelman voted no.

**PROPOSAL NO. 2003-49s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL RESPONDING TO THE FINAL DECISION AND ORDER OF THE CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD REGARDING CASE NO. 02-3-**

**0010; AMENDING CHAPTER 19B.40 OF THE PIERCE COUNTY CODE, PARKLAND-SPANAWAY-MIDLAND COMMUNITIES PLAN; AMENDING CHAPTER 18A.25, ZONE CLASSIFICATIONS AND USE TABLES, TO CREATE A HIGH DENSITY SINGLE-FAMILY ZONE AND MODIFY THE ZONING ATLAS; AMENDING CHAPTER 18A.35, DEVELOPMENT STANDARDS, TO ADDRESS SPECIFIED PORTIONS OF THE RESIDENTIAL RESOURCE AND SINGLE-FAMILY ZONE CLASSIFICATIONS; AND ADOPTING FINDINGS OF FACT.**

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

Graham provided an overview of this Proposal, stating it was in response to an appeal of the Parkland-Spanaway-Midland Communities Plan. It addresses specific portions of the residential resource and all single family zone classifications.

Wimsett moved adoption of Council Amendment No. 1 as printed on yellow; motion seconded. Graham provided an overview of the effects of the amendment.

The Chair called for public testimony; there was no response. The amendment passed on a voice vote. A copy of the amendment is included with these minutes as Attachment I.

#### Public Testimony

Tiffany Spier provided testimony to the Council regarding this Ordinance. A copy of her comments is contained in the Ordinance file.

In response to Spier's suggestion, Lee moved an amendment to Exhibit A, page 7 of 8, at line 11½, delete the words "to prevent the proliferation of large-scale apartment complexes"; motion seconded and passed.

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

**PROPOSAL NO. 2003-50, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 3.12.030 OF THE PIERCE COUNTY CODE, "ETHICAL STANDARDS AND PROHIBITED PRACTICES ENUMERATED" BY INCREASING THE AMOUNT OF PERMITTED MONETARY CONTRIBUTIONS FROM COUNTY PERSONNEL FROM \$50 TO \$100 PER CALENDAR YEAR PER CANDIDATE FOR ELECTED COUNTY OFFICE.**

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

Weber provided an overview of the Proposal, stating its passage would increase the permitted monetary contributions from County personnel to candidates for elected County Office from \$50 to \$100 to reflect inflation which has occurred since 1981, the time of the last increase.

In response to Bunney's question, Long stated passage of this Ordinance would make no other changes in the County Code, except to change the amount of money.

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

The Proposal passed on a roll call vote of six to one. Wimsett voted no.

#### **IX. RESOLUTIONS**

**PROPOSAL NO. R2003-87, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AUTHORIZING THE CHAIR OF THE PIERCE COUNTY COUNCIL TO ENTER INTO AN AGREEMENT FOR PERSONAL SERVICES OF THE PIERCE COUNTY HEARING EXAMINER AND DEPUTY HEARING EXAMINERS FOR A ONE-YEAR TERM FROM JULY 1, 2003, THROUGH JUNE 30, 2004; AND AUTHORIZING THE DIRECTOR OF BUDGET AND FINANCE TO DISBURSE EXPENDITURES FROM THE SPECIAL PROJECTS BUDGET.**

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

Weber stated passage of this Resolution would authorize the Chair of the Council to enter into a personal services agreement with the Hearing Examiner and Deputies from July 1, 2003, through June 20, 2004. Its passage would also authorize the Director of Budget and Finance, to disburse expenditures from the Special Projects budget.

Lee and Moss thanked Hearing Examiner Steve Causseaux for his many years of service to Pierce County, and Causseaux thanked the Council for their recognition and support.

The Proposal was adopted on a roll call vote of six to zero. Bunney was excused at the time of vote.

**PROPOSAL NO. R2003-91, A RESOLUTION OF THE PIERCE COUNTY COUNCIL WAIVING THE REQUIRED APPEARANCE OF THE ANDERSON ISLAND PARK &**

**RECREATION DISTRICT IN THE PIERCE COUNTY VOTERS' PAMPHLET FOR THE NOVEMBER GENERAL ELECTION IN 2003; AND FINDING THAT SUCH PARTICIPATION WOULD CREATE AN UNDUE FINANCIAL HARDSHIP ON THE DISTRICT.**

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

Long stated this Resolution had been requested from the Anderson Island Park and Recreation District, stating that State law provides that if a request is received, and appearance in the voters' pamphlet creates a financial hardship, the Council is authorized to take this action.

The Chair called for public testimony; there was no response. The Proposal was adopted on a roll call vote of six to zero. Bunney was excused at the time of roll call.

**X. OTHER BUSINESS/ANNOUNCEMENTS**

1. Recommendations from the Criminal Justice Task Force Regarding Options to Improve County Public Safety and Criminal Justice with Revenue from a Potential Local Option Sales Tax Measure (Recommendations Requested in Resolution R2003-60s). (A copy of the handout is contained in the Clerk's meeting file.)

**XI. GENERAL PUBLIC COMMENTS - None**

**XII. ADJOURNMENT**

There being no further business, the meeting was adjourned at 4:50 p.m.

Attest:

Gerri Johnson, Clerk of the Council

Approved:

\_\_\_\_\_  
Councilmember Harold Moss, Council Chair

Date Approved

