

**MINUTES  
PIERCE COUNTY COUNCIL MEETING  
JULY 13, 2004**

930 TACOMA AVENUE SOUTH, ROOM 1045  
TACOMA, WASHINGTON 98402  
(253) 798-7777 -- FAX: (253) 798-7509 -- TDD: (253) 798-4018  
[www.co.pierce.wa.us/council](http://www.co.pierce.wa.us/council)

**(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 3:01 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 men and women in the Military.

**III. ROLL CALL**

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

Council Staff Present: Patty Face, Deputy Clerk; Steve Gross, Legal Analyst; Denise Johnson, Clerk of the Council; Susan Long, Administrator for Legal and Operations; and Tom Weber, Administrator for Research and Policy.

There were approximately 15 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. 2004-54, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL DECLARING CERTAIN COUNTY-OWNED PERSONAL PROPERTY AS SURPLUS; AND AUTHORIZING THE EXECUTIVE TO SELL, AS SURPLUS, ONE 1991 GUZZLER COMBINATION SEWER CLEANING UNIT, AND ONE 1993 VACTOR COMBINATION SEWER CLEANING UNIT.

Sponsored by: Councilmember Harold Moss  
Contact person: Alan Kies, 798-6805  
For referral to the Rules & Operations Committee  
Suggested date of Council hearing: August 10, 2004

2. PROPOSAL NO. 2004-55, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO PUGET SOUND ENERGY, INC., OF PIERCE COUNTY, FOR LOCATION OF ELECTRIC LINES ON CERTAIN RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID FRANCHISE.

Sponsored by: Councilmember Shawn Bunney  
Contact person: Jerry West, 798-3687  
For referral to the Economic and Infrastructure Development Committee

3. PROPOSAL NO. 2004-59, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING THE REMOVAL FROM OFFICE PROCEDURE IN SECTION 2.61.060 OF THE PIERCE COUNTY CODE REGARDING THE "ANDERSON ISLAND CITIZENS' ADVISORY BOARD."

Sponsored by: Councilmember Dick Muri  
Contact person: Hudson Stansbury, 798-7477  
For referral to the Rules & Operations Committee

4. PROPOSAL NO. 2004-61, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING ORDINANCE NO. 2002-127 BY AMENDING THE AREAS WHERE THE DISCHARGE OF FIREARMS IS PROHIBITED; AND CREATING AREAS WHERE THE DISCHARGE OF FIREARMS IS RESTRICTED IN PORTIONS OF THE UNINCORPORATED AREAS OF SECTIONS 27 AND 34, TOWNSHIP 18, RANGE 2 EAST, AND SECTIONS 3, 4, AND 10, TOWNSHIP 17, RANGE 2 EAST, IN THE ROY AREA.

Sponsored by: Councilmember Dick Muri  
Contact person: Thomas Weber, 798-6067  
For referral to the Public Safety & Human Services Committee  
Suggested date of Council hearing: August 17, 2004

Action on Resolutions (refer, set date of hearing)

1. PROPOSAL NO. R2004-101, A RESOLUTION OF THE PIERCE COUNTY COUNCIL ENDORSING THE PIERCE COUNTY SHERIFF DEPARTMENT'S ACCEPTANCE OF A GRANT AWARD OF \$76,573.00 IN DEPARTMENT OF JUSTICE LOCAL LAW ENFORCEMENT BLOCK GRANT FUNDS, FOR PUBLIC SAFETY SERVICES THAT ADDRESS CRITICAL NEEDS FOR PIERCE COUNTY CITIZENS; AND PROVIDING A PUBLIC HEARING ON THE PROPOSED COUNTY'S USE OF THE MONEY RECEIVED.

Sponsored by: Councilmember Harold Moss  
Contact person: Mike Carson, 798-3430

For referral to the Rules & Operations Committee  
To be heard in the Rules & Operations Committee on  
July 19, 2004  
Suggested date of Council hearing: July 20, 2004

d. Other Items

Wimsett moved approval of the Consent Agenda; motion seconded and passed on roll call vote of seven to zero.

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

1. A message from the Executive transmitting the following Ordinance, which was approved and signed on June 21, 2004, was read into the record:

ORDINANCE NO. 2004-27s2, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING CHAPTER 10.24 OF THE PIERCE COUNTY CODE, PARKING, TO PROVIDE FOR IMPOUNDMENT OF ILLEGALLY PARKED VEHICLES ON NARROW STREETS IN SMALL LOT DEVELOPMENTS; AND SETTING AN EFFECTIVE DATE.

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

**PROPOSAL NO. R2004-100, A RESOLUTION OF THE PIERCE COUNTY COUNCIL APPOINTING \_\_\_\_\_ TO THE POSITION OF WASHINGTON STATE REPRESENTATIVE, REPRESENTING THE 28th DISTRICT.**

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

Staff Testimony

Long provided information on the Proposal and the judicial appointment process.

Bob Lawrence, candidate, provided a brief presentation on his qualifications. Candidates Steve Cofchin and Sally Taylor recommended that Lawrence be appointed as the State Representative to the 28th District.

Muri moved an oral amendment to insert the name Bob Lawrence into the Proposal blanks; motion seconded. Councilmembers spoke in support of the amendment. The Chair called for testimony on the amendment; there was no response. The amendment passed on a voice vote.

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

**PROPOSAL NO. R2004-92, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF ONE NEW MEMBER AND THE REAPPOINTMENT OF SEVEN EXISTING MEMBERS TO THE COMMUNITY SERVICES CITIZENS' ADVISORY BOARD (DARRELL BARSTOW, JAMES NEAL, JOYCE WILLIAMS, FRED HOHEIM, ELLEN JOHNSON, JEAN BROOKS, RHONDA BROWN, AND KATHY MCVAY); AMENDING RESOLUTION NO. R2001-184, THE APPOINTMENT OF KATHY MCVAY, BY CORRECTING HER TERM EXPIRATION DATE FROM JUNE 30, 2002, TO JUNE 30, 2004; AND AMENDING RESOLUTION NO. R2002-87, THE APPOINTMENTS OF ROBERT YOUNG AND JACQUALINE PARNELL, BY CORRECTING THEIR TERM EXPIRATION DATE FROM JUNE 30, 2003, TO JUNE 30, 2005.**

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

Staff Testimony

Weber provided information on the Proposal, stating McVay's term is being corrected to a three-year term and she is being appointed to her second term.

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

**PROPOSAL NO. R2004-93, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE APPOINTMENT OF ONE NEW MEMBER TO THE PIERCE COUNTY CONSERVATION FUTURES PROGRAM CITIZENS' ADVISORY BOARD. (JACQUELINE WHALEN)**

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

Staff Testimony

Weber provided information on the Proposal, stating Whalen is being appointed as a small cities/town representative.

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

**PROPOSAL NO. R2004-94, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CONFIRMING THE REAPPOINTMENT OF ONE EXISTING MEMBER TO THE PIERCE COUNTY PARKS AND RECREATION CITIZENS' ADVISORY BOARD. (DONALD ORTON)**

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

Staff Testimony

Weber provided information on the Proposal, stating Orton is being re-appointed to represent Council District No. 2.

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

**PROPOSAL NO. R2004-96, A RESOLUTION OF THE PIERCE COUNTY COUNCIL APPROVING THE PIERCE COUNTY BOARD OF EQUALIZATION'S REQUEST TO CONVENE TO ACT ON TIMELY FILED TAXPAYER PETITIONS WHICH EXCEED THE REQUIREMENTS OF REVISED CODE OF WASHINGTON 84.48.010.**

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

Staff Testimony

Weber provided information on the Proposal, stating the State law that allows the Board of Equalization to meet. Currently, 153 tax petitions have been filed, which exceeds last year's requirement by 10 percent.

Bunney inquired about the allowed timeframe for people to submit a tax protest to the Assessor-Treasurer's office. Staff did not have the answer.

Public Testimony

Gerald Kershner stated a person has 30 days to respond; however, he believes the time should be extended.

After discussion on the time allowed for tax responses, Wimsett moved to table the Proposal; motion seconded and passed.

**VIII. ORDINANCES**

**PROPOSAL NO. 2004-23, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF 104TH STREET SOUTH RIGHT-OF-WAY IN THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN THE MIDLAND AREA.**

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

Staff Testimony

Weber stated the Proposal received a do pass recommendation by the Economic & Infrastructure Development Committee on May 18, 2004. At the Committee level a question was raised whether or not the road had been maintained by the County. After the Committee hearing, it was discovered that the road had not been maintained by the County for at least 20 years.

Les Olsen, Public Works and Utilities Department, stated Bruce Duncan discovered the road should be changed from Type E to Type NE.

Wimsett moved Council Amendment No. 1 on the tan; motion seconded. A copy of the Amendment is included with these minutes as Attachment I.

Weber read the amendment into the record and explained the amendment.

Public Testimony

Gerald Kershner, Petitioner, spoke in support of the Proposal.

The amendment passed on a voice vote.

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

**PROPOSAL NO. 2004-28, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF SEHMEL DRIVE NORTHWEST RIGHT-OF-WAY IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 22 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, IN THE GIG HARBOR AREA.**

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

Public Testimony

Olsen stated the Department concurs with the vacation.

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

**PROPOSAL NO. 2004-29s, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING A NEW SECTION 3.76.045 OF THE PIERCE COUNTY CODE, "ACTIVE DUTY DIFFERENTIAL PAYMENT", PROVIDING FOR DIFFERENTIAL PAY AND CONTINUATION OF HEALTH CARE BENEFITS FOR COUNTY EMPLOYEES CALLED TO ACTIVE FEDERAL SERVICE.**

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

Staff Testimony

Gross provided information on the Proposal, stating the salary differential costs include healthcare benefits, and answered questions of Councilmembers.

Councilmembers Wimsett, Lee, Muri, and Goings spoke in support of the Proposal, and thanked Gross for his work on the issue.

Public Testimony

Alton McDonald spoke in opposition to the Proposal.

Councilmembers and Staff discussed the costs of benefits and health care.

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

**PROPOSAL NO. 2004-33, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING A NONEXCLUSIVE FRANCHISE TO FRUITLAND MUTUAL WATER COMPANY, FOR LOCATION OF WATERLINES ON CERTAIN COUNTY OWNED RIGHTS-OF-WAY; AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE SAID FRANCHISE.**

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

Staff Testimony

Weber stated the Proposal received a do pass recommendation by the Economic and Infrastructure Development Committee on May 18, 2004.

Olsen stated the Proposal replaces an expiring water franchise for a term of 15 years.

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

**PROPOSAL NO. 2004-53, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SUBSECTION 14.16.030E OF THE PIERCE COUNTY CODE, AUTHORIZING THE PIERCE COUNTY FAIR ASSOCIATION TO ISSUE PASSES TO MILITARY FAMILIES.**

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

Staff Testimony

Gross explained that the Proposal will allow children of military families to enter the Pierce County Fair for free on Family Day when accompanied with their parent(s).

Wimsett thanked Betty Backstrom, Manager of the Pierce County Fair Association, for bringing the issue to his attention, and encouraged the Council and citizens to attend the event.

Public Testimony

Betty Backstrom thanked the Council for the Proposal, and spoke in support of the Proposal.

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

**IX. RESOLUTIONS**

**PROPOSAL NO. R2004-88s2, A RESOLUTION OF THE PIERCE COUNTY COUNCIL CALLING FOR AN ELECTION ON SEPTEMBER 14, 2004, FOR THE PURPOSE OF SUBMITTING TO THE AFFECTED VOTERS THE DETERMINATION OF WHETHER OR NOT THE PIERCE COUNTY GENERAL COUNTY LEVY RATE FOR 2004 SHALL BE RENEWED AT THE EXISTING RATE OF \$1.5545.**

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

Staff Testimony

Long stated Proposal No. R2004-88s received a do pass recommendation by the Rules and Operations Committee on July 12, 2004. She explained the differences between Proposal Nos. R2004-88s and R2004-88s2, and answered questions of Councilmembers.

Councilmembers Muri and Lee spoke in support of the Proposal.

Public Testimony

Alton McDonald spoke in opposition to the Proposal.

Gerald Kershner spoke in opposition to the Proposal.

Kathleen Rudolph, Pierce County Association of Realtors, spoke to property taxes and the measure being placed on the September versus November ballot election.

Linda Rawlings expressed her concerns regarding the proposed ballot title and comparative pay between deputies and correctional officers.

Councilmembers Muri, Bunney and Moss responded to the expressed concerns and spoke in support of the Proposal.

The Proposal passed on a roll call vote of six to one (Wimsett voted nay).

Wimsett moved Proposal No. 2004-96s be brought back for reconsideration; motion seconded.

Staff Testimony

Bob Dick, Deputy Prosecuting Attorney representing the Assessor-Treasurer's office, answered questions of Councilmembers regarding the deadline for property tax appeals.

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

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

The Chair announced the conclusion of the televised portion of the business meeting.

Pierce County Council Meeting  
July 13, 2004

**XI. GENERAL PUBLIC COMMENTS**

1. Alton McDonald spoke to the construction costs of the new Tacoma Narrows Bridge.

**XII. ADJOURNMENT**

There being no further business, the meeting was adjourned at 4:34 p.m.

Attest:

Denise D. Johnson, Clerk of the Council

Approved:

Councilmember Harold Moss, Council Chair

Date Approved

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