

**MINUTES
PIERCE COUNTY COUNCIL MEETING
SEPTEMBER 7, 2004**

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TACOMA, WASHINGTON 98402
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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 men and women in the Military.

III. ROLL CALL

Councilmembers Present: Shawn Bunney, Barbara Gelman, Harold Moss, Dick Muri, and Kevin Wimsett. Calvin Goings was excused and Terry Lee arrived after the roll call.

Council Staff Present: Steve Gross, Legal Analyst; Denise Johnson, Clerk of the Council; Susan Long, Administrator for Legal and Operations; Susan Matthew, Councilmember Assistant; Carolyn Pendle, Senior Legislative Analyst; and Tom Weber, Administrator for Research and Policy.

There were approximately 21 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 - None

- b. Action on Ordinances (refer, set date of hearing)
1. PROPOSAL NO. 2004-63, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL CANCELING CERTAIN UNCOLLECTIBLE PERSONAL PROPERTY TAXES.
Sponsored by: Councilmember Terry Lee
Contact person: Jack Rusler, 798-7551
DO PASS RECOMMENDATION - RULES & OPERATIONS COMMITTEE ON AUGUST 16, 2004 - (Harold Moss, Chair; Kevin Wimsett, Vice Chair; Terry Lee, Member)
Suggested date of Council hearing: October 5, 2004
 2. PROPOSAL NO. 2004-65, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 8.88.040 OF THE PIERCE COUNTY CODE, "BOATING ADVISORY COMMISSION" REGARDING THE TERMS OF COMMISSION MEMBERS.
Sponsored by: Councilmember Terry Lee
Contact person: Susan Long, 798-6068
DO PASS RECOMMENDATION - RULES & OPERATIONS COMMITTEE ON AUGUST 16, 2004 - (Harold Moss, Chair; Kevin Wimsett, Vice Chair; Terry Lee, Member)
Suggested date of Council hearing: October 5, 2004
 3. PROPOSAL NO. 2004-67, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL LEVYING AN ASSESSMENT IN 2004, FOR COLLECTION IN 2005, AGAINST LAND IN PIERCE COUNTY FOR THE CONTROL OF NOXIOUS WEEDS.
Sponsored by: Councilmember Harold Moss
Contact person: Rebecca Shoemaker, 798-6800
DO PASS RECOMMENDATION - RULES & OPERATIONS COMMITTEE ON AUGUST 16, 2004 - (Harold Moss, Chair; Kevin Wimsett, Vice Chair; Terry Lee, Member)
Suggested date of Council hearing: October 5, 2004
 4. PROPOSAL NO. 2004-68, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING A NEW CHAPTER 2.08 OF THE PIERCE COUNTY CODE, "ELECTRONIC DATA ACCESS AND SERVICES," AUTHORIZING THE CLERK OF THE SUPERIOR COURT TO ENTER INTO CONTRACTS FOR PROVIDING SERVICES FOR ELECTRONIC DATA ACCESS TO COURT RECORDS AND OTHER SERVICES ON A FEE BASIS; AND SETTING AN EFFECTIVE DATE.
Sponsored by: Councilmember Barbara Gelman
Contact persons: Kevin Stock, 798-6886, and Susan Long, 798-6068
DO PASS RECOMMENDATION - RULES & OPERATIONS COMMITTEE ON AUGUST 16, 2004 - (Harold Moss, Chair; Kevin Wimsett, Vice Chair; Terry Lee, Member)
Suggested date of Council hearing: October 5, 2004

5. PROPOSAL NO. 2004-84, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL AMENDING SECTION 14.08.030 OF THE PIERCE COUNTY CODE TO ADD A DEFINITION OF THE WORD "TRAIL"; AND AMENDING SECTION 14.08.060 OF THE PIERCE COUNTY CODE TO LIMIT TRAIL USE TO CERTAIN NON-MOTORIZED MEANS.
Sponsored by: Councilmember Terry Lee
Contact person: Jan Wolcott, 798-4007
For referral to the Rules & Operations Committee
6. PROPOSAL NO. 2004-85, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL GRANTING SUPPLEMENTAL FRANCHISE NO. 1 TO THE CITY OF ORTING, A MUNICIPAL CORPORATION OF THE STATE OF WASHINGTON, FOR LOCATION OF SANITARY SEWER PIPELINES ON CERTAIN RIGHTS-OF-WAY.
Sponsored by: Councilmember Terry Lee
Contact person: Jerry West, 798-3687
For referral to the Economic & Infrastructure Development Committee
7. PROPOSAL NO. 2004-86, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL PLACING THE PIHL BROTHERS BUILDING (PARCEL NO. 7060000160), LOCATED AT 101 SOUTH MERIDIAN, PUYALLUP, WASHINGTON, ON THE PIERCE COUNTY REGISTER OF HISTORIC PLACES; AND ADOPTING FINDINGS OF FACT.
Sponsored by: Councilmember Terry Lee
Contact person: Airyang Julia Park, 798-2783
For referral to the Rules & Operations Committee
8. PROPOSAL NO. 2004-87, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL ADOPTING THE 2004 AMENDMENTS TO THE PIERCE COUNTY COMPREHENSIVE PLAN AND PIERCE COUNTY DEVELOPMENT REGULATIONS, INCLUDING PIERCE COUNTY'S PERIODIC UPDATE TO THE COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS REQUIRED BY REVISED CODE OF WASHINGTON (RCW) 36.70A.130; AMENDING TITLE 18A OF THE PIERCE COUNTY CODE, "DEVELOPMENT REGULATIONS - ZONING," TITLE 18I, "DEVELOPMENT REGULATIONS - NATURAL RESOURCE LANDS," TITLE 19, "COMPREHENSIVE PLAN - HISTORY AND BACKGROUND," TITLE 19A, "COMPREHENSIVE PLAN," CHAPTER 19B.10, "GIG HARBOR PENINSULA COMMUNITY PLAN," CHAPTER 19B.40, "THE PARKLAND-SPANAWAY-MIDLAND COMMUNITIES PLAN," AND CHAPTER 19B.90, "THE SOUTH HILL COMMUNITY PLAN;" AMENDING TITLE 19D, "OTHER COMPREHENSIVE PLANNING DOCUMENTS" BY ADOPTING A NEW CHAPTER 19D.250, "PIERCE COUNTY BIODIVERSITY NETWORK ASSESSMENT;" AND AMENDING THE PIERCE COUNTY ZONING ATLAS; SETTING FORTH AN EFFECTIVE DATE; AND ADOPTING FINDINGS OF FACT.

Sponsored by: Councilmember Calvin Goings
Contact person: Anna Graham, 798-6253
For referral to the Community Development Committee
Suggested date of Council hearing: November 9, 2004

- c. Action on Resolutions (refer, set date of hearing)
- d. Other Items

Wimsett moved approval of the Consent Agenda; motion seconded and passed on a roll call vote of four to zero (Moss excused).

VI. MESSAGES FROM EXECUTIVE/JUDGES/PROSECUTING ATTORNEY - None

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

PROPOSAL NO. R2004-109, A RESOLUTION OF THE PIERCE COUNTY COUNCIL AND COUNTY EXECUTIVE PROCLAIMING SEPTEMBER 2004 AS "NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH" IN PIERCE COUNTY, WASHINGTON.

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

County Executive John Ladenburg spoke in support of the Proclamation and to the importance of fighting drug addiction. He urged the Council to adopt the Proposal.

Penni Newman, Human Services Department, accepted the Proclamation and thanked the Council for its support.

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

PROPOSAL NO. R2004-125, A PROCLAMATION OF THE PIERCE COUNTY EXECUTIVE AND COUNCIL DECLARING THE WEEK OF SEPTEMBER 3 - 10, 2004, AS "TOUCHDOWN TIME" IN PIERCE COUNTY, WASHINGTON, CELEBRATING 100 YEARS OF HIGH SCHOOL FOOTBALL IN TACOMA-PIERCE COUNTY.

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

Ladenburg spoke in support of the Proclamation, and commented on sports being a great part of the school system.

Tony Anderson and Doug McArthur accepted the Proclamation. Anderson spoke in support of the Proclamation, and highlighted the upcoming sport's event in the Tacoma Dome.

Wimsett spoke in support of high school sports and the upcoming sport's event.

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

VIII. ORDINANCES

PROPOSAL NO. 2004-64, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING ORDINANCE NO. 90-14, "CURBSIDE RECYCLING MINIMUM LEVELS OF SERVICE"; ENACTING A NEW CHAPTER 8.29 OF THE PIERCE COUNTY CODE, "MINIMUM LEVELS OF SERVICE FOR RESIDENTIAL RECYCLING AND YARDWASTE COLLECTION"; NOTIFYING THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION TO CARRY OUT AND IMPLEMENT THE MINIMUM SERVICE LEVELS; RECOMMENDING A PUBLIC INFORMATION PROGRAM; REQUESTING THAT THE PIERCE COUNTY EXECUTIVE COORDINATE WITH THE CITIES AND TOWNS IN IMPLEMENTING SIMILAR MINIMUM LEVELS OF SERVICE; ADOPTING FINDINGS OF FACT; AND SETTING AN EFFECTIVE DATE.

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

Staff Testimony

Pendle provided background information on the curbside recycling program in Pierce County and on the Proposal. She explained the intent of the Proposal as it relates to local haulers, and pointed out that a minority report is contained in the Proposal paperwork.

Sally Sharrard, Solid Waste Division, explained the new single-stream recycling program and demonstrated the new container and the allowed recyclables for the new program. After the presentation, she answered questions of Councilmembers. A copy of the provided handout is contained in the Ordinance file. Stephanie Leslie, Solid Waste Division, assisted in the demonstration.

Tim Akers spoke in support of the Proposal and the new program. He urged the Council to support the Proposal and answered Gelman's question regarding incentive programs.

Public Testimony

Harry Lepape expressed concerns regarding costs and curbside recycling service for residents with long and/or gravel driveways.

Norm LeMay, Harold LeMay Enterprise, spoke in support of the Proposal, and explained the program and its costs.

Eddie Westmoreland, Division Vice President of Waste Connections, spoke in support of the new recycling program, and clarified that currently no trucks or equipment parts have been ordered for the new program.

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

PROPOSAL NO. 2004-69, AN ORDINANCE OF THE PIERCE COUNTY COUNCIL VACATING A PORTION OF EUSTIS-HUNT ROAD LOCATED IN THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 18 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN, IN THE GRAHAM 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 and Infrastructure Development Committee on August 17, 2004.

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

Weber explained the amendment would reduce the appraised value of the property.

Bruce Duncan, Public Works and Utilities Department, provided background information on the road vacation. He explained why the property value has been reduced by approximately \$1,100.00, and answered questions of Councilmembers.

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.

Public Testimony

Lyle Nicolett, Petitioner, spoke to the value of the road right-of-way, and stated he thought an even swap of property would be appropriate.

Discussion ensued on the square footage formula used to assess the value of land, and on the property value appraisal.

Jerry Taylor spoke in support of the Proposal, stating the price is fair, and urged the Council to pass the Proposal.

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

IX. RESOLUTIONS - None

X. OTHER BUSINESS/ANNOUNCEMENTS - None

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

XI. GENERAL PUBLIC COMMENTS

1. Tom Seigel, Superintendent of Bethel School District, presented the Council a shadow box plaque commemorating the Art Crate Field dedication, and spoke to the need of youth services in the district. Copies of the provided handouts are contained in the Clerk's meeting file.

XII. ADJOURNMENT

There being no further business, the meeting was adjourned at 4:55 p.m.

Attest:

Denise D. Johnson, Clerk of the Council

Approved:

Councilmember Harold Moss, Council Chair

Date Approved

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