

**FIFE CITY COUNCIL
REGULAR MEETING MINUTES**

**Fife City Hall
Council Chambers**

**Date: January 27, 2009
Time: 7:00 p.m.**

EXECUTIVE SESSION Mayor Johnson convened an executive session at 6:00 p.m. for the purpose of Real Estate RCW 42.30.140 for approximately 45 minutes.

ADJOURNMENT Mayor Johnson adjourned the executive session at 6:45 p.m.

**CALL TO ORDER AND
ROLL CALL** Mayor Johnson called the regular meeting of the Fife City Council to order at 6:58 p.m. with the following Councilmembers present: Richard Godwin, Glenn Hull, Butch Brooks, Barry Johnson, Rob Cerqui, Nancy de Booy, and Kim Roscoe.

Staff present: City Manager Steve Worthington, Assistant City Attorney Greg Amann, Finance Director Steve Marcotte, Police Chief Brad Blackburn, Public Works Director Russ Blount, Parks, Recreation & Community Services (PRCS) Director Kurt Reuter, Administrative Assistant Andrea Richards, Financial Analyst Dave DeGroot, Marketing Coordinator Laurel Potter, Acting Community Development Director Carl Durham, and Recording Secretary Valerie Gow.

**PLEDGE OF
ALLEGIANCE** Mayor Johnson introduced Webelos Pack Leader Sandy Nichols. Members of the Webelos 1, Shark Patrol, Cub Scout Pack 64, led the pledge of allegiance. Members of the pack provided self-introductions

**CHANGES, ADDITIONS
OR DELETIONS TO
AGENDA**

Motion Councilmember Roscoe moved, seconded by Councilmember Hull, to amend the agenda by removing Ordinances Nos. 1691, 1693, and 1694 and deferring them to the Council's February 10, 2009 meeting. Motion carried.

CITIZENS COMMENTS Mike Seeger, Fife Flowers, 1504 54th Avenue East, Fife, provided an update on the condition of the locomotive and current activities for restoring the locomotive. A website is planned to provide information. The goal is also to develop more interest in the locomotive and the caboos as well as pursue funding raising efforts. He said he met with Dave Swanson who is doing some restoration work on the locomotive. The estimate to restore the locomotive to operational capabilities is more than \$100,000. Much work needs to occur to restore operational capability. Mr. Seeger cited several individuals who are assisting in the endeavor. Earlier, a tour of the locomotive in storage in Tenino was conducted with several Councilmembers in attendance. The Vice President of the Northwest Chapter of the National Railway Historical Society wrote a letter based on a misunderstanding of the City's intent to use the locomotive. The issue was resolved and the chapter fully supports the effort. Mr. Seeger advised that he is drafting a letter of thank you to Tacoma Mayor Baarsma and

the Council for their assistance in securing the locomotive.

Mr. Seeger addressed questions clarifying that the cost to refurbish the locomotive will not be at the \$100,000 level at this time. He noted plans are underway to clean and paint the locomotive by the end of May.

Cub Scout Cameron Nichols, 4131 Southgate, asked about the responsibility authority for issuing an evacuation order of the City during an emergency, such as during floods or an earthquake. City Manager Worthington replied the decision to evacuate is made by the City Manager during an emergency in consultation with local emergency services.

Cub Scout Jack White, Tukwila, asked about the budget for the Fife Community Pool for the summer. City Manager Worthington described a proposed project to renovate the pool's HVAC system during the summer, dependent upon the availability of funding.

Carole Sue Braaten, 2410 Berry Lane E, said she's still concerned about the flood issue. She referred to a previous statement of the 1933/34 flood, which resulted in a breach of the entire levee. That was the first flood that impacted the levee on the lower road. It came close to breaching several other times and did overflow in a number of areas. There is also flood history associated with the flood of 1976 as well. She said her concern is no dredging of the area, which has filled with sediment. The City also needs to consider the location of flood shelters, which should be well designated. The time provided for evacuation was not adequate. She complained of not learning about the situation on the radio or the TV and that she could have been at work that day and would never have known that her mother and other citizens were in jeopardy. The City needs to consider the evacuation of animals and should contact the Washington State Animal Rescue teams to discuss ways to set up a shelter. The City was unprepared. She said she hopes the City has worked in the last several weeks on developing a plan for the City. She said that with all things should be considered, immediate answers are needed, and the City should consider a moratorium on any building especially along the escape route.

Mayor Johnson advised Ms. Braaten that the City has actively reevaluated the City's action during the flood. Changes are always possible to improve the plan. A task force is addressing potential solutions for the levees. Additionally, Pierce County Emergency directs that all citizens need to make their own arrangements for their own safety during emergencies. The City of Fife also participated in PCnet in the David Court neighborhood, which involved an active group, which is also a first response action.

CONSENT AGENDA

- a. Approval of Minutes: January 13, 2009 Council Meeting
- b. Approval of Vouchers:

Payroll: #45290 – 45341 \$754,560.37
Claim: #74904 – 75053 \$518,540.02

The following corrections were requested to the January 13, 2009 minutes:

On page 4, correct, “RANT” to “RAMP.”

On page 7 within the second paragraph change \$450 a square foot” to read \$4.50 a square foot.”

Motion

Councilmember Roscoe moved, seconded by Councilmember Hull, to approve the consent agenda as amended. Motion carried.

**SPECIAL
PRESENTATIONS**

**Santa Run and Holiday
Party Recap**

Police Chief Blackburn and Police Officer Schwan provided a recap on the Santa Run and holiday party. The Santa Run this year resulted in the distribution of 2,500 toys in 15 hours involving personnel from the Fire and Police Departments and volunteers. Throughout the state, approximately 18,000 toys were distributed by different cities and organizations.

Police Officer Schwan reported the holiday party was originally scheduled before Christmas and was rescheduled because of weather. There was good turnout with over 400 toys provided to children. A Latino dinner was provided with many citizens attending. She provided a slide presentation of photos of the events.

2008 Marketing Recap

Marketing Coordinator Potter provided a recap on successful marketing activities to attract tourism to the City of Fife:

Events

- Time Capsule- TNT Article, School Participation, 50+ Attendees
- Car Show- Banners, Posters, All Ads, 1,500+ Attendees, 200+ Cars
- Fife Harvest Festival- Sponsorships \$15,000+, 3,000+ Attendees, New Logo & Ad Design
- Tall Ships- Hotel Program, Citizen Lotto with +300 entries, City Party, Sails & Flags Design, Tattoos, Booth Organization

Tourism

- Monthly Event Calendars
- Meeting Events Leads: 55, Proposals: 7
- Ads, Website, Co-Op Ventures with various groups & organizations
- Chambers Bay Golf Hotel Information
- Visitors Web Section Design: Transportation, Lodging, Things to Do,

Eat, Stay, Play, Etc...

- Sample Trip Itineraries on Web and Distributed
- Ad Copy Designed for miscellaneous co-op and Fife ads
- Created Tour Operator Packets with Lodging, Directories, Sample Itineraries, & Fife FAQs: Direct Mailed

Parks & Recreation

- Advertisement Design
- Fall, Summer, Spring/Winter Activity Guides Designed
- PRCS Rental Packet Designed
- LERN Conference, Review for work
- Staff Pictures & Bios on web
- Mural Design Contest Help

Fife Specialty Outlets

- Four Annual Meetings, Surveys to Outlets
- Two sets of Banners, Large Posters, Small Hand-outs Designed
- E-mail & Mass marketing, Website section, group advertising
- Radio Remote & Tent Sale- August, Joint Sale April

Website

- Complete Redesign- Launched March 7
- Interactive Community Development Maps
- Visitors Section Redesign with more & updated information
- Twitter- Social Media Site for Fife
- Council Minutes/Agendas put up

Chamber

- Fife Directory Section
- Advertisements for Fife
- Website Redesign & Manager

Performing Arts Center

- Andy Miller
- Broadwings
- 9th Avenue Studio of Dance- Nutcracker- Unavailable due to School
- Community Concert Series- Still working on logistics

Miscellaneous

- Museum Website Creation/Maintenance

- Event Photography: Easter Egg Hunt, Daffodil Festival, Chamber Events, Tree Lighting, etc.
- Library Website, Info Distribution
- Four Grants Applied, Zero Received
- P2D2: minor press release work, invitations
- Public Defender Applicant Packet Design
- Quarterly Press Release & Story Ideas to media

Boards/Commissions

- Lodging Tax Advisory
- Tacoma Regional Convention & Visitors Bureau
- Fife High School Business Advisory Committee
- FBLA Chaperone/Judge
- Daffodil Judge
- Fife Historical Society Board Member

Councilmember Roscoe asked whether the local Starbucks has been contacted for supporting local parks. Coordinator Potter affirmed the City advertises on the community boards. City Manager Worthington and Director Reuter added that Starbucks is also a major sponsor of the City during local park events. Starbucks provides refreshments during Parks Appreciation Day as well as providing refreshments during the recent evacuation.

**LID 08-03 Funding
Freeman Road
Improvements**

Director Blount displayed the area of the proposed Local Improvement District (LID) and described the boundary of the proposed LID. The proposed LID is along Freeman Road East between 20th Street East and Valley Avenue East, and for the provision of water mains and fire hydrants. The LID includes a major landowner under development and several other smaller properties owned by the Kelley, Holt, and Crittendon families. Staff has met with each of the property owners at various stages of the process and received over 87% of the signatures of the property valuations. He described some details of some adjustments to the proposal. The preliminary assessment roll reflects a reduced assessment for the Crittendon property and reallocation of that amount to the other properties. Otherwise, all the information is the same information presented to the Council previously. Staff recommends reopening the hearing from December to receive public testimony. The Council has the option to continue the hearing or close the hearing.

Mayor Johnson opened the public hearing at 7:42 p.m.

Public Testimony

Mike Kelley, 3120 Freeman Road, said he's supportive of progress but not supportive of the proposal as presented. He said when he first met with staff; the preliminary assessment was approximately \$900,000. After contacting his bank and ascertaining a loan for the assessment at approximately \$500,000, Mr.

Kelley said he can't afford a \$3,300 payment each month for the next 20 years. Even with the adjusted figure, the amount is still unaffordable. There are only two small property owners left along the roadway with the remaining property owned by two developers. He said he and the other smaller property owner want to continue living on their property and are not interested in selling or developing their land. Under the current proposal it looks like that wouldn't be possible. Because the surrounding properties are undeveloped, the smaller landowners are paying for improvements on both sides of the road, which is unfair. He asked for the Council to direct staff to contact the developers to ascertain if there is a way to lessen the impact on the two smaller properties remaining on Freeman Road.

Randy Holt, 3820 Freeman Road, said there's one property owner and possibly two owners that are benefitting from the proposal. He said his property is fully developed as a contractor's yard, which was developed under the old standards. There is no future growth on the property and the LID will provide no special benefits to the property or increase its value. The potential assessment to the property is \$561,000, which is unacceptable and unfair. Several entities are gaining from the proposed LID. Assessing smaller property owners, with established developments, to help fund \$12.5 million in improvements for other owners to develop warehouses and other uses is unfair and should be assumed by the property owners receiving the most benefit. Mr. Holt said he opposes the assessment to his property as his property is developed to its full potential and there is no benefit for receiving sewer or water service to his property.

Eric Crittendon, 3910 Freeman Road East, thanked City staff for working with the family for the Valley Avenue portion of the LID and reaching an agreement. He questioned why the improvement was not a Utility LID (ULID), which could generate revenue that could be applied towards payment of the improvement, and why an advisory stakeholders group wasn't formed. He asked why there was never an informal meeting to discuss the scope of the project. The process was intermixed with the Valley Avenue project that caused much confusion. The property owners were not prepared to respond during the public hearing. As the improvement is a practical necessity as opposed to legal or a state-mandated project, the property owners believe they will be paying for excessive improvements. He asked whether the formation is exempt from a State Environmental Policy Act (SEPA) review, and if not, whether any environmental determination of non-significance has been prepared for adoption of the ordinance. It appears a special benefit process was used to assess the values. He asked why other methods were not used to assess the LID, such as foot frontage, parcel, or traffic volumes. As there will be storm drains, Mr. Crittendon asked how the project will impact the drainage district, as well as, why the district is not contributing to the cost of the culvert replacement. There is a major concern about an ancient cedar tree located on the property, which is believed to be over 300 years old. Mr. Crittendon said his parents are in their late 70s and are experiencing a reduction in income.

Any assessment will be detrimental to his family. Mr. Crittendon said he is a new member of the Tacoma City Council and has been actively involved in the Broadway LID. At the end of the process and during a revote, the budget totaled \$1.5 millions over the projected amount resulting in a reassessment to the property owners. He said it's disheartening that the major developers have not approached the smaller property owners to engage in discussions concerning the LID.

Ivory Crittendon, 3910 Freeman Road East, said he is concerned about his cedar tree as it is an historic tree within the state. He said he purchased his property in 1978 and loves living in the country. He raised his family on the property. He asked the Council to consider the smaller property owners and its impact to his family.

Carole Sue Braaten, 2410 Berry Lane E, expressed concerns about the road and said it concerns RCW 36.70.A. A substantial amount of the land area was used for industrial and warehouse uses, which were totally in noncompliance as the RCW states the City must use all industrial zoning within a certain area first. The City has overlooked the law for a substantial amount of time. Citizens are impacted by development of land uses in stormwater, truck traffic, and noise. She suggested it's not the proper time or the place for the City to pursue the LID and that the City should consider the property owners. She said she is experiencing impacts to her property involving smell, noise, and water runoff, which is inexcusable. She accused the Council of not properly undertaking environmental impact review and didn't account for air quality. The RCW is a requirement and not a choice. Improvements to the road will impact residents by adding more truck traffic.

Councilmember Godwin asked whether it's possible for staff, the large developer, and three smaller property owners to meet and work out an agreement in terms of the amount of the assessment that is more equitable and less impactful to the smaller landowners.

Councilmember Hull suggested leaving the public hearing open to receive more testimony from the larger property owner to testify.

City Manager Worthington recommended leaving the hearing open to receive written testimony only until the Council's next regular meeting. He said he will explore with legal staff the request by the Council to meet with affected landowners.

Mayor Johnson closed public testimony at 8:00 p.m. and indicated the record will remain open for written comments until February 10, 2009.

Adjusting School Impact Fees

Acting Director Durham reported the public hearing is to consider revising the City's adopted school impact fees. The fees are for impacts from residential uses. The Puyallup School District sent the City a letter of support for adoption

of the fees. He provided a copy of the letter to the Council. The amount proposed by the Fife School District is an increase of 3.4% to 3.6%. The proposal increases the single-family fee from \$3,588 to \$4,709 and multi-family from \$2,001 to \$2,899. The Puyallup School District approaches the fee differently and indicated the district's Capital Facilities Plan calculates an unfunded need cost of \$29,113.21 per single-family unit and \$8,176.90 per multi-family unit. The Puyallup School District supports the proposed ordinance, as it would reduce the gap that exists between the City's current impact fee schedule and the district's unfunded need calculation.

Mayor Johnson opened the public hearing at 8:04 p.m.

Public Testimony

Carole Sue Braaten, 2410 Berry Lane E, said the proposed impact to families will be substantial and that many people send their children to private schools. The economy is in a downturn and the schools should consider reducing costs.

Councilmember Roscoe clarified that the proposal applies only to new development.

Ms. Braaten said she is also concerned about the long-term impact to anybody, whether a new house or an existing house.

Acting Director Durham said the fee is collected prior to the issuance of a building permit for construction of a new home.

Councilmember Godwin pointed out that the increase reflects a 31% increase and not a 3.4% to 3.6% increase as represented by staff.

Mayor Johnson closed the public hearing at 8:12 p.m.

Loading Dock Door Tax

City Manager Worthington referred to the proposal to establish a new excise tax applying to the operation of loading dock doors. The tax will be used to fund street maintenance on City truck routes. The City currently uses general fund to pay for all street maintenance. The general fund also funds police, public works, parks, and many primary functions of local government, creating problems for the City to fund street maintenance. The proposal is to tax loading dock doors at \$100 for each door. The truck wear in the City of Fife is significantly more than vehicle traffic and can include a wear factor of 10 times or more. Currently, resurfacing provides an expectation of 20 years of wear. However, Fife only receives approximately seven years of wear before resurfacing is required. That cost is significant. The proposed excise tax would become part of the annual business license renewal. The business operator would pay \$100 for each operating dock door. Doors not in use would not be assessed a fee. Stickers would be issued for each loading dock door. All businesses would have an exemption of the first two doors.

Street maintenance costs are approximately \$400,000 to resurface a mile of

truck route. The City has approximately 12.7 miles of truck routes. Over a seven-year period the cost for resurfacing truck routes is approximately \$5,800,000 equating to a cost of \$725,000 annually. The proposal is to fund half that cost with the excise tax. The number of truck loading doors is 2,247 in Fife.

City Manager Worthington said it's critical for the City to maintain and operate truck freight corridors within the City. Truck corridors are important to many local businesses. However, given limited general funds and state changes through streamlined sales tax, some revenue is no longer available to the City. The door fee would provide funds dedicated to truck route maintenance, provide two door exemptions, and exempt doors served by rail. The City estimates the revenue generated by the tax will be approximately \$100,000 to \$200,000 dependent upon the participation rate. Business can control costs by only licensing doors required for operation.

During the course of staff working on the proposal, Fife outreached to the Fife Chamber of Commerce and articles have been published in the *Fife Free Press* newspaper. City Manager Worthington suggested the Council consider extending the public meeting to the Council's February 10, 2009 meeting to afford more time for public testimony. Staff can also process a direct mail piece notifying business owners of the proposal.

Mayor Johnson opened the public hearing at 8:19 p.m.

Public Testimony

Mike Seeger, Fife Flowers, 1504 54th Avenue, said over half of the 200 businesses in the City have an account at his flower shop. He cautioned the Council about current problems everyone is experiencing economically and that things are not healthy in Fife or in the state. Customers are not spending money at his business. The proposal is not at the right time. He said he is only surviving at this time because of his savings. He suggested enacting the proposal but reducing the tax to \$5 a door for affordability to local businesses. Local businesses are struggling. He suggested establishing a stakeholder group of business owners and staff to determine how businesses and the City can work together to fund required maintenance.

John Moony, Roadway Express, 2807 70th Avenue East, said he's been the manager of the Roadway Express site in Fife since 1990. Currently, the company is in a middle of a capital expansion. The company currently has 40 functional doors and is excavating the site for an additional 52 dock doors to be used daily. Thousands of shipments are received at the site weekly. Approximately 55 people are employed making good, union wages. The company cannot afford a door tax. The company is taxed 17 different ways. He cited the different taxes the company pays annually. Margins are razor thin. Timing for a new tax is not appropriate because of the downturn in the economy. He asked the City to reach out to the community, as it's the wrong move at the wrong time.

Rock Reeves, Regal Distributing, said his concern is that only one type of business is targeted for the tax, which is unfair. After the bridge was opened on Valley, traffic increased on 70th Avenue. Many local businesses should not be blamed for all the truck traffic as much of it is generated from outside the City. He said his business is seasonal and many of his doors are not used. Keeping track of door usage would be problematic. He cited those businesses that do not have loading doors and unload from the street. The proposal would not tax those specific businesses, which is unfair. It's a dangerous precedent for the City to assess a tax on specific businesses. Between health insurance increases and taxes, the company cannot afford a door tax. He cited infrastructure improvements his business has paid to date. He said he's willing to pay his fair share but not if only certain businesses are targeted.

Steve Victor, an attorney representing Regal Distributing, said his client asked for his review of the proposal. He said he aware that many municipalities are looking at similar proposals. A significant concern has been identified with the proposal. Two key attributes of an excise tax is that it is voluntary and the dollar amount is measured on the benefit of the use allowed. Of key concern is the voluntary aspect. A property tax is not voluntary. However, an excise tax offers choice for a person to engage in a process whereby an excise tax is assessed. The proposed tax targets a specific kind of business that has no other use. There is no option for a warehouse distribution center/freight company other than not paying and having to close operation. It makes the tax essentially a property tax that is not applied equally or uniformly and which legal counsel has deemed unconstitutional. Mr. Victor said a memo is under development for his client that will be shared with the City. He asked the Council to consider the information before adopting the proposal.

Michael Culbertson, 7211 28th Street E, Con-way Freight, said his company has approximately 44 loading dock doors. The property is leased and the company employs 52 employees. He said he recently visited Redding, CA, which is a very anti-business city that lost out on a Wal-Mart Distribution Center, which moved 30 miles south. He commented on the number of businesses and services that have tripled since many warehouses/freight companies have located within the City. The tax is targeted and an unfair tax. He said he understands the economic situation of the City but that costs will be passed on to the company's clients. The company has lost money during the last quarter. The City should consider cutting costs because warehouse distribution centers already pay their fair share of costs.

Carole Sue Braaten, 2410 Berry Lane East, said she is a citizen of Fife and understands the economic reality of today but agrees with the proposed action of the City. Twenty years ago, the City wouldn't listen to its citizens when they said these types of businesses damage City roads. However, each individual truck's weight impacts the roadway substantially. Allowing trucks on Levee Road also puts citizens at risk. The type of soil in the City is not conducive for

truck traffic. She commented on the negative impacts the businesses create in the community and how trucks damage the City's roads. The City cannot afford to assume the burden of trucks and the impact to the City's roadways. She asked the Council to favorably consider the City Manager's proposal. Citizens were previously also informed by the City Council when warehouse distribution centers first appeared that truck traffic would only be from 8:00 a.m. to 5:00 p.m., which has not occurred. She asked for the Council to reconsider imposing those hours. She said if trucks are overloaded, even to a limited degree, it exponentially increases the wear and tear to roads.

Police Chief Blackburn pointed out that the previous speakers representing many of the warehouse/freight businesses do not operate overweight trucks. They are likely some of the most responsible truckers within the City.

Councilmember Roscoe left the meeting at 8:30 p.m.

Ed Fitzgerald, Pacific Alaska Freightways, said he just learned of the proposal and echoed similar comments from the previous speaker representing freight companies. When the property was first purchased, company officials assumed many improvements would occur by the City including improving 70th by widening and improving the street for truck traffic. He questioned where the tax dollars were used. He agreed with the suggestion to discuss the proposal with the City. A citizen conveyed a litany of complaints about truck wear and tear on streets. The fact is, the weight of an 18-wheeler truck is evenly distributed and causes no more severity to the wear and tear of the road than the public believes. Assessing fees or taxes based on the number of doors is not logical because each door doesn't represent a truck. Many of the doors are not used. Consideration of those facts might lead to a different conclusion.

Councilmember Hull referred to written correspondence from Williams Kastern and Lezcano Trucking and Transfer received by the City.

Councilmember Hull referred to testimony on the number of taxes freight companies pay and questioned the amount of taxes returned to the City to pay for maintenance of roads. Mr. Fitzgerald replied that the companies have no knowledge of where the taxes go or if there is a general fund. The companies know that they pay taxes and that the road network is inadequate to support the motoring public. There is no debate that needed improvements are necessary, but isolating freight handling businesses is unfair. He said he hopes to obtain more information in time for a meeting with the City.

Motion

Councilmember Brooks moved, seconded by Councilmember Godwin, to continue the public hearing on loading dock door tax to the February 10, 2009 Council meeting. Motion carried.

Mayor Johnson recessed the public hearing at 8:45 p.m.

**COUNCIL DELEGATE
REPORT**

Councilmember Brooks reported on his attendance to the Pierce Council Regional Council meeting. Items of discussion included Vision 2040 and affordable housing. Committee appointments were also completed.

Councilmember Cerqui reported on the Council's retreat for beginning the process of establishing goals and vision for the City.

Councilmember de Booy reported on the informational meeting on library services by Pierce County Library in Milton on February 10, 2009.

Mayor Johnson said three new residents attended the Mayor's forum resulting in some good discussions.

RESOLUTIONS

**#1268 Authorize PSA
with Turnipseed**

Motion

Councilmember Brooks moved, seconded by Councilmember Hull, to approve Resolution #1268; Authorize PSA with Turnipseed.

Director Blount reported the request is a purchase and sale agreement with Bertha Turnipseed, a registered member of the Puyallup Tribe of Indians, for acquisition of land for right-of-way easement necessary for the reconstruction of Valley Avenue East. Staff recommends approval of the resolution.

City Clerk/Finance Director Marcotte read the title of Resolution #1268:

A Resolution of the City Council of the City of Fife, Pierce County, Washington authorizing the City Manager to execute an agreement with Bertha J. Turnipseed for the acquisition by the City of Fife of a right of way easement on portion of Tax Parcel No. 0420172706.

Councilmember Cerqui asked whether any slope easement is required. Director Blount advised that no slope easement is necessary as the Turnipseed family previously filled the property creating at-grade conditions. There are three sewer connections with three stubs provided to the property owner.

Motion

Motion carried unanimously.

**#1281 48th Street LID
Engineering Agreement**

Motion

Councilmember Brooks moved, seconded by Councilmember Hull, to approve Resolution #1281; 48th Street LID Engineering Agreement.

City Clerk/Finance Director Marcotte read the title of Resolution #1281:

A Resolution of the City Council of the City of Fife, Pierce County, Washington authorizing the City Manager to execute a contract with KPG for engineering services for Local Improvement District 2008-02 to fund extension of sanitary sewers on 45th Street East and 48th Street East, and water main and sanitary sewer on 48th Street East, both from 70th Avenue East.

Director Blount reported the request is for engineer work for the LID approved in October 2008. Staff advertised for qualifications. The selection panel selected KPG to complete the work. Staff recommends approval of the resolution.

Public Testimony

Terry Wright, 2511 22nd Avenue SE, Puyallup, KPG, said he is excited to work on the project as he was raised in the area of the project.

Motion

Motion carried unanimously.

**#1282 Accept 2008
Pavement Preservation
Contract as Complete**

Motion

Councilmember Brook moved, seconded by Councilmember Hull, to approve Resolution No. 1282; Accept 2008 Pavement Preservation Contract as Complete.

City Clerk/Finance Director Marcotte read the title of Resolution #1282:

A Resolution of the City Council of the City of Fife, Pierce County, Washington, accepting the contract construction work associated with the 2009 Street Preservation Program with Tucci & Sons, Inc. as complete.

Director Blount reported on the successful completion of work by Tucci & Sons at a cost of \$500,641.

Motion

Motion carried unanimously.

**#1260 Authorize
American Fast Freight
Agreement**

Motion

Councilmember Brooks moved, seconded by Councilmember Hull, to approve Resolution No. 1260; Authorize American Fast Freight Agreement.

City Clerk/Finance Director Marcotte read the title of Resolution #1260:

A Resolution of the City Council of the City of Fife, Pierce County, Washington,

approving Stormwater Detention Agreement between Orbus Investments, LLC, and City of Fife.

Director Blount reported the proposed agreement received a public hearing. The agreement provides storm facilities on the owner's land and the City's site.

Councilmember Brooks said the specific project site will not meet the standards set forth in Department of Ecology's 2005 Stormwater Manual, adopted by the Council, and that the proposal will allow for adherence to the regulations while creating an amenity for the neighborhood. The agreement is by no means a perfect resolution, but he expressed support for approving the agreement.

Public Comment

Don Marcy, Caincross & Hempelmann, clarified several items for the Council. The agreement will be implemented by American Fast Freight, an employee-owned company. Bruce Brown, who has been leading the effort for the company has expended much time on the proposed agreement. The company has invested both time and money for a win-win situation for both the City and the company. He responded to questions raised by the Council. The company is willing to provide a seven-foot berm instead of a six-foot berm if the City allows a 2:1 slope rather than a 3:1 slope. The company is also willing to provide a paved pathway around the perimeter of the pond to further enhance the amenity. There may have been some misunderstanding concerning American Fast Freight adding a future building. If that occurs, it will in no way impinge upon the capacity of the pond that may be used by the City if it develops its property or sells the property for other development. He emphasized Mr. Brown's efforts on LID-2008-02, which the Council just approved. The facility will provide value for the City's property.

Councilmember de Booy commented favorably on the proposal and said she looks forward to the development.

Councilmember Godwin asked whether a connection will be provided by American Fast Freight between the two ponds. Director Blount said no direct connection is planned. The LID plan includes drains along 48th and piping to the corner where the swale is located. Councilmember Godwin pointed out that if the Council approves the agreement, there would be no direct connection between the two ponds. Director Blount replied that the connection is through different aspects of the system that will be constructed, but not directly connected.

Councilmember Hull asked about any environmental aspects to the oxbow if the agreement fails and the company must design its system to meet DOE's 2005 Stormwater Manual. Director Blount said the current proposal includes construction of the pond within the next several months while the City's property remains undeveloped. American Fast Freight will not build the extra pond for extra capacity if the agreement is not approved. Another big storm could mean storm flows into the pond and less flows into the oxbow until the

area is developed. With the second pond, it will improve storm flows into the oxbow. The City would receive the benefit of the second pond.

Councilmember Cerqui commented that the situation is a tough issue with both the City and company working to reach a compromise. He said he has concerns about building a pond on City property especially since development potential on the property is unknown at this time or whether the City will end up selling the property. He acknowledged a need for a pond for the 48th Street project, but has some concerns and reservations about the agreement, which he cannot fully support at this time.

Mayor Johnson said he also has some reservations about property values and the lack of any development plans for the City's property and possible impacts of a pond on the property. He said he's not convinced that sufficient balance has been achieved to support the agreement. He expressed appreciation for the efforts of all parties.

Motion

Motion failed. Councilmembers Johnson, Cerqui, Godwin, and Hull opposed.

**CITY MANAGER
REPORT**

City Manager Worthington reported on the following activities:

City staff is actively engaged for the potential of the City receiving stimulus package funding by ensuring projects are construction ready. The focus is on the Valley Avenue project with the potential of securing the final financing. Director Blount will be attending meetings later in the week.

Councilmembers Cerqui and Brooks are visiting Washington, D.C. to help the City's governmental consultant work with federal elected officials on Fife's funding needs for both construction projects and flood mitigation.

The Parks Board is meeting with the parks boards of the cities of Milton and Edgewood.

Staff is processing business license renewals.

Staff is working on well testing resulting in some good developments. The testing depth is now at 1,000 feet.

The Police Chief, Director Reuter, and City Manager met with the regional director of the Rainier Chapter of the American Red Cross and discussed emergency shelter needs and red cross training opportunities.

**COUNCILMEMBER
COMMENTS**

Councilmember Hull advised that he is personally supporting a petition to protect the state's national forests. He offered to provide additional information to citizens by e-mail.

Councilmember de Booy acknowledged the attendance of citizens to the meeting. She encouraged citizens to attend future meetings.

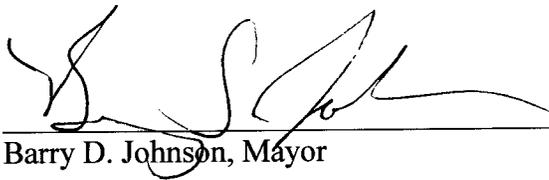
City Manager Worthington advised the Council of the need to complete the Council's retreat discussion. The next meeting opportunity is either February 28, 2009 or March 3, 2009. The Council expressed a preference for a March 3, 2009 date. City Manager Worthington advised that he will follow up with an e-mail confirmation.

CITIZEN COMMENTS

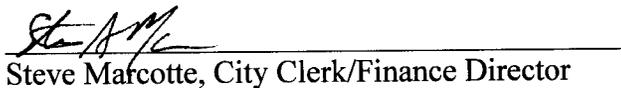
Mike Seeger, 1504 54th Avenue, Fife Flowers, commented on options that he is brainstorming for offering stimulus packages by the hotels to encourage more business.

ADJOURNMENT

With there being no further business, Mayor Johnson adjourned the meeting at 9:24 p. m.



Barry D. Johnson, Mayor



Steve Marcotte, City Clerk/Finance Director