

**FIFE CITY COUNCIL  
SPECIAL MEETING STUDY SESSION  
MINUTES**

**Fife City Hall  
Council Chambers**

**Date: January 16, 2007  
Time: 7:00 p.m.**

**CALL TO ORDER AND  
ROLL CALL:**

Mayor Pro Tem Edwards called the special meeting study session of the Fife City Council to order at 7:00 p.m. with the following Councilmembers present: Godwin, Johnson, Edwards, Kelley, Cerqui, and de Booy.

Excused: Councilmember Roscoe.

Staff Present: Worthington, Reinbold, Blount, Forbes, Smith, Reuter, Campbell, Blackburn, Ringus, and Recording Secretary Tate.

**PLEDGE OF  
ALLEGIANCE:  
STUDY SESSION:**

Councilmember de Booy led the pledge of allegiance.

**Transit Bus Shelter  
Advertising**

The item was deferred to the February 2007 study session.

**Drainage District #21  
Easements**

Director Blount reported a 10% signed approval rate exists for the easement request as sent by the Drainage District prior to the Council's request for further discussion regarding the issue. The mailings were stopped pending the Council's review.

The Drainage District has "prescriptive" easements for over 160 parcels of land, based on the District's decades of maintenance of Wapato Creek and Firwood Ditch. "Prescriptive" in this instance means rights have been established by years of use, but not documented with records, which would appear on a title search for the affected property. The City of Fife has agreed to bear the cost of perfecting and recording appropriate easements.

There are two classes of properties affected. Over 120 properties are located along Wapato Creek, which can be used as a basis for the description of the easement area. Approximately 40 properties are located along the Firwood Ditch system, which must be surveyed to establish measured bearings and distances for the easement area.

In an effort to efficiently perfect easements along Wapato Creek, the Drainage District authorized sending formal letters to affected property owners requesting their execution of documents recording a uniform easement of 30 feet wide and uniformly granting rights including the right to remove and plant vegetation.

Costs associated with the approach taken to date will likely exceed

\$100,000 before all easements are recorded. The cost would likely increase by \$300,000 or more if Fife were to survey each parcel along Wapato Creek to locate existing vegetation, map the creek width, and determine case-by-case easement needs.

Councilmember Godwin said he understood the reasoning behind identifying the easements. However, the request for 30 feet of property is very excessive. He indicated he will not sign the letter of request. Property owners have adequately maintained the areas over the years. A loss of 30 feet of property would significantly affect property values.

Director Blount stated the intent is to pursue a uniform request to see what results are received. Upon Council approval, the City will complete the mailings and contact property owners opposed to the request to better understand their decision. Councilmember Godwin indicated the City cannot enforce the proposal on property owners with established homes.

City Manager Worthington explained that current setbacks in terms of development near a creek were adopted in 1998. Some projects were allowed to develop closer than current variances. Setbacks are measured from the centerline of the creek. This easement provides for maintenance and access. Staff could adjust the request of 30 feet to a lesser amount if warranted.

Councilmember Johnson asked why there is such a drive for recorded easements now, when the current situation has been sufficient for many years. City Attorney Forbes explained the goal is to establish clear property rights and avoid potential liability risks and disputes. The City chose to pursue the averaging approach of 30 feet. Another option is to determine easements case-by-case. The hope is for the City to take over the Drainage District in the future.

City Manager Worthington stated the intent is to look into the future when the Drainage District dissolves. The drainage asset will disappear without perfected easements.

Director Blount reported that recorded easements do not indicate an increase of property use by the District. It simply means they will not have to ask property owners for permission to access their property each time it is warranted.

Councilmember Godwin asked why property lines could not be recorded without the 30-foot easement. Director Blount said an easement should be obtained for optimal maintenance. Councilmember Godwin stated the areas have been adequately

maintained for many years without an easement.

Councilmember Johnson stated maintenance access does not require 30 feet of property. He said staff should have brought the request before the Council before the requests were sent to property owners. Alternative approaches could have been developed. The request is a taking for those who maintain their property. A contract does not address the issue. The City GIS system could be utilized to identify a more logical easement.

Director Blount explained that City staff discussed the issue with the Drainage District and their sense was that 30 feet was a fair average. The Drainage District recommended reviewing the issue to perfect the situation.

Commissioner Johnson asked who ultimately decided upon the 30 foot easement. Director Blount replied that City staff and the Drainage District Commissioners along with legal counsel identified the easement width.

Councilmember Johnson asked why the right to remove or plant vegetation is required. Director Blount explained there is the potential for removal of vegetation to complete certain projects. Vegetation is replanted after removal.

Councilmember Johnson said that requesting 30 feet of property is a major issue. Director Blount said staff understood the Council direction was to pursue the proposal with the Drainage District. Councilmember Johnson stated the issue should have been brought before Council before the requests were mailed.

Mayor Kelley said that one goal of the City is to enable fish to return to Wapato Creek. He asked if the goal could be achieved without recorded easements for maintenance. It is not likely that property owners will refuse access for maintenance of the creek especially if it will benefit the salmon. He said he does not like the idea of asking property owners to give up 30 feet of their property.

Councilmember Cerqui said he does not recall maintenance or access utilizing 30 feet of land in the past. The request sounds excessive. He said it seems like a way for the City to acquire property without purchase. It is not likely property owner will refuse access or maintenance, as it has not been a problem in the past. It seems the only potential solutions are for the City to either purchase the easements or for the Drainage District to remain active in the future. There are many properties within the Drainage District that are outside of the City of Fife. Director Blount indicated staff is

considering the issue.

Councilmember de Booy asked about the necessity for the City to take over the Drainage District. The City seems to be doing many things on the Drainage District's behalf. Perhaps the situation should remain in its current form. City Manager Worthington stated the City entered into an interlocal agreement with the Drainage District in 2004. The District has made no secret of their desire to step out of their current role in the future. Perhaps more detailed staff instruction should have been clarified when the interlocal agreement was signed.

Mayor Pro Tem Edwards stated the easement includes both sides of the creek, which amounts to a total of 60 feet. He asked about the required width for a roadway. Director Blount stated a roadway can require 48 to 100 feet of property. Mayor Pro Tem Edwards said the request for 30 feet of property is excessive. Property owners might be more inclined to agree with a request to purchase their property. Another option is to reduce the width of the easement.

Councilmember Godwin stated the request to acquire 30 feet of property is a land trap. He said he has lived on his property since 1968 and has never seen creek maintenance performed outside of the creek itself. He suggested staff revise the requested amount.

Councilmember Johnson stated the creek is a two to three-foot channel in a many areas. Many areas contain concrete barriers. The purpose of the Drainage District is to maintain water flow throughout the creek. There is no current plan for salmon habitat enhancement. It seems the Drainage District is attempting to alter the interlocal agreement. Director Blount stated that is not the case. The request gives the Drainage District the right to remove and/or plant vegetation, but that is not the purpose of the agreement.

Mayor Pro Tem Edwards asked City Attorney Forbes for legal advice on the issue. City Attorney Forbes explained that planting or removal of vegetation is to improve or maintain the purpose of the easement, or perhaps erosion control. This is within the historical scope of the prescriptive easement.

Mayor Kelley stated 30 feet is not excessive in terms of access for large equipment. However, the easement might not be necessary, as property owners have granted permission for access for many years.

City Attorney Forbes stated the purpose of the request is to define existing rights. Councilmember Cerqui said he believes the situation will change when the rights and easement are recorded. He said he

does not agree with the proposal or any easement width proposed.

Director Blount stated the Drainage District Commission is scheduled to meet before the next Council meeting. He indicated he will relay the Council's concerns to the Commission.

Councilmember Johnson said he's aware of several citizens who wanted to attend the meeting to provide feedback to the Commission, but could not because the meeting is scheduled too early in the day. City Manager Worthington said he will inform the Commission of the conflict.

**CONSENSUS:**

**The Fife City Council requested staff review and revise the Drainage District Easement Request for reconsideration in regard to width, use, and purpose of the proposal.**

**Photo Enforcement**

Police Chief Blackburn reported the City of Fife has numerous locations that would benefit from red light photo and speed enforcement programs. It is a policy decision to be established by Council as to whether staff should pursue the program.

The intersection with the highest number of red light violations is 54<sup>th</sup> Avenue East and Pacific Highway East. The second area of concern is 54<sup>th</sup> Avenue East and 20<sup>th</sup> Street East. The main school zones are in front of the high school and Valley Avenue East.

Police Chief Blackburn presented a video slideshow showing red light violations at various signals within the City and a brief description of the program. Many signals are most utilized by citizens of Fife and hold the potential to modify driving behavior. Some intersections are too dangerous for officer enforcement because of spacing and speed issues.

The cameras show the violation, vehicle, and license plate. The driver of the vehicle is not photographed. The vehicle owner does have the right to contest an issued violation. The ticket is classified as a non-moving violation.

Councilmember Godwin asked about a vehicle moving through a yellow light. Police Chief Blackburn explained it is not considered a violation when a vehicle crosses the stop line prior to a solid red light.

Councilmember Godwin asked about the installation of equipment. City Manager Worthington explained the company hired by the City is responsible for installation and maintenance of equipment. These items vary by company.

Councilmember Johnson expressed concern with the potential number of drivers who might contest a ticket. City Manager Worthington explained the City must decide which option to utilize in terms of appeal, such as online appeal or court appeal. Councilmember Johnson stated a court appeal would defer most people from contesting a ticket. The online option would be too convenient. City Manager Worthington stated online appeals would limit impacts on the City Municipal Court.

Mayor Kelley expressed support for the proposal if it were only to improve public safety and not increase City revenue. He said he did not agree with installing a camera at the intersection Valley Avenue and 70<sup>th</sup> Avenue without a roadway revision.

Councilmember Cerqui stated surveillance of the intersection at 70<sup>th</sup> Avenue and Valley Avenue might not be warranted. He said he was not in favor of the proposal. The program is not equal to law application. There are too many options for drivers to get out of a ticket. He indicated he would prefer to see additional law enforcement applied at problem intersections.

Councilmember de Booy said she would like to see additional financial information and information regarding impacts on the workload of the Municipal Court. Police Chief Blackburn acknowledged the request. The City can choose to have staff or the company complete the paperwork associated with the program. Councilmember de Booy expressed concern with privacy issues. Adequate signage would have to be implemented. She expressed partial support for the proposal.

Mayor Pro Tem Edwards expressed support of the program. He said he has witnessed the program in action in other cities. He referred to privacy issues and indicated drivers have the right to move through a green light without being hit by a red light violator.

City Manager Worthington stated Council will have many issues to consider prior to potential approval of the program. It might be appropriate to develop an RFP to identify the City's intent with the program. Staff recommends pursuing the red light option before others, such as speed surveillance.

Councilmember Godwin spoke in favor of the proposal. He indicated he prefers the option to contest a ticket through the court. Councilmember Johnson agreed and suggested designating a specific day for the court to handle violators.

Mayor Pro Tem Edwards commented that the cameras will most likely modify driving behavior in a positive way. The Council is considering the proposal for safety improvement not City revenue.

Mayor Kelley stated adequate visual signage must be implemented.

Councilmember Cerqui indicated that it appears the program is driven by companies who want to sell cameras.

Mayor Kelley asked about cancelling the service if it is not financially successful. Police Chief Blackburn stated most companies claim to be cost neutral to the customer. There is a difference between red light and speed enforcement.

Judge Ringus provided the Council with specific financial figures from various cities that are utilizing the program.

Mayor Pro Tem Edwards said it would be helpful to know the total number of tickets issued for comparison. Details regarding ticket contests will need to be explored. Judge Ringus spoke in favor of the program because of traffic safety improvement.

Director Campbell reported she lives in Bonney Lake citizen. The city recently implemented surveillance in all school zones. The program has made a significant positive impact. Initially, she was not supportive of the program, but is now thankful for it.

Mayor Pro Tem Edwards requested that the specific concerns of Council be addressed at a future meeting. City Manager Worthington acknowledged the request.

**Mike Seeger, 5121 Pacific Highway East, Fife Flowers**, expressed strong support of the proposal. He said he witnesses an excess of red light violations each day at the intersections near his business. Driving is a privilege not a right.

**Comprehensive Plan  
Amendments and Planning  
Commission – 2007 Work  
Plan**

Director Smith reviewed the six potential comprehensive plan amendments and three potential non-comprehensive plan amendments.

Councilmember Godwin asked that the potential non-comprehensive plan amendment #9 - Wapato Creek Restoration Plan, not include the 30-foot easement request. Director Smith acknowledged the request.

Councilmember Godwin asked why the zoning evaluations are estimated to take longer than a year. Director Smith explained there

are many variables for consideration with zoning. Councilmember Godwin stated the Council and the community have agreed upon zoning and it is now in staff's hand. The potential comprehensive plan amendment #1- Comprehensive Evaluation of Comp Plan Land Use Designations, Zones, and Zoning Regulations, could be completed in less than one year.

Councilmember Johnson asked if the Planning Commission discussed the issue of potential impacts to grocery stores. City Manager Worthington indicated staff will present a revised course of action regarding the issue in the near future specific to the 20<sup>th</sup> Street corridor.

Mayor Kelley suggested extensive Council and Tribal input should be received prior to pursuing potential non-comprehensive plan amendment #9 - Wapato Creek Restoration Plan. Director Smith acknowledged the request.

Councilmember Cerqui said traffic impacts might need to be site specific due to the difference between stores such as Wal-Mart versus a Safeway. He referred to Councilmember Godwin's comment about the zoning evaluation item and said staff must follow the correct extensive processes. He said he would like the Council to become more involved with the Transportation Impact Program and expressed interest in participating with the proposed Wapato Creek Restoration Plan. The City must work with the Tribe and community in terms of a potential course of action.

Councilmember de Booy said she agreed with potential comprehensive plan amendment #1 - Comprehensive Evaluation of Comp Plan Land Use Designations, Zones, and Zoning Regulations for years and is glad to see it moving forward. The City must adequately work with the Tribe regarding the potential Wapato Creek Restoration Plan.

Councilmember Johnson suggested establishing a subcommittee for the Wapato Creek Restoration Plan to review water quality regulations.

Mayor Pro Tem Edwards encouraged the Council to become more involved with subcommittees on specific issues of interest.

**Park Advisory Board – 2007  
Work Plan**

Director Reuter reported the Park Advisory Board could have two potential vacancies. The Board discussed a draft work plan during its January 3, 2007 meeting. The group is developing and working well together.

Director Reuter reviewed the Fife Park Advisory Board 2007 Draft Work Program.

Councilmember Godwin suggested including Mike Seeger with item 2 - Assume a lead role in the planning and administration of the 2007 Fife Golden Jubilee Harvest Festival. Director Reuter indicated the Board held discussions with Mr. Seeger regarding the event.

Mayor Kelley spoke in favor of item 3 - Formulate Subcommittee to assist with the completion of a Park Master Plan for the Brookville Gardens site.

Director Reuter reported the Board meetings will be held in the Council Chambers the first Wednesday of each month. He encouraged Councilmembers to attend.

Councilmember de Booy referred to item 4 - In accord with the 2007 City Council goals, assist staff with additional recreation and senior program development. She stated a person was hired to schedule existing senior events and the person has not prevailed.

Councilmember Cerqui requested Council receive regular updates about the Park Advisory Board. Director Reuter acknowledged the request.

**Comprehensive Park &  
Open Space Plan**

Director Reuter reviewed the Park Plan RFP Scope of Work. He reported the plan must be updated to be eligible for some grants. Staff recommends development of a new plan. The City's vision has changed significantly since the original plan development in 2001. The intent is to create a plan for the next ten to twenty years.

Councilmember Godwin spoke in opposition of expending \$35,000 on planning efforts. The items described in the plan are included in Director Reuter's job description.

Councilmember Johnson said trail design is an important topic. The existing plan does not fit with the status of existing trails. He requested adding interconnecting trails to the plan. City Manager Worthington acknowledged the request.

Mayor Pro Tem Edwards agreed with Councilmember Godwin and Johnson's comments.

City Manager Worthington reported the intent is to reevaluate current park and trail standards. Many elements require outside assistance. The allocated \$35,000 is most insufficient funding for the entire plan, but it's a good start.

Councilmember Cerqui indicated he likes the plan goals and partially agreed with Councilmember Godwin's comments. He said he is interested to see results of the proposed plan and would like to see the Park Advisory Board more involved.

Councilmember de Booy said she would like to see a connecting trail design in the plan. Director Reuter acknowledged the request.

**FUTURE AGENDA  
TOPICS**

**Hearing Examiner Contract** Director Smith reported the contract is not ready for the Council review and consideration.

**OTHER ITEMS**

Councilmember Godwin reported he has received several comments from citizens whose property is located on low ground and impacted by flooding due to the amount of new development within the City. He asked that staff investigate the issue and present a report at a Council meeting in the near future. The issue must be addressed as soon as possible. City Manager Worthington acknowledged the request.

Councilmember Johnson stated the issue is occurring throughout the City. Perhaps design standards should be reviewed.

Manager Worthington suggested the Council provide an article each month in the Fife Flyer. One Councilmember could develop an article of individual interest each month to help bring Council views and ideas to the public. Councilmember Cerqui suggested the articles must be appropriate to represent the entire Council's viewpoint. Manager Worthington agreed.

**ADJOURNMENT**

**There being no further business, Mayor Pro Tem Edwards adjourned the meeting at 10:00 p.m.**

Prepared by Jessica Tate, Recording Secretary  
Puget Sound Meeting Services

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Kory Edwards, Mayor Pro Tem

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Marlyn Campbell, Clerk-Treasurer

Prepared by Valerie Gow, Recording Secretary  
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