

**FIFE CITY COUNCIL
STUDY SESSION
MINUTES**

**Fife City Hall
Council Chambers**

**Date: March 18, 2008
Time: 7:00 p.m.**

**CALL TO ORDER AND
ROLL CALL**

Mayor Pro Tem Cerqui called the study session of the Fife City Council to order at 7:03 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 Manager Jim Reinbold, City Attorney Loren Combs, Finance Director Steve Marcotte, Community Development Director Carl Smith, Public Works Director Russ Blount, Police Chief Brad Blackburn, Parks and Recreation Director Kurt Reuter, Confidential Administrative Assistant Secretary Andrea Richards, Code Compliance Officer Chris Larson, Aquatics Manager Matt Ray, and Recording Secretary Valerie Gow.

**PLEDGE OF
ALLEGIANCE**

Councilmember Godwin led the pledge of allegiance.

**CHANGES, ADDITIONS
OR DELETIONS TO
AGENDA**

There were no changes to the agenda.

STUDY SESSION

Reader Board

Director Reuter briefed the Council on the electronic reader board project. Staff has researched a variety of signs. The goal of the briefing is to reach some decisions for moving forward. There has been some discussion about the location of the reader board as well as the type of reader board.

Director Reuter referred to several photos of reader board examples. All of the reader boards are sold by Daktronics. Based on the Council's direction, staff will work on looking at various reader boards. The Council budgeted \$25,000 for the project.

Originally, the location of the reader board was going to be at City Hall. However, with the installation of the traffic signal and the location of the traffic facilities, spacing on the corner is limited. It would have to be set back a good distance to accommodate the signal. There are some safety concerns for motorists to read the information which might be a safety distraction issue. Staff explored the site of the Community Center on 54th Street and replacing the old reader board on the pole. The advantages are that it's visible and is elevated for better readability by motorists and

pedestrians.

Councilmember Godwin said he prefers mounting the sign on a pole because of a possible hazard with ground mounted signs. Councilmember Hull agreed.

Councilmember Brooks said he has no preference as long as there are no safety issues.

Mayor Johnson said he supports a sign that is set back along the roadway.

Councilmember de Booy said she doesn't want the sign at City Hall and supports the reader board on the pole because of better visibility from a distance. She asked whether the sign is two-sided. Director Reuter confirmed the sign would be a two-sided reader board. Councilmember de Booy said she supports the Community Center location because most people are aware of the existing sign.

Councilmember Roscoe said she likes the concept of having a City Hall sign but supports the Community Center location. She asked if the sign could be wider. Director Reuter reported there is the availability of two or three-line signs as well as the font size and type. He noted most of the lettering is red.

Mayor Pro Tem Cerqui said he likes the location of the Community Center sign on a pole because of better visibility.

Director Reuter said red lettering is used because it grabs the motorist's attention.

Director Reuter reviewed specifics of each of the signs in the photo examples. Two samples are a pole-mounted sign that includes a 2-foot high banner that could incorporate a logo or other graphic. Each sample included either a two-line or a three-line sign. The two-line sign is 24 inches in height and the three-line sign is 36 inches in height. All have the same width of 7 feet 8 inches. The price difference is approximately \$3,000 to \$4,000. After the Council determines the sign specifications, staff will bid the project.

Councilmember Roscoe expressed a preference to purchase a three-line sign.

Director Reuter noted there are a variety of features with the different signs. A basic software package is included as well as the option for

upgrades. A communications kit is another option for downloading information to the sign. Staff is discussing recommendations with IT staff to determine the preference for programming the sign.

Director Reuter reviewed the Council's direction for a pole-mounted 3-line sign that will be installed on the existing pole to reduce installation costs.

Community Development Report

Director Smith provided a report recapping development community activities during 2007.

Eleven staff members comprise the Community Development Department:

- Director
- Building Inspector
- Senior Planner/Environmental Officer
- Building Official/Fire Marshal
- Administrative Assistant
- Planner 1
- Plans Examiner/Deputy Fire Marshal
- Permit Coordinator
- GIS Technician

Director Smith reviewed the mission statement:

The Mission of the Community Development Department is to assist the citizens of Fife in their pursuit of a good quality of life which promotes pride in the community, and to fairly and equitably administer those plans, code, and ordinances which are the responsibility of the Department.

Significant personnel changes within the department last year included the death of long-time Administrative Assistant Brenda Puaokalani, who died of cancer. Chris Pasinetti was hired as Planner 1 and Katie Bolam was promoted to Administrative Assistant. Rachael Hansen was hired to replace Ms. Bolam's position. Steve Montgomery was promoted to the position of GIS Technician. Long-time temporary employee Chris Larson replaced Mr. Montgomery's position.

Last year, 188 residential units (164 single-family and 24 multi-family units) and 722,484 square feet of commercial construction were constructed. In 2006, there were over 700 residential units constructed. Total new development in 2007 was valued at \$85,429,987.

Director Smith reviewed a slide of a valuation comparison between 2004 and 2007.

Permit fee receipts in 2007 totaled \$3,975,347. A large portion of the fees is civil permits totaling \$2,170,556.

In 2007, the department completed:

- 6 comprehensive plan amendments
- 20 notices of violation
- 902 illegal signs impounded
- 1,334 issued permits
- Completed 3,168 inspections – 543 were disapproved
- Scheduled 95 Development Review Committee meetings
- The Planning Commission met 12 times
- The department continues as the liaison for the *Fife Flyer*, contributing to 26 editions
- The department continues to represent the City in the Commute Trip Reduction (CTR) Program.

Director Smith referred to a map of redevelopment and vacant lands. Currently, Fife does not have much vacant land, but does have property deemed redevelopable based on the improvement value of 50% or less of the land value. He reviewed the buildable lands allocation assigned to Fife from Pierce County, which is included in the Buildable Lands Report for 2002-2022. The numbers were recently adjusted based on the five-year update. Director Smith reviewed the growth projections for population and housing units.

Director Smith reviewed a map of the City's mitigation sites. The goal is to track mitigation sites to ensure the sites are performing as required.

Director Smith reviewed several notable accomplishments within the Building Department::

- Pierce County Disaster Mitigation Plan
- Accepted bids out for Wellness and Court Storage Buildings
- Contracts signed for improving the City's flood insurance rating

Planning initiatives include Gathering Place Feasibility Study, establishment of the Community Mixed Use zone, Pacific Highway Building Highway height increase, and work on Low-Impact Development Standards.

The department is continuing to work on residential projects carried over from 2007.

Currently, the department is working on the Benthien Loop Re-Annexation and 20th Street corridor land use.

Director Smith displayed several photos of completed development projects.

Planned activities in 2008 include the Planning Commission's work on the work program authorized the Council.

Director Smith reviewed a map of current projects underway in the City, which will be included in the *Fife Flyer* and provided to the City Council.

Councilmember Brooks referred to the information on 2007 fee receipts. He asked how often the City's fee structure is reviewed versus other municipalities and whether there are any budget concerns regarding the department in terms of the downturn in the economy. Director Smith said the fee structure has not been reviewed since he was hired. City Manager Worthington said the fees were last reviewed three years ago based on data provided by Municipal Research and Services. Director Smith said he expects a limited amount of residential development this year. Commercial development may continue at the same pace. However, building permits are estimated at \$600,000 for 2008, which reflects a 30% decrease from the year before.

Councilmember Brooks asked about code enforcement and whether the City pursues code enforcement. Director Smith reported most of the enforcement efforts are complaint-driven; however the code enforcement officer tours the City on a regular basis for violations.

Mayor Johnson referred to the information for impact fees and noted the \$400,000 in park impact fees and \$200,000 in transportation impact fees reflects a disparity and appears too low given the City's transportation needs. He said he understands that there are regional impacts that affect local transportation. City Manager Worthington said the total reflects projects that are required to construct off-site improvements because of specific impacts to intersections or frontage impacts. Mayor Johnson suggested for future reporting to show transportation impact fees as well as transportation impact fee credits. City Manager Worthington said the figure represents net transportation impact fees. Director Blount reported the traffics improvements by FedEx improved movement

through the intersection resulting in an impact fee credit. Mayor Johnson said having the amounts of the credits would be helpful for the Council as well as the public.

Mayor Johnson reported the City's population projection is higher than Pierce County's estimate. Director Smith reported Pierce County reduced its estimate of projected growth in the urban growth areas and increased the population estimate in the unincorporated areas because of a change in methodology. Mayor Johnson asked whether companies contemplating moving to Fife consider the City's population figures or the county's figure. Director Smith said the City is hopeful potential companies consider the City's estimate because the City can provide more in-depth information. Director Smith reported he plans to develop a brochure on information from the recent trade study to help businesses make decisions for locating to Fife.

City Manager Worthington reported each department is preparing a 2007 annual report for the Council and the community. The report will be published in May. At that time, the Council and staff can look at offsite mitigation that development has paid or incurred.

Councilmember de Booy referred to the difference in population projections between the county and the City and asked what figures will be represented in publications/reports. Director Smith reported the City's official numbers are the numbers adopted by the county. Pierce County is holding a public hearing on the proposed forecast on March 25, 2008. City Manager Worthington added that the City's comprehensive plan uses a higher number, which is used for the projected population for planning purposes. Additionally, while the county's population forecast is a legislative requirement, it doesn't represent actual population today. The Office of Financial Management forecasts a population estimate annually, which the City supports. That number generates an official estimate that is published in July and will reflect the City's actual population until the 2010 census. For budgeting projections, the City's population is considered to be 8,100 with a projection for 2009 totaling 8,500 people.

Financial Policies

Director Marcotte briefed the Council on the proposal to establish financial policies. Currently, the City has some policies. However, it's a good practice for a municipality to put the policies into an overarching formal policy so that they can be readily communicated to rating agencies and others.

Director Marcotte reviewed the five main proposed budget policies:

- **Budget Policies**
- **Reserve Policies**
- **Accounting and Financial Reporting Policies**
- **Debt Policies**
- **Investment Policy**

Councilmember Hull questioned the type of action that most municipalities take to adopt budget policies. Director Marcotte reported the City of Tacoma typically included the policies as an attachment to its annual budget. There is no standard recommendation for adopting budget policies. Because of the structure of the document it does not lend itself for adoption in the Fife Municipal Code.

Councilmember Roscoe asked where bond issuers expect to find the City's policies. Director Marcotte reported the policy is included in the preliminary initial statement that is associated with the issuance of bonds, which becomes the official statement for the City's financial promise and assurance.

City Manager Worthington offered several different ways to adopt the policy. He recommended the Council consider adopting the policies by resolution.

Councilmember Brooks expressed support for moving forward with a resolution to adopt budget policies.

Mayor Johnson agreed as well as attaching the policies to the City's annual budget. He asked about the percentage of adoption of formal budget policies by other jurisdictions. Director Marcotte said most of the larger cities have formal adopted budget policies. Fife's entry into the bond market is fairly recent and its recent growth has pushed the City into the threshold where budget policies should be adopted.

City Attorney Combs advised the Council that the City's has followed sound formal financial policies for some time. With the City's recent activity in the bond market, it became clear it was time for the City to adopt formal financial policies. However, the City has been a financially well run City. Director Marcotte added that the formal policies generally reflect the City's current financial practices.

Councilmembers de Booy and Roscoe expressed support for the proposed policies.

Councilmember Hull questioned the City's last bond rating. Director Marcotte reported the City's last bond rating was A- with Standard and

Poor's, which is a good rating. The maximum rating is AAA. For example Tacoma's rating is A+ and Seattle's rating is AAA. For the size of the community, an A- rating is a strong rating and Fife's bonds are qualified investment for institutional investors. A higher bond rating represents a lower interest rate.

City Manager Worthington reiterated that with the Council's formal adoption, it would be seen as a positive step and will assist the City in readying for the next bond process.

Discussion followed about bonding for the Valley Avenue project and the City's previous bond rating, which was A-. City Attorney Combs emphasized A- is an excellent rating for the City's size and is reflective of the City's excellent financial condition.

Wapato Creek Drainage Easements

Director Blount referred to revised map of 2008 City of Fife Drainage District #21 Parcels, which reflects signed easements received by the City to date. However, the City still has a number of outstanding easement agreements. Staff met with Drainage District #21 Commissioners regarding the issue.

Director Blount provided some background information on the issue for the benefit of Councilmembers Hull and Brooks. Approximately three years ago, the Council and Drainage Districts #21 executed an agreement regarding how the City of Fife provides drainage district services for Drainage District #21 involving Wapato Creek and Fir Wood ditch.

Drainage Districts #21 and #23 are independent taxing districts and have been in existence for over 80 years providing drainage ditch services to property owners. Taxing authority is based on the benefit provided to the landowner. Director Blount reviewed each entity's area of coverage.

The interlocal agreement has the City providing maintenance for Drainage District #21 and the district reimburses the City. The National Pollution Discharge Elimination System (NPDES) requirements now apply to drainage districts during the next round of permits. The Department of Ecology formulated rules and established permit requirements. When the City executed the agreement it was anticipated DOE would back off on the requirements, which has not occurred. The agreement also anticipates that before the district was subject to NPDES standards, the district was anticipated to terminate its existence in the City of Fife. The district has been operating under prescriptive easements, which is a public easement for a specific purpose. They are not recorded and can be subject to interpretation as long as the district continues with its operation. Once the district announced its pending

termination, it was conveyed that the rights should be recorded. In any event, the Council and the district agreed on language for easement rights, held a series of public meetings, and met with many citizens along the creek. The City asked citizens to sign easements. Staff has exhausted phone call efforts and has only received several easements in the last week. Staff is considering possible alternatives for securing the remaining easements.

Currently, there are two new commissioners who are now considering an interlocal agreement to remain in business to maintain those parcels that have not signed easements. Staff has not received a specific proposal from the district, but the district has informally conveyed it would consider a revised interlocal agreement for remaining in business. If they decide to go out of business, then the City should be more aggressive in its efforts to secure assessments.

City Manager Worthington summarized the options for the Council's consideration:

- Utilize the remaining 14 months of the interlocal agreement contract period to aggressively pursue approximately 90 easements.
- Continue the interlocal agreement with the district until the district expires with the City assuming maintenance of ditches with or without recorded easements, which carries some risk.
- Negotiate an extension of the district to provide additional time to secure easements.

City Manager Worthington advised that some of the options involve potential litigation that should be discussed in an executive session.

Councilmember Godwin commented on the difficulties associated with securing the easements and suggested the handling of the matter contributed to those difficulties. He suggested the issue should be a lesson to staff regarding the issue of trails. He suggested pursuing over the next six to eight months additional easements and then reevaluate the situation to assess whether an extension of the interlocal agreement with Drainage District #21 is necessary. There are a number of properties that might require a one-on-one approach rather than a phone call. There are a number of people concerned about the trail issue tied in with the easement issue.

**RECESS TO
EXECUTIVE SESSION**

Mayor Johnson moved, seconded by Councilmember Brooks, to recess to an executive session at 8:41 p.m. to discuss potential litigation for approximately 15 minutes. Motion carried.

**EXTENSION OF
EXECUTIVE SESSION**

The executive session was extended at 9:05 p.m. to another 10 minutes.

**RECONVENE TO
STUDY SESSION**

Mayor Pro Tem Cerqui reconvened the study session at 9:09 p.m.

Mayor Pro Tem Cerqui reported the issue will be reconsidered by staff for possible new solutions.

Councilmember Roscoe thanked residents for attending the meeting. She said she respects and appreciates the residents who contacted her directly. She said she is continuing to hear residents mention concerns about a trail through their backyards. Residents in Milton have contended that Fife is putting in trails through residential properties, which is untrue. She commented that the power of the grapevine to disrupt the work of the Council, who are elected to represent the citizens, is very aggravating. She reiterated that there is no trail associated with any of the easements.

Noise Code Enforcement

Director Smith provided an overview of the City's Noise Code along with potential changes and requirements for adopting a Noise Code, as set by the Department of Ecology. Recent complaints have promoted interest in reviewing the City's existing Noise Ordinance.

Director Smith introduced Chris Larson, Code Enforcement Officer, who has firsthand knowledge about the complaint.

The City's current code has been in existence since the 1980s and the City uses the ordinance for noise abatements requiring a reading of a decibel level to document a violation, which is problematic because the City has no person certified to read a meter. Another challenge in the existing code is enforcement can only occur based on receiving a complaint preventing active enforcement by the City.

The City Attorney drafted a proposed ordinance for the Council's consideration with language for the City's enforcement of a class of violations pertaining to disturbance noise. A list of the disturbance noise is included in the ordinance as well as a listing of potential disturbance noises that enables a Police Officer to cite someone without the need to document the noise with a decibel meter.

Enforcement in the current code does not allow for Police Officer citations.

Councilmember Godwin said he believes issues associated with noise in

the City are through poor planning. A good example is the development of the FedEx building next to residential as well as applying an exemption to the sounds created by safety and protective devices where noise suppression could defeat the intent of the device. During the summer months, when many residents have their windows open, the sounds of trucks backing up will impact residents. The placement of those uses without buffers is part of the problem. He asked how staff will enforce noise laws when most of the industrial uses are exempt.

Councilmember Hull supported the option of eliminating the decibel requirement. He recalled other larger cities where people were cited for noise from stereos and loud radios in a car. He suggested a common sense approach as reflected in the draft ordinance is the right course of action.

Councilmember Brooks inquired about the types of complaints the City has been receiving. Code Enforcement Officer Larson reported most of the complaints concern residential noise involving late night noise. Councilmember Brooks agreed with the intent of the proposed ordinance and suggested the City should look at the issue more comprehensively such as noise in industrial and residential areas. For example, there are different types of devices for vehicles backing up. He expressed a preference to reconsider the fees, as it may not be the best method to address the issue.

Director Smith acknowledged staff will return with additional options for the Council's review.

Councilmember de Booy commented on the common sense approach that most people employ in term of noise. She indicated that in most subdivisions, homeowner associations generally oversee noise complaints. It is however, apparent that something is needed for those older neighborhoods without homeowner associations. She indicated the fees are too high as well.

Director Smith reported staff will address the fee structure as well.

Councilmember Roscoe commented that the proposal is a step in the right direction as the issue was addressed when she was first elected to the Council. She mentioned the effectiveness of berms to block noise from backing trucks. She asked how the ordinance will impact police resources. City Manager Worthington affirmed the ordinance will require resources, especially in the evening, when noise infractions tend to occur. The ordinance is not meant to replace the decibel process because in those serious incidents, decibel enforcement is effective. The

proposed ordinance is more of a tool for officers to contact violators, issue warnings, and allow the offender to correct the situation.

Mayor Johnson suggested the incompatibility between uses as pointed out by Councilmember Godwin is more about the City taking proactive steps to address noise issues with the company. Retaining decibel enforcement is important because of the industrial nature of the City. He acknowledged the importance of the Council and staff periodically reviewing ordinances to ensure they remain effective.

Councilmember Hull said the reasonability factor is not mentioned in the policy. He suggested reasonability should be one method of pursuing enforcement. Director Smith replied that staff will take the Council's comments and revise the code for presentation of a strikethrough version of the code so the Council can easily track the changes.

Councilmember Hull commented on the difficulty of homeowner association enforcing violations.

City Manager Worthington offered the assistance of the Planning Commission's review to help refine the ordinance prior to the Council's review. Time constraints associated with the Commission's work plan were discussed. Director Smith said the Commission could review the ordinance in May based on its work schedule.

Councilmember Godwin expressed concerns about noise violations that are not based on decibel level but subject to interpretation. Director Smith acknowledged there is subjectivity associated with determining a specific noise level. Retaining the decibel provision requires testing of the noise with a meter. There likely will be a certain level of subjectivity because the noise must exceed the noise level for a specific number of minutes. The difficulty is arriving on the scene when the noise incident occurs.

An audience member commented on railroad whistles and how the City expects to enforce noise laws when trains go through the City and blow whistles.

The Council agreed to forward the proposed ordinance to the Planning Commission for further review and refinement prior to the Council's review.

Gathering Place: Next Steps

Director Smith requested the Council's input on the next steps for utilizing the City's property known as the "Gathering Place."

Director Smith's PowerPoint presentation included the following information:

- Council's vision for Gathering Place and 20th Street
 - Regional Tourism
 - Stormwater Storage
 - Community Gathering Place
 - Connection to Pedestrian Oriented Corridor
- Rating process – determined May 1, 2007
 - Tourism
 - Community Gathering
- Council Subcommittee Study List
 - Gathering Place: passive park, multi-purpose space; Pierce County Library; WSDOT Hwy 167 Mitigation
 - 20th Street East: Community scale retail and services (shops, offices, restaurants); mutually supporting with Gathering Place
- Strategies
 - Gathering Place – *A Community Amenity*
 - 20th Street – *Communicate Your Vision:*

Director Smith reported Berk and Associates recommend the best use of the Gathering Place as a passive park and/or Washington State Department of Transportation (WSDOT) Highway 167 mitigation site. Director Smith displayed a graphic of the site showing WSDOT's potential mitigation sites on the property. It's possible based on discussions with WSDOT for the City to acquire a state property for the City's use as a site for a library or other use.

City Manager Worthington reported City staff at the direction of the Council has had preliminary discussions with WSDOT regarding the state's potential use of the property. He asked for direction from the Council.

Councilmember Godwin said he favors an agreement with WSDOT that benefits the City and is not interested in a swap of property.

Motion

Mayor Johnson moved, seconded by Councilmember Roscoe, to extend meeting 15 minutes to 10:15 p.m. Motion carried.

Councilmember Brooks said he supports negotiating an agreement with WSDOT that benefits the City. The potential location of Highway 167 will aesthetically destroy any improvements the City would make on the property. Mayor Johnson agreed based on the graphic by WSDOT. City Manager Worthington said WSDOT's preference is to acquire the entire

property. Mayor Johnson encouraged moving forward with WSDOT. He suggested including some City stormwater mitigation on the southwest property to address some of the City's needs. City Manager Worthington advised WSDOT is providing calculations if they were to purchase the entire site of the compensatory storage available on the site.

Councilmember de Booy agreed the City should negotiate with WSDOT and pursue stormwater mitigation if possible. She acknowledged the Council's vision for the 20th Street corridor, which she supports.

Councilmember Roscoe supported the Mayor's recommendation to retain some regional stormwater capability. She expressed appreciation of the consultant's honesty regarding the less than desirable location of the property.

Mayor Pro Tem supported moving forward with WDOT.

OTHER BUSINESS

Councilmember Roscoe reported on a Laws Seminar International seminar on Clean Water and Stormwater on June 5-6, 2008 in Seattle. She inquired as to whether the City is a member of the Cascade Land Conservancy and its *Cascade Agenda Cities* program, which promotes complete, compact, and connected cities. City Manager Worthington advised that the City is aware of the association. Staff will research the possibility of joining.

Councilmember Roscoe referred to information on the Northwest Intermodal Conference.

Councilmember Roscoe reported on an internet site she visited that includes documentation for a litmus test for sustainability for cities.

Councilmember Brooks indicated there appears to be a majority interest of the Council to revisit REET tax. City Manager Worthington acknowledged the issue will be scheduled for a future discussion.

City Manager Worthington reminded the Council of the Brookville Gardens master plan public meeting on Thursday, March 20, 2008 at Columbia Junior High School at 7:00 p.m.

RECESS TO EXECUTIVE SESSION

Councilmember Roscoe moved, seconded by Councilmember to recess at 10:12 p.m. to an executive session for the purpose of Litigation RCW 42.30.140 for approximately 15 minutes. Motion carried.

RECONVENE AND

Mayor Pro Tem Cerqui reconvened and adjourned the meeting at

ADJOURNMENT **10:30 p.m.**

Rob Cerqui, Mayor Pro Tem

Steve Marcotte, City Clerk/Finance Director

Prepared by Valerie Gow, Recording Secretary/President, Amended April 8, 2008
Puget Sound Meeting Services