

FIFE CITY COUNCIL MINUTES

Fife City Hall
Council Chambers

Date: April 22, 2008
Time: 7:00 p.m.

EXECUTIVE SESSION

Mayor Johnson convened an executive session at 6:30 p.m. for the purpose of Real Estate RCW 42.30.140 for approximately 20 minutes.

ADJOURNMENT

Mayor Johnson adjourned the executive session at 6:50 p.m.

CALL TO ORDER AND ROLL CALL

Mayor Johnson called the regular meeting of the Fife City Council to order at 7:08 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, Finance Director Steve Marcotte, Community Development Director Carl Smith, Public Works Director Russ Blount, Confidential Administrative Assistant Andrea Richards, City Attorney Loren Combs, Parks and Recreation Director Kurt Reuter, Planner 1 Chris Pasinetti, Police Chief Brad Blackburn, Information Systems Technician Josh Amato, and Recording Secretary Danielle Gardea.

PLEDGE OF ALLEGIANCE

Councilmember de Booy led the pledge of allegiance.

CHANGES, ADDITIONS OR DELETIONS TO AGENDA

Mayor Johnson removed *Item 6A New Employee Introductions* from the agenda.

CITIZENS COMMENTS

Carole Sue Braaten, 2410 Berry Lane E, said her concern is over the City's nondisclosure in what the RCW covers. The RCW states the City has perpetual ongoing and continuous access, egress, and everything the City needs to access creek areas. All that is required is an exchange between the grantor and the grantee in terms of granting the City the rights from the Drainage District. There is no reason for the City to request an easement because the City has the access it needs.

Councilmember Roscoe asked about the RCW. Ms. Braaten said it is a drainage district RCW that it can be obtained at a law library. She expressed concerns with the Council wanting property. Mr. Braaten said there was never any disclosure on what the Drainage District purchased and what the taxpayers received.

Mayor Johnson said the issue is under review by legal counsel.

Freida Cramer, 2611 David Court Place E., expressed concerns with the letters she received regarding the easements. She received a letter dated April 10, 2008 from Pierce County Drainage District #21. She said she finds the

District's approach tantamount to fiscal coercion and is appalled at the citizens' treatment in such an adversarial manner by both the City and the Drainage District. The letter while making unfair and one-sided statements about property owners who have not signed off on the easement fails to present a balanced and reasoned case for the District's position. Non-signing property owners are being accused of taking food money out of their neighbor's pockets and causing a 20 to 30-fold rise in taxes. All of this is without any documentation or actuarial studies to verify the district's claims. Until documents are provided to support the district's figures, the citizens are treating the letter as another attempt to strong-arm Wapato Creek property owners into signing the easement. The issue is not gross misinformation as claimed in the letter about the proposed trail. That was one of the many issues that have been raised. City officials and staff waved the no trails planning as if all issues have been resolved. The main underlying issue is the mistrust the City of Fife has placed on its citizens. The original easement was for 30 feet giving the City complete control over the plantings in citizen's backyards. When the citizens complained, the City backed off. There has been no explanation as to why the City tried to obtain the expanded rights. The citizens would like to know if the City, staff, and Council were aware of the contents of the letters sent out. If the District is making the claims with the support of the City, both entities are doing the citizens a disservice. She said she would like to see real meaning put into the figures rather than trying to frighten people into signing the easement without being informed. She asked that the Council study and review the issue. The City exists to serve its citizens not the other way around.

Doug Mueller, 2513 David Court Place E., commented that he is upset about the property that is being taken from citizens. He said he is opposed to the easement and stated the City would have to buy him out to get the land. He said his land belongs to him, his wife, and eventually to his children.

Dale Reese 7519 48th St. E., said he's lived in the Valley all of his life. Thirty-eight years ago he and his wife purchased property in Firwood. He said he likes to look out his back window and view the open space, farmlands, and berry fields. There is a proposal to put a trucking company in the field behind his house. The freight company approached him to connect to the sewer and water LID. He was advised to sell his house, take the money, and run. He suggested the trucking company move to Fredrickson. He said he does not want deal with the noise or diesel smoke. In 1999, the property north of 48th Street was requested to be zoned Industrial. He said he believes his property and the property north of 48th may not retain its value. The LID is for a deep gravity sewer. The City recently changed its sewer along Valley from gravity to a force main because of the cost. He asked if his property would be served just as well with a force main sewer. The proposal he has seen for sewer and water has it stopping east of his property, with no mention of what will happen with the road at that point going east. He asked that the City look into what impact the development is having on residential homes. A week ago a

**Proclamation
Municipal Clerks
Week**

Mayor Johnson read a proclamation declaring May 4, 2008 through May 10, 2008 as *Municipal Clerks Week*. He presented the proclamation to Senior Administrative Assistant Cindy Dunn and Deputy Clerk Helen Ware. Ms. Ware and Ms. Dunn thanked the Council for the proclamation.

Daffodil Parade

Mayor Johnson provided an update on the recent Daffodil Parade. Of the 32 floats entered, the Fife/Milton float received second place for cities of 10,000 or less in population. He thanked Councilmember Godwin for his efforts on the parade.

Councilmember Godwin acknowledged Dave Reese as a major contributor to the float and thanked everyone who participated in making the day a success. He acknowledged local businesses for providing supplies and advice.

**COUNCIL
DELEGATE
REPORTS**

Councilmember Brooks reported on his attendance to the ribbon cutting at Milton's new section of the Urban Trail. Last week he attended the monthly meeting of Pierce County Regional Council, which included a discussion on transportation issues and buildable lands. The Puget Sound Regional Council is meeting on Thursday, April 24, 2008.

Councilmember de Booy reported she attended the urban trail ribbon cutting in Milton. She said she helped with the float and attended the parade. She also attended the Community Health Luncheon representing the City of Fife at the Tacoma Convention Center. On Park Appreciation Day Councilmember de Booy said she participated in the plantings at Fountain Memorial Park. She attended the Senior Advisory Board meeting at the Fife Community Center. On Friday, she volunteers at the Fife Community Center.

Councilmember Roscoe reported the next Fife School Board meeting is on Monday, April 28, 2008. An upcoming Zoo Trek Authority meeting is scheduled as well.

Mayor Johnson reported on the Mayor's forum. One idea was establishing a theme for each meeting and a potential topic of discussion to generate more input. He indicated he will implement the idea for the next meeting. Mayor Johnson attended an earlier meeting at the Port of Tacoma regarding an agreement between the Port of Tacoma and Puyallup Tribe of Indians concerning new development on the waterway. Mayor Johnson reported he and Councilmember Godwin will attend a local watershed meeting in Sumner on April 23, 2008.

PUBLIC HEARING

**Benthien Loop Pre-
Annexation Zoning
2nd Public Hearing**

Director Smith reported the public hearing is the second required for Benthien Loop Pre-Annexation zoning. The first public hearing was on February 26, 2008. The community is supportive of the zoning change from Small Lot Residential to Neighborhood Commercial (NC) because NC has the best fit

with existing land use patterns. This follows the comprehensive plan amendment adopted by the Council last year authorizing the land use designation of Mixed Medium Density Residential Commercial zoning. The proposed action is separate from the annexation action.

Mayor Johnson opened the public hearing at 7:47 p.m.

Public Testimony

Rich Lott, 5505 4th St E., expressed support of the rezoning action and hopes the annexation will occur soon.

Mayor Johnson closed the public hearing at 7:48 p.m.

**Adoption of 2005
Department of
Ecology Storm Water
Standards**

Director Blount reported the requested action is the adoption of the Washington State Department of Ecology Storm Water Standards to include the highly urbanized addendum. A strikeout version of the ordinance was provided to the Council showing the changes to the code. The previous manual was adopted in 1992.

The 2005 Ecology manual will require larger storm ponds or the use of other measures. The proposed ordinance includes only one substantive revision to the Ecology manual. That revision is the addition of a definition of "Low Impact Development" (LID) as a measure to infiltrate runoff and the provision of a credit for such measures.

Director Blount commented on several projects that were ongoing when the prohibition was established. There are two City projects that would be subject to the new ordinance unless the Council amends the ordinance and maintains the old standards in effect for 20th Street East and 59th Avenue East. The draft ordinance does not exempt the two projects. Staff anticipates several hundreds of thousands of dollars of additional cost to bring the projects to new standards.

Mayor Johnson opened the public hearing at 7:54 p.m.

Councilmember de Booy requested clarification on the state standards. Director Blount said as a condition of over \$5 million in federal grants for Valley and 70th projects, the City designed them to Washington Department of Transportation (WSDOT) standards, which are a close approximation of DOE's 2005 standards. The City has obtained state and US Army Corps of Engineers permits. However, they are not the 2005 standards. The standards were in place when the City applied for permits. There is a 2001 edition of the DOE manual, which is what the Valley Avenue projects conforms to.

Councilmember de Booy asked about the 2006 manual. Director Blount reported the 2006 manual refers to an addendum to the DOE manual. He cited the applicable areas of Fife for the 2006 addendum.

Public Testimony

Bruce Brown, American Fast Freight, said he supports being grandfathered

into the 1992 storm drainage plan. He said item 4 in his memo states that storm drainage improvements will be designed to the current City standards and conform to the requirements in the 1992 Ecology Storm Water Manual.

Mr. Brown said he sent an e-mail to the City and included a copy of the signed SEPA that was issued on January 10, 2007.

Councilmember Godwin asked whether the project on 20th Street, which was recently completed, and any future work in the area benefits under the 2005 standards. Director Blount said the project was a fully permitted installation of a trunk line that is the backbone for the future work on 20th. It would be possible to retrofit the project to the 2005 manual without digging up the line by supplementing, which would cost several hundred thousand of dollars.

Director Blount said the City's long-range planning for the 20th Street project did include installation of the main storm trunk line and the sanitary sewer lines because they are deep and installation is preferable in August and September when groundwater is deeper. The work was completed last fall in anticipation that next year, the roadway project will commence. If the project is not exempted from the new standards, there will be a need to install larger pipe for stormwater storage, which might have some schedule impacts as well as cost impacts.

Mayor Johnson closed the public hearing at 8:01 p.m.

**Repeal Ordinance
1665 Prohibition on
Accepting Land Use
Applications**

Director Blount reported the public hearing is on the actual imposition of the prohibition. The City is required to conduct a public hearing. The prohibition was established to enable staff to have time to prepare the ordinance, evaluate the impacts, and speak to property owners on the adoption of the new manual. The public hearing is a retroactive action on the imposition of the prohibition.

Mayor Johnson opened and closed the public hearing at 8:03 p.m. There was no public testimony.

**ORDINANCES AND
RESOLUTIONS**

ORDINANCES

**Ordinance #1672;
Benthien Loop Pre-
Annexation Zoning**

Director Smith reported the ordinance applies the new zoning to the Benthien Loop area. Staff is recommending an amendment to the ordinance concerning a change to the boundary, which has been discussed with Pierce County and the City of Tacoma. The current boundary splits some parcels and if annexed would create the issue of different jurisdictions. Staff worked with the county and the City of Tacoma on an amendment where the City will annex the southerly parcels and the City of Tacoma will annex the northerly parcels, which also presented the same problem because all the parcels have access

only from a street in Fife. Staff contacted the City of Tacoma and requested including the entire parcel in the proposed annexation because it makes sense for the community, access, and for the provision of public services. The Tacoma City Council is discussing the proposal during its meeting. The ordinance should reflect that the annexation boundary will include the other area. He pointed out the addition of a new section within the ordinance for the Council's review.

City Clerk/Finance Director Marcotte read the title of Ordinance No. 1672:

An ordinance of the City Council of the City of Fife, Pierce County, Washington, changing the Pre-Annexation zoning for the area known as Benthien Loop to Neighborhood Commercial on the official zoning map.

Motion

Councilmember Roscoe moved, seconded by Councilmember Godwin, to approve Ordinance No. 1672; Changing the Pre-annexation Zoning to Neighborhood Commercial.

Councilmember Roscoe conveyed her support in moving the properties on the east side of the creek within the City's annexation area.

Councilmember Cerqui agreed it's the best zoning for the area and he supports the action.

Councilmember de Booy commented about the cost to the City for annexing the properties in terms of increasing City services. She said she agrees with the proposed zoning and hopes the City of Tacoma is supportive of the alignment of the boundaries.

Mayor Johnson asked what the property owners have provided in terms of feedback. Director Smith replied that most of the property owners have been supportive of the zoning with the exception of one owner who is not in favor of the annexation.

Public Comments

Rich Lott, 5505 4th St E., commented that the majority of the residents favor annexing the six remaining parcels into the City of Fife. Bonnie Club is the only property owner who doesn't favor the annexation or the zoning change. She plans to reside in the area for another two years and then will move. All other owners are supportive of the zoning.

Councilmember de Booy commented that Mr. Lott's previous comments to the Council included a statement about Pierce County putting in sewers and not charging the property owners. She asked if she remembered the comment correctly. Mr. Lott said the question pertained to the property owners within the loop not currently on sewer. There are some properties that are on sewers along 4th Street East and 55th Street. The sewer dead ends at 58th as well as 57th. However, the City of Tacoma during a mitigation project for dredging a

creek for salmon habitat, approached property owners for an easement to have access to the creek for restoration of the habitat. The City negotiated agreements with the property owners for providing an easement and connecting them to sewer. Only a few of the residents that border the creek were involved.

Councilmember Hull inquired about the status of the easement agreements.

Michelle Bunker, 5905 4th St. E., said she is a part of the easement process. The City of Tacoma completed its mitigation project. This fall, the City is installing the sewer for the four residents who granted easements to the City.

Motion

Motion carried unanimously.

**Ordinance #1670;
Adoption of 2005
Department of
Ecology Storm Water
Standards**

Director Blount asked the Council to waive first reading and adopt the ordinance. There are two projects that are City related that the Council may choose to exempt. The projects include 20th Street on 54th and 63rd where the City has already constructed part of the storm drainage system. Additional retrofit of the storm drain facilities would drive up costs and impact the project. The second project is 59th Avenue East, which has been a City project in terms of ownership; however the Puyallup Tribe and the City have a memorandum of understanding for the Tribe to take over the project. The draft ordinance before the Council does not exempt the projects and would require an amendment by the Council if exempted.

City Manager Worthington commented that the Council has emphasized urgency regarding the adoption of the standards. However, the Council could take more time is deemed necessary.

City Clerk/Finance Director Marcotte read the title of Ordinance No. 1670:

An ordinance of the City Council of the City of Fife, Pierce County, Washington, regarding adoption of the 2005 Ecology Stormwater Manual for Western Washington and amending Fife municipal code sections 15.32.020, 15.32.030, 15.32.040(A), 15.32.050(A), and 15.34.0230(F); adding sections 15.32.050(F); and repealing sections 15.32.060 and 15.32.070.

Motion

Councilmember Godwin moved, seconded by Councilmember de Booy, to waive first reading and adopt Ordinance No. 1670; Adoption of 2005 Department of Ecology Storm Water Standards.

Councilmember Godwin commented positively on the adoption of the 2005 standards to afford more control of stormwater by the City. City Attorney Combs advised Council of a draft ordinance prepared excluding the two City projects from the standards.

Director Blount commented the projects will take over a year to complete. If

the Council elects to exempt the projects from the ordinance there would be an opportunity to correct the analysis of construction costs and also afford an opportunity to comply with the new standards.

City Attorney Combs reviewed the new proposed ordinance with the exemption of the projects and the addition of two "whereas" provisions.

Councilmember Brooks said there is a difference between the two projects. The 20th Street project has already broken ground and has been initiated. He said he doesn't feel the same way about the 59th Avenue project and favors exempting the 20th Avenue project but not the 59th Avenue project. He asked about the status of the latter project. Director Blount reported the Puyallup Tribe has received approval from WSDOT of the new intersection configuration to signalize 59th Avenue and Pacific Highway. However, formal design has not been submitted.

City Manager Worthington reported the agreement with the Tribe on the expansion of the casino calls for the extension of 59th. The agreement anticipates the project will commence this year. The intersection work will begin in June with the extension of the street to follow.

Attorney Combs said the issuance of the building permit vests the project to all regulations in effect at the time the building permit application is finalized. The building permit has been issued for the project. The unique difference is a City street is included as part of the Tribe's project with the stormwater attached to the project. The construction of the improvements are required as part of the mitigation measures for that project. This is a project that needs to be specifically exempt.

Councilmember Hull asked why the project needs to be exempt if the project is already vested. Attorney Combs replied that it's a City street project technically, but the off-site improvements for stormwater are a condition of the building permit.

Councilmember Roscoe questioned if a separate building permit would be issued for the off-site improvement. Attorney Combs stated building permits are not issued for that type of construction project.

Councilmember Godwin requested clarification of the exemption. In order to be exempt, a project must have a building permit. City Attorney Combs said no and that he was attempting to address the building permit issue in terms of Councilmember Brooks' statement that the 20th Street project was already underway in terms of construction versus no construction beginning for the 59th Avenue project. The 50th Avenue project is tied to a condition for a building permit that has already been issued. Normally, a City street project does not have a building permit. Councilmember Godwin said he is trying to clarify the cutoff point. City Attorney Combs said there is a clear cutoff with

respect to the two projects. Councilmembers Godwin requested a clarification regarding any project. City Attorney Combs said overall, the state statute ties it to building permit or submittal of a subdivision. Those are the key triggers. Councilmember Godwin pointed out that if a project has not been submitted for permits, then it falls under the 2005 standards. City Attorney Combs said there are instances where different kinds of permits have been applied for but not issued because of plan review. Those are the circumstances where interpretation of state law can be an issue.

Councilmember Brooks suggested recessing to an executive session for 10 minutes for potential litigation and possible action to follow.

Recess to Executive Session to Discuss Potential Litigation

The Council adjourned to an executive session at 8:35 p.m. to discuss potential litigation for 10 minutes. The Council will take action following the executive session.

Reconvene

Mayor Johnson reconvened the meeting at 8:58 p.m.

Motion

Councilmember Hull moved, seconded by Councilmember de Booy to amend Ordinance No. 1670 to exempt certain transportation improvement projects; specifically the 20th Street East construction project and 59th Avenue East extension project.

Councilmember Hull said he believes staff provided a good explanation and reason for exempting the projects from the 2005 standards.

Councilmember Cerqui expressed concerns about the amendment.

Councilmember de Booy said she supports the amendment.

Councilmember Roscoe said she shares some of the Councilmember Cerqui's concerns in terms of the City complying with standards just like any other project but also believes the facts concerning the projects justifies the project complying with the previous standards. She asked for information on the cost differences.

Mayor Johnson said he's comfortable with staff's explanation for exempting the two projects.

Motion

Motion carried. Councilmembers Godwin, Brooks and Cerqui opposed.

Motion

Motion carried on the amended main motion.

**Ordinance # 1671;
Repeal Ordinance
1665 Prohibition on
Accepting Land Use**

Director Blount reviewed the requested action.

City Clerk/Finance Director Marcotte read the title of Ordinance No. 1671:

Applications.

An ordinance of the City Council of the City of Fife, Pierce County, Washington, repealing Ordinance No. 1665 regarding a temporary prohibition on accepting land use applications for large parcel development or redevelopment within the City.

Motion

Councilmember Brooks moved, seconded by Councilmember Roscoe, to waive first reading and adopt Ordinance No. 1671; Repeal Ordinance No. 1665 Prohibition on Accepting Land Use Applications. Motion carried.

**Ordinance # 1668;
Industrial Zone
Height Standards for
Air Separation
Columns.**

Planner Pasinetti reported on April 8, 2008, the Council approved first reading of Ordinance #1668 allowing the construction of air separation columns within the Industrial zoning district under certain provisions. At that meeting, the Council asked staff to review other residential zones located outside the City of Fife. Staff has established a map of a buffer area if the ordinance is adopted. The map reveals a buffering zone of 1,500 feet from residential zoning in Milton, Edgewood, Pierce County, and the City of Tacoma. Staff suggests including Community Commercial zoning within the amendment as well as residential is an allowed use in Community Commercial zoning districts.

Planner Pasinetti reviewed the proposed changes to #7 A stating, "The column will not be within 1,500 feet of any Community Commercial and Residential zone in the City of Fife or any other residential zone in the surrounding jurisdictions."

City Clerk/Finance Director Marcotte read the title of Ordinance No. 1668:

An Ordinance of the City Council, of the City of Fife, Pierce County, Washington, amending subsection 19.68.020(C) of the Fife Municipal Code to allow a height exception for air separation columns in industrial district.

Motion

Councilmember Roscoe moved, seconded by Councilmember Hull, to approve Ordinance No. 1668; to allow a height exception for air separation columns in the Industrial district.

Attorney Combs asked whether 1,500 feet places the boundary on the Praxair property. Planner Pasinetti confirmed that the boundary would be on the Praxair property. Attorney Combs suggested amending the ordinance. Planner Pasinetti suggested changing the boundary to 1,040 feet to avoid touching the Praxair property. City Attorney Combs suggested another option of including a topographical feature, such as the Puyallup River.

Mayor Johnson suggested tabling the issue and addressing it at the next meeting.

Discussion ensued on the City's intent to approve the request while protecting properties from impacts.

City Manager Worthington explained one solution is to add language that prescribes the requirement of 1,500 feet from any residential zoning including residential zones outside the City except for any intervening features, which is defined in the code and includes the Puyallup River.

Council and staff discussed surrounding residential properties. Attorney Combs advised the Council they can take action a number of different ways, such as retaining the existing language and suggest that it is the location of the column and that the language is clear that it applies to the column. Another option is to provide clarity to ensure the parcel is exempt so that there are no questions going forward.

Attorney Combs added that it's unknown whether Praxair may in the future, want to install another air separation column on the property. Generally, land use decisions are based on the parcel. He said his concern is ending up with a split parcel with a split use. He said he's more comfortable with having the parcel clearly delineated that an air separation column is allowed on the parcel, which means reducing the footage or using the river as an intervening feature with the language stating, *the column shall not be within 1,500 feet of any Community Commercial or Residential zone in the City of Fife or any other residential zone in surrounding jurisdictions unless separated by the Puyallup River.*

Councilmember Godwin said he doesn't approve of the amendment and prefers the original ordinance. The corporation can build a separation tower with a separation from residential zones. He recommended moving forward with a second reading without an amendment. Councilmember Cerqui agreed.

Motion Mayor Johnson moved, seconded by Councilmember Roscoe, to amend the original motion to add the intervening feature of the Puyallup River to Ordinance No. 1668.

Motion The amendment to the motion carried. Councilmembers Cerqui and Godwin opposed.

Motion Councilmember Roscoe moved, seconded by Councilmember Cerqui, to amend Ordinance No. 1668 to include the Community Commercial zone as presented on the map. Motion carried. Councilmembers de Booy, Godwin, and Cerqui opposed.

Motion The amended main motion carried.

RESOLUTIONS

**#1199; Authorize
RCO Grant
Applications for
Property Acquisition**

City Clerk/Finance Director Marcotte read the title of Resolution No. 1199:

A resolution of the City Council of the City of Fife, Peirce County, Washington, authorizing application funding assistance for a Washington Wildlife and Recreational Program (WWRP) project to the Recreation and Conservation Office (RCO) as provided in Chapter 79A.15 RCW, acquisition of habitat conservation and outdoor recreation lands.

Director Reuter reported the resolution is for authorization to submit a grant to RCO for the acquisition of property in the amount of \$500,000. The parcel is 3.87 acres and is owned by WSDOT. Acquisition of the park enables the City to meet the goals of the Parks and Recreation and Open Space Plan as well as meeting level of service standards for acres of developed park land in the community and it provides an active use park in an area of the City that is not currently served.

Motion

Councilmember Roscoe moved, seconded by Councilmember de Booy, to approve Resolution No. 1199; Authorize RCO Grant Applications for Property Acquisition.

Councilmember Roscoe asked about requirements for land purchased with RCO funds. Director Reuter said the application stipulates that the grant will be used for future park development. Councilmember Roscoe asked whether funds must be returned if the use of the funds changes. Director Reuter advised the grant requires a 50-year commitment.

Councilmember Godwin asked about the source of the funding match. Director Reuter reported the City could swap property with WSDOT for property required for right-of-way for SR 167 to meet the match requirement.

Councilmember Hull commented about the City's financial condition and suggested applying the grant in another area. City Manager Worthington said if the City decided to pursue negotiations with WSDOT, the grant would help offset the cost of the negotiation.

Councilmember Brooks asked about the timing for notification of the grant award. Director Reuter indicated a decision will be rendered in August. Councilmember Brooks asked whether the Council could proceed with authorizing the application and then later decide against using the grant. City Manager Worthington advised that it's possible not to move forward with the grant if awarded. Councilmember Brooks expressed a preference for developing existing park properties but supported the concept of applying for the grant and then evaluating moving forward.

Councilmember Cerqui commented that the parcel is large for a City park and he doesn't foresee a benefit for a park in that particular location.

Councilmember de Booy said she's not supportive of the grant and prefers spending funds on completing existing parks.

Councilmember Roscoe questioned whether a portion of the property could be acquired. Director Reuter said that option was not explored but that it could be an option entertained with the state. The deadline for initial submittal is May 1, 2008.

Mayor Johnson asked about costs associated with preparing the grant. Director Reuter replied the cost invested to date has been \$900.

Councilmember Hull questioned the investment in consultant services and asked if staff has considered utilizing staff resources. City Manager Worthington advised the consultant service is a reasonable investment given the potential return the City would receive. The potential is for the City to receive \$500,000 in grant revenue. There is a need for upfront costs and at this point up to \$4,000 is a trade-off to participate in the grant process. Internal resources were evaluated.

Motion

Motion failed unanimously.

1201; Authorizing the City Manager to Purchase Temporary Construction Easement for the Boitano Family

City Clerk/Finance Director Marcotte read the title of Ordinance No. 1201:

An ordinance of the City Council of the City of Fife, Pierce County, Washington, authorizing the City Manager to purchase temporary construction easements from Louis Boitano and the Estate of Louis Boitano.

Motion

Councilmember Roscoe moved, seconded by Councilmember de Booy, to approve Resolution #1201; Authorizing the City Manager to purchase temporary construction easements from Louis Boitano.

Director Blount reported temporary acquisition of property is for access for hauling 16 yards of material to widen Valley Avenue East. The cost is significantly higher than securing a farm lease. The rates are regulated by federal government guidelines.

Several Councilmembers expressed frustration with the cost of the easement.

Attorney Combs acknowledged the frustrations and said the City would not pay the costs but for the use of federal monies that mandates the City pursue this course of action. He said he understands the frustrations but that the City is tied to following federal and WSDOT regulations because by not doing so it could threaten the project. He acknowledged Councilmember Godwin's

concerns about the provision stipulating the property will be returned in its original condition and said the lease will include provisions that makes it clear that the Boitano's are not expecting the City to restore the property to its pristine condition of valley farmlands after running trucks across the property.

Motion **Councilmember Godwin moved, seconded by councilmember Roscoe to extend the meeting until 10:02 p.m. Motion carried**

Director Blount addressed and responded to a variety of questions and concerns by the Council.

Motion **Motion carried unanimously.**

NEW BUSINESS

Appoint 3 Councilmembers to Peirce County Joint Determining Authority

City Manager Worthington reported Peirce County received an application requesting open space designation for property located within the City owned by Union Pacific Rail. It's in an area involving a piece of Dacca Park. In the course of moving property to open space, a Joint Determining Authority is required to process the application consisting of Pierce Council Councilmembers and the City of Fife. The request is to appoint three Councilmembers as members of the Determining Authority. The meeting will be on April 28, 2008 at 4:00 p.m.

Mayor Johnson and Councilmembers Godwin and Cerqui volunteered to serve on the Authority.

Motion **Councilmember Roscoe moved, seconded by Councilmember Brooks, to appoint Mayor Johnson, Councilmember Godwin, and Councilmember Cerqui to the Pierce County Determining Authority. Motion carried**

CITY MANAGERS REPORT

City Manager Worthington provided the following report on upcoming and recent activities:

- Teen Activity Night to take place at Columbia Junior High School. A report will be given after the event.
- The April Pools Day event was a success with a good turnout.
- The school zone flashers on Valley Avenue have been installed but are not operational at this point.

Motion **Councilmember Godwin moved, seconded by Councilmember Roscoe to extent the meeting to 10:09 p.m. All in Favor. Motion carried**

COUNCILMEMBER COMMENTS

Councilmember Godwin commented on citizen comments regarding the creek easement. Staff proceeded with the easement independently and sent out letters requesting an easement without the knowledge of the Council. Mayor

Johnson received a letter and then the Council became involved and also was not satisfied with the 30-foot easement and pursued a 10-foot easement, which is reasonable. There are issues that citizens are misinterpreting. Another concern expressed by citizens is the construction of trails on private property. He noted the City has not constructed any trails on any private property. Trail property has been inquired through purchase or through a development agreement with developers who have provided access. He said he is worn out about the issue of trails especially with respect to the lack of facts. If the issue can be addressed through facts, the issue should be resolved so that the creek can be maintained.

Councilmember Hull said he enjoyed meeting with the seniors at the Seattle Mariners game.

Councilmember de Booy commented positively on the installation of the school signs.

Councilmember Roscoe thanked citizens for attending and for their comments. She asked for a copy of the RCW on the drainage easement. City Attorney Combs said he's unaware of the RCW that gives a drainage district a perpetual right to have access to a creek. Councilmember Roscoe expressed interest in pursuing some resolution on the issue.

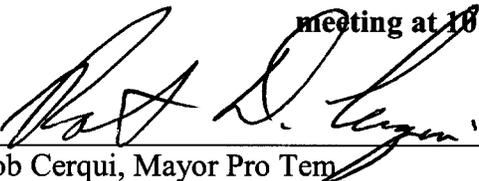
Mayor Johnson said issues are often difficult to overcome when people are misinformed. The Council has worked to ensure accurate information is provided to the public as well as answering concerns. He indicated he signed the easement request and reiterated the easement is only for access.

**CITIZEN
COMMENTS**

Doug Mueller, 2513 David Court Place E. complained about the language in the easement request and suggested the City doesn't need an easement and only needs to perform maintenance when required. He suggested the City could publish a maintenance schedule in the paper.

ADJOURNMENT

With there being no further business, Mayor Johnson adjourned the meeting at 10:23 p.m.



Rob Cerqui, Mayor Pro Tem



Steve Marcotte, City Clerk/Finance Director