

ORTING CITY COUNCIL MEETING MINUTES

June 24, 2009

Mayor Cheryl Temple called the meeting to order with the flag salute at 7:00 pm in the Orting Public Safety Building. Roll call found in attendance Councilmembers Scott Drennen, George Wilson, Nicola McDonald, David Inge and Guy S. Colorossi. Councilmember Inge moved to excuse Councilmembers Dick Ford and Joachim Pestinger. Councilmember Wilson seconded the motion and it carried.

ATTENDANCE:

City Employees	City Administrator Mark Bethune, Administrative Assistant Roxanne Pollard, Accounting Clerk II Freda Bingham, Police Chief Bill Drake.
Professional Representatives	Parametrix Engineer Dave Roberts, Kenyon Disend Attorney Chris Bacha, BHC Consulting Planner Roger Wagoner.
Visitors	Margaret O’Harra, Doug Schwarz, Steve Rogers, Linda Rogers, John Kelly.

CONSENT AGENDA:

- A. Minutes of June 10, 2009.
- B. Approval of Claims Warrants No. 14379 through No. 14427 in the amount of \$138,244.55 and Payroll Warrants No. 18338 through No. 18380 in the amount of \$82,210.39.

Councilmember Inge asked staff to clarify a warrant written to Bonney Lake Bicycle Shop. Chief Drake reported that payment was for bike repairs, replacement tires and cables. The Police Bicycles and repairs to them are paid for by the drug fund. The City purchased the bikes at the shop because the Orting Bicycle Shop could not provide the models required.

Councilmember Colorossi moved to approve the Consent Agenda as prepared. Councilmember Wilson seconded the motion and it carried.

COMMENTS FROM CITIZENS:

None.

OLD BUSINESS:

Ordinance No. 877: Park Facility Rental Priority	Councilmember Drennen and City Attorney Bacha introduced the proposed Parks Facility Rental Priority Ordinance. The ordinance codifies the entire park rental facility policy. It also gives staff a priority to follow if there are two or more competing applications or uses for a facility. The ordinance does not change any of the rental fees and allows the fees to be updated by resolution.
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Councilmember Drennen moved to adopt Ordinance No. 877, an ordinance of the City of Orting, Washington, relating to the use of City Facilities; establishing a new chapter of Title 3; amending Title 8-6 of the Orting Municipal Code; Repealing Ordinances No. 852 and 868; providing for severability; and establishing an effective date. Councilmember Wilson seconded the motion and it carried

Golf Carts

Councilmember Inge provided the Council with a revised copy of the golf cart proposal. The document was revised based on comments from Richard Burriss of the Sierra Club.

Doug Schwarz, of 14817 145th Street East, commented that a golf cart program would be valuable to residents with limited mobility or an inability to get a drivers license.

City Administrator Bethune asked, if an individual is unable to qualify for a driver's license should the City allow them to operate other vehicles on the road.

Steve Rogers, of 208 Kansas Street Southwest, commented that a golf cart program would help his wife be more independent. His wife has medical conditions that prevent her from obtaining a drivers license, she is also not always capable of walking. She is very dependent on friends and family to help her run errands, such as going to the pharmacy, doctors' appointments or picking up groceries. He reported that she is able to operate a golf cart. Mr. Rogers commented that the use of a golf cart on the City street is very similar to a bicycle.

Councilmember Wilson asked the City Attorney if there is a liability for the City if a golf cart operated but someone without a license injures a pedestrian.

City Attorney Bacha reported that the City should always consider potential liability when it allows new programs. In this case, he will need to do more research to determine what the risks may be.

Councilmember Colorossi suggested that if the Council adopts this program it should include hour when golf carts are allowed on City streets.

Councilmember Wilson asked if the State Patrol had provided any information about the use of golf carts on the state highway. Councilmember Inge reported that the State Patrol verbally confirmed that golf carts would be allowed to cross the highway and drive a short distance on the highway as long as they exit the highway as soon as possible.

Councilmember Drennen suggested that the City could register all golf cart drivers and their carts. Councilmember Inge agreed and stated that registration could be a way to provide citizens with the regulations for golf cart use. The City could also charge a fee to cover any costs.

Councilmember Drennen reminded the Council that pedestrian use of the trail should be preserved.

John Kelly, of 202 Kansas Avenue Southwest, spoke in support of golf cart use on City Streets. Mr. Kelly has spoke with many residents who support this idea. Golf carts are similar to some vehicles that are already allowed on City Streets, like scooters. Mr. Kelly stated that there should be no driver's license required to use a golf cart. This program has worked well in many other communities.

Linda Rogers, of 280 Kansas Street Southwest, commented that golf carts would be a way for responsible people to run simple errands.

Councilmember Inge reported that the Sierra Club is asking interested communities to prepare guidelines. The club is willing to work with state agencies to coordinate policies.

The Council agreed that the Public Safety Committee should review the policy and make a recommendation about the City's next steps.

NEW BUSINESS:

Resolution 2009-4:
Comprehensive Flood
Hazard Mitigation
Plan

City Planner Roger Wagoner presented the Council with the Comprehensive Flood Hazard Mitigation Plan (CFHMP). The Plan includes a specific list of actions that direct City implementation of flood hazard mitigation programs and projects.

The Department of Ecology has approved the CFHMP. The Plan qualifies Orting for future federal funding, state grants and will result in a reduction of flood insurance premiums for Orting property owners.

Councilmember Drennen moved to adopt Resolution 2009-4, a resolution of the City of Orting, Washington acknowledging the completion of the Comprehensive Flood Hazard Mitigation Plan. Councilmember Wilson seconded the motion and it carried by a vote of four to one. Councilmember Colorossi voted against the motion.

Vehicle Use on the
Trail

Councilmember Drennen and Mayor Temple reported that a resident of Orting had previously been given permission to use a farm vehicle on City Streets for farm use only. Recently the City has received many complaints about this individual abusing this policy.

After discussion, the Council asked the Police Chief to review the situation and make a recommendation to the Public Safety Committee to bring back to Council.

Fireworks Stand
Permit

Councilmember Wilson presented a request for a fireworks stand permit from the Family Fund. Councilmember Wilson moved to

approve the Fireworks Stand Permit for the Family Fund with the exclusion of sales for January 31. Councilmember Inge seconded the motion and it carried.

The Building Official will inspect the stand prior to opening and the operators will purchase a City of Orting Business License.

DM Disposal Contract
and Waste Collection
Ordinance

City Administrator Bethune presented the draft DM Disposal Contract and Waste Collection Ordinance to the Council.

City Attorney Bach explained that the ordinance operates to repeal the existing provisions and replaces them with the new provisions. The changes include:

1. Penalties. The current ordinance makes all violations a misdemeanor. The penalties have been adjusted so that most violations are civil infractions. However, criminal penalties remain for willful failure to initiate or maintain garbage collection service.
2. Garbage Collection. Garbage collection service is required for all properties in the City using appropriate containers as specified in the ordinance. If a property owner or occupant fails to obtain service after the City has given written notice, such failure is a criminal violation and can also be punished as a civil infraction. Failure to pay is a class 4 civil violation.
3. Recyclable and Yard Debris. Disposal is not mandatory under this ordinance, thus a person does not have to source separate and dispose of such materials separately. Many Cities have mandatory recycling because state law requires Cities to encourage it. The City Council will discuss this provision.
4. Collection of Recyclables. Not made exclusive for commercial properties. Thus, commercial property owners can contract with any provider for such service. Residential customers must contract with the contract carrier.

The proposed franchise agreement:

1. Conforms to Ordinance. All terms in the ordinance are incorporated into the franchise.
2. Term. The term of the new franchise will expire at the same time as the current franchise would expire (April of 2012). Additional two-year terms are authorized by mutual consent.
3. Adjustment. Every two years the rates may increase by 80% of the CPI with a \$10.00 cap. Rates will be specified in Exhibit A. Rates will be negotiated with the new franchise. Tipping fees would not be a pass through but the City would be required not to unreasonably withhold an increase when tipping fees increase. This means, if the

franchisee can show the tipping fees increase its costs, it would be entitled to an increase in that amount.

4. Penalties. The contract includes a liquidated damages clause for failure to comply with service standards that are now included in the contract.

The Utility Committee will review the agreement and ordinance and then make a recommendation to the Council.

COMMITTEE AND STANDING REPORTS

River Bar Removal Councilmember Colorossi reported that the Pierce County River Revitalization Task Force’s first public meeting would be Wednesday July 8 at 6:00 pm in the Puyallup Library. Additional meetings are scheduled for July 22 and August 12.

Councilmember Colorossi also attended a meeting organized by local residents at the Orting Eagles. About 65 people attended the meeting. The group is interested in Channel Migration and compelling Pierce County to remove river debris.

Governmental Affairs Councilmember McDonald reported that the legislators’ barbeque is July 9 at the David Inge’s house.

Public Safety Mayor Temple reported that Fire District 18 Board of Commission would have a special meeting on June 25 at 4:30 pm to discuss personnel and an administrative services contract with East Pierce Fire and Rescue.

Mayor Mayor Temple reported that Pierce County is holding a special filing period for Council Position No. 7.

ADJOURN

Councilmember Colorossi moved to adjourn the meeting at 9:24 pm. Councilmember Wilson seconded the motion and it carried.

ATTEST:

City Administrator Mark Bethune

Mayor Cheryl M. Temple