

## ORTING CITY COUNCIL MEETING MINUTES

August 31, 2011

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 Graham Hunt, Stanley Holland, Ava Krogh, Scott Drennen, Ric Fritz, David Inge, Guy S. Colorossi and Orting Valley Fire and Rescue Commissioner Margaret O'Harra.

### ATTENDANCE:

City Employees	City Administrator Mark Bethune, Administrative Assistant Roxanne Pollard, Building Official Ken Wolfe, Police Chief Bill Drake, Public Works Director Dean Kaelin.
Professional Representatives	Kenyon Disend Attorney Chris Bacha, Parametrix Engineer JC Hungerford, Parametrix Engineer Dave Roberts.
Visitors (signed in)	Shirley M Sigafoos, Shawn Hogan, Heather Hogan, Rhonda Madison, Haeman Song, Linda Gebhard, Alex Gebhard.

### COMMENTS FROM CITIZENS:

Rhonda Madison: City Parks	Rhonda Madison, of 112 Nelsen Street Northeast, complimented the City on the quality of the downtown parks. Recently she rented the gazebo for a wedding and received many positive comments from guests about the beauty of the park. She commented that the parks are a great asset to the community.
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### CONSENT AGENDA:

- A. Minutes of August 10, 2011
- B. Approval of Claims Warrants No. 17477 through No. 17536, in the amount of \$163,734.39 and Payroll Warrants No. 20607 through No. 20625 in the amount of \$85,865.49.

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

### PRESENTATION:

Street Fund: Graham Hunt, Councilmember	Councilmember Hunt briefed the Council and the condition of the streets in the City of Orting. Most cities in our country have not faced the real cost of maintaining transportation infrastructure. Revenues for the Streets and Capital Projects Funds have decreased \$110,000 in the last four years. The Streets Fund is losing between \$20,000 and \$30,000 per year. The Streets Fund reserves will be depleted in two-three years. Councilmember Hunt presented the Council with options to keep the fund solvent including forming a transportation benefit district and raising vehicle licensing tabs up to \$20 per year to generate funds to maintain the City's 24 miles of streets.
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The Council requested more information about different ways to generate revenue without raising fees or taxes for Orting residents.

The Council also noted that if fees or taxes are raised they should solicit a lot of public input.

**OLD BUSINESS:**

Ordinance No. 910: Medical marijuana has become a highly controversial subject in our state this past year. Federal Law continues to declare the dispensaries and growing operations illegal. The Governor has vetoed most of the recent legislative attempts to pass a law allowing dispensaries and growing operations. Many Washington cities are passing moratoriums to study the subject further.

If the Council approves the moratorium ordinance, the City must begin a process of evaluating the subject in light of Federal Law, zoning, and state law. That work may become moot should federal or state laws change

Mayor Temple asked if there were any comments from the audience.

Bill Bruisis commented that he has friends who use marijuana medicinally and that there are many upsides to allowing medical marijuana businesses.

Rhonda Madison commented that medical marijuana is a topic that is going away and that it would be prudent for the City to act now instead of later. She reported that she strongly supports the moratorium.

Heather Hogan commented that as it is now there are not nearly enough community resources put into drug abuse prevention. Allowing medical marijuana gardens or dispensaries would only give youth more opportunities to access drugs.

Ken Wolfe reported that there have been violent crimes in his neighborhood as a result of a medical marijuana garden locating in the area.

Ames Wong listed several statistics supporting that marijuana use is a problem for Orting Youth.

Councilmember Hunt moved to adopt Ordinance No. 910, an ordinance of the City Council of the City of Orting, Washington, relating to a moratorium; adopting Findings of Fact and a six-month moratorium within the City of Orting upon the establishment, location, operation, licensing, maintenance or continuation of medical cannabis collective gardens or dispensaries, asserted to be authorized or actually authorized under E2SSB 5073, Chapter 181, Laws of 2011, Chapter 69.51a Revised Code of Washington, or any other laws of the State of Washington; establishing an effective date; and providing for severability. Councilmember Fritz seconded the motion. A roll call vote revealed unanimous approval of the ordinance.

Ordinance No. 911: NPDES Stormwater Regulations Councilmember Drennen reported that the National Pollutant Discharge Elimination System (NPDES) Ordinance provides regulation and enforcement mechanisms for activities related to development, re-development and construction with relation to onsite stormwater as well as offsite stormwater discharges. Additionally, this ordinance addresses Low Impact Development (LID) allowing developers to utilize LID technologies in their stormwater design plans.

Councilmember Drennen moved to adopt Ordinance No. 911, an ordinance of the City of Orting, Washington, relating to surface water management; repealing and re-enacting Articles A and B of Chapter 5 of Title 9 of the Orting Municipal Code, and amending Article C of Chapter 5 of Title 9 of the Orting Municipal Code, to conform to the National Pollution Discharge Elimination System Permit for Phase II communities; amending the enforcement and penalty provisions thereof; providing for severability; and establishing an effective date. Councilmember Inge seconded the motion and it carried unanimously.

**NEW BUSINESS:**

Public Hearing: Six Year Transportation Improvement Plan

The City is required to update its Six-Year Transportation Improvement Plan (TIP) annually. The projects on the list have not changed. However, the State Route 162 Two-Way Turn Lane project was moved from position five to position one on the list.

Councilmember Drennen commented that Bridge for Kids should be added to the list.

Mayor Temple opened the public hearing on the 2012-2017 Six-Year TIP at 8:36 pm.

Ken Wolfe commented that he agrees that Bridge for Kids should be added to the list.

Hearing no further comments Mayor Temple closed the hearing at 8:38 pm

Resolution 2011-6: Six-Year Transportation Improvement Plan

Councilmember Hunt moved to pass resolution 2011-6, a resolution of the City of Orting, Washington adopting the 2012-2017 Six-Year Transportation Improvement Program with the addition of the Bridge for Kids project to the plan, Councilmember Holland seconded the motion and it passed unanimously.

Resolution 2011-7: Memorandum of Understanding for Pierce County Assistance with Solid Waste Request for Qualifications.

Councilmember Fritz moved to pass resolution 2011-7, a resolution of the City of Orting, Washington, authorizing the City Administrator to enter into a Memorandum of Understanding with Pierce County Public Works and Utilities for technical assistance. Councilmember Holland seconded the motion and it carried unanimously.

Flood Control Development

In 2008, the National Marine Fisheries Service (NMFS) issued a Biological Opinion stating that the Federal Emergency Management

Regulation Agency's (FEMA) implementation of the National Flood Insurance  
Amendments for Program (NFIP) jeopardizes endangered species found in Puget Sound  
National Flood and tributaries. The Biological Opinion evaluated "Reasonable and  
Insurance Program Prudent Alternatives" that FEMA can take to avoid violation of the  
Compliance Ordinance Endangered Species Act that consist of modifications to the NFIP that  
will prevent or minimize additional displacement of floodplain habitat  
important for listed species. Local governments must comply with  
these requirements by September of 2011.

If the amendments are not adopted, permit by permit review for floodplain development that includes individual consultation with NMFS and/or the US Fish and Wildlife Service will be required of developers within the City's floodplain.

The Council will be asked to adopt the ordinance at the September 14 City Council Meeting after a public hearing.

Legislative Priorities Councilmember Fritz presented the updated City of Orting Legislative Priorities. The priorities are as follows:

1. Flood Solutions: It is critical we maintain our stance that flood solutions will involve all levels of government – Federal, State, County and City.
2. Orting Valley/Agriculture: Our strategy with the state and county is to lobby for reduced taxes on farmland and farming activity to stimulate agriculture.
3. Municipal Budgets: Lobby to protect city budgets from state budget balancing efforts (through fees, charges, etc.).
4. Pierce Transit: The City desires that either Pierce Transit provide bus service to Orting or the City be allowed to de-annex and form its own bus service.
5. Postpone requirements of National Pollutant Discharge Elimination System (NPDES) permit 2. Orting has met NPDES requirements to date but the 2012 requirements are vague or not yet stated. The known requirements will be expensive to implement, and still contain significant unfunded liability. This is not the time for new expenses and risk for cities.
6. Public Records requests. Statewide is a trend of abuse where petitioners make vague requests for thousands of documents without stating a clear purpose.
7. Law and Justice (election of judges). At the very least we believe cities below 10,000 in population be exempted.
8. Greater flexibility in the use of Real Estate Excise Tax (REET) funds.
9. State highway priorities: SR 167/SR162/SR 162-Hwy 410 interchange. We need a new initiative to keep them in the state transportation plan.
10. Support for the Evacuation Bridge (Bridge for Kids).

Councilmember Fritz moved to approve the City of Orting Legislative Priorities. Councilmember Drennen seconded the motion and it carried.

**STANDING AND COMMITTEE REPORTS:**

Rivers Building Official Ken Wolfe updated the Council on several old drift barriers found in the Puyallup River.

Public Safety Chief Drake reported that the Police Department has been doing lots of work to prepare for fishing season.

He also reported that the Public Safety Committee has approved a title change for the Sergeants. The Sergeants will not be known as Lieutenants. There will be no change in duty or pay.

Bridge for Kids Councilmember Drennen reported that the next Bridge for Kids meeting is on August 30.

**EXECUTIVE SESSION:**

Potential Litigation Mayor Temple announced an executive session to discuss potential litigation under RCW 42.30.110(i) for 6 minutes at 9:32 pm. Regular session was reconvened at 9:44 pm.

**ADJOURN:**

Councilmember Holland moved to adjourn the meeting at 9:44 pm. Councilmember Hunt seconded the motion and it carried unanimously.

**ATTEST:**

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City Administrator Mark Bethune

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Mayor Cheryl M. Temple