

**City of DuPont
Regular City Council Meeting
January 27, 2009
7:00 p.m.**

Call To Order: Mayor Jenkins called the Regular City Council meeting to order at 7:02 p.m.

Roll Call: Those present were Mayor Jenkins and Councilmembers Coffey, Ehrenreich, Trotter, Marin, and Wilcox. Councilmember Westman was excused and Council Position No. 2 is vacant.

Staff Present: Those present were, City Administrator McDonald, City Attorney Kerslake, City Clerk Larsen, Interim Fire Chief Merritt, and Interim Police Chief Goodpaster. Assistant City Administrator/Finance Director Masko and Public Works Director Zahn were excused.

Pledge: Mayor Jenkins led the flag salute. The flag salute was followed by a moment of silence in honor of our Military.

Appointments: *Mayor Jenkins* recommended the re-appointment of Maurice Toussaint and April Bilderbach to the Parks Agency. A motion was made and seconded to confirm the re-appointment of Maurice Toussaint and April Bilderbach to the Parks Agency. Trotter/Coffey 5/0 motion carried.

Approval of Agenda: A motion was made and seconded to approve the agenda. Wilcox/Coffey 5/0 motion carried.

Public Comment: None

Approval of Consent Agenda Items:

- Regular City Council Meeting Minutes – January 13, 2008;
- Claim Vouchers List – January 27, 2009;
- Approval of Modifications to Police Records Clerk Job Description;
- Approval of Police Records Specialist Job Description;
- First Amendment to the DuPont Station Mixed Use Development Agreement.

Councilmember Coffey stated that in the minutes of January 13th a comment by Councilmember Ehrenreich should be credited to Councilmember Westman. A motion was made and seconded to approve the consent agenda items. Coffey/Trotter 5/0 motion carried.

Discussion Items:

Water Rights

City Administrator McDonald stated that the water is not potable at this point but that there are options to consider. Mr. Bill McDonald introduced Tom McDonald, Attorney from the Cascadia Law Group stating that he is well versed in Water Rights issues. Mr. Tom McDonald provided

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background information on the Weyerhaeuser/Quadrant project that has possessed and transferred these rights in the past. He stated that First Industrial who now owns the property utilized by the Home Course would like to transfer the remaining rights to the City to maximize use for Municipal purposes.

Council discussed possible benefits, uses, concerns, timeline, working with First Industrial, and the next steps. Council concurred to discuss the topic at a future workshop.

Air Rights Easement for Home Course

City Administrator McDonald stated that the Home Course would like to make adjustments to holes 11 and 12 on the Golf Course near Fort Lake. They intend to hit golf balls over the City's property which would require an easement. Upon review by the City Attorney of the Restrictive Covenants for the Fort Lake property, recreational use is not allowed; however, passive use is allowed.

Council discussed the terrain and slope of the property, the implications if balls land on City property, reasonable considerations, a diagram of the area, trails for passive use and adding a termination date to the easement.

Fire Ballot Measure

City Administrator McDonald stated that he contacted the Association of Washington Cities (AWC) to inquire about process. He stated that consultants are available to help the City connect with the community

Council inquired about a survey/polling, timeline for a ballot measure, and the amount of time needed for Lakewood to train firefighters.

City Attorney Alice Ostdiek summarized the information from the Council's workshop on the topic. She provided three examples of ballot tile possibilities and clarified the intended levy rate, purpose, and carry forward that each title would allow. She stated that Council has some policy choices and decisions to make.

Mayor Jenkins added that DuPont needs to sustain important services within the City and consider carefully how to fill the budget gap. She stated that although it is a tough economic time, we need to look prudently at our essential needs. Mayor Jenkins stated that she still has very serious questions and does not believe in writing a blank check. She stated that she will be meeting with Lakewood Fire Chief Ken Sharp on January 30th.

Council discussed shortfalls in public safety needs, the bare minimum for reasonable services, clarifying the reality of basic services, a general levy increase, standing up our own department, clarifying ballot title language, contracting and annexing with Lakewood Fire, and election dates.

Mayor's Report:

- Provided information on two reader boards one placed at McNeil St. and Center Dr. similar to the prototype and one electronic for the Civic Center;
- Informed Council that a retreats is scheduled with City staff on February 6th, a Council retreat is soon to be scheduled;
- Announced the Glacier Staff Report informational public meeting February 18th at 7pm;
- The Park Agency has been given the task of researching the possibility of an off-leash dog park and skate spot at Chief Leschi Park;
- Stay tuned for a discussion on a community center option and new revenue ideas.

City Administrator's Report:

- Announced a meeting at the DuPont Library to discuss future library needs on February 3rd;
- Announced The Pierce County Regional Council General Assembly meeting at Clover Park on February 19th.

Council Reports:

Councilmember Wilcox provided an update on the Steilacoom Historical School Board and Transportation Board meetings he attended. He announced an upcoming AWC Legislative Conference and suggested that interested Councilmembers contact the City Clerk for registration. *Councilmember Coffey* added that the AWC Legislative Conference is on February 18th and 19th.

New Business:

Ordinance Amending DMC Title 25.35 Regarding Drive-Thru's – Second Reading

City Administrator McDonald provided background information on the proposed Ordinance. He provided Council with graphs to consider the per foot requirement as requested. He highlighted two changes: the garbage requirement was removed and the per foot requirement was changed to 1,000 feet.

A motion was made and seconded to adopt an Ordinance amending DuPont Municipal Code Title 25.35 regarding drive thru's. Trotter/Wilcox

Council discussed the per foot requirement, how many drive thru's could be located in the mixed use zone with the per foot requirement, traffic and pedestrian access, a traffic study, the Planning Agency's recommendation, residents concerns and pro's and con's of bringing in a drive thru business.

Architect Paul Frank stated that a traffic study was completed citing ample traffic capacity. The study was submitted with the developer's application.

A motion was made and seconded to change the per foot requirement from 1,000 to 5,000. Ehrenreich/Wilcox 5/0 motion carried.

Mayor Jenkins called for a vote on the main motion 5/0 motion carried. Ordinance No. 09-873

Ordinance Relating to the Trust Agreement with the Bank of New York for Civic Center Financing – First Reading

City Administrator McDonald introduced Deanna Gregory and David Thompson from K & L Gates. Ms. Gregory stated that she has been working with staff on the Civic Center financing. She highlighted the lease agreement, lease/lease back process, and the process of assigning certificates and paying them back. Mr. Thompson provided information on the bond certificates, how to market them, and manage risk.

Mayor Jenkins requested public comment on the Ordinance. There being no public comments the Ordinance was moved to a second reading.

Resolution Establishing a Tourism Board

City Administrator McDonald stated that the Resolution is a follow up to the discussion at the last Council meeting. He stated that the board will be a successor to the Visitor Readiness Task Force. He also stated that the Resolution will create a standing committee and will meet

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quarterly or as needed. Mr. McDonald added that a purpose statement was inserted into the proposed Resolution.

A motion was made and seconded to adopt a Resolution establishing a Tourism Board. Wilcox Coffey 5/0 motion carried. Resolution No. 09-365

Public/Council Comment:

Maurice Toussaint (1304 Foreman Rd) relayed that he has heard concerned citizens discuss traffic, smog, hours of operation, riff raff hanging out, and decreasing revenue for other businesses providing a similar service in relation to the drive thru issue. He encouraged citizens to attend Council meetings.

Adjournment:

Mayor Jenkins adjourned the meeting at 9:34 p.m.

City of DuPont:



Tamara L. Jenkins, Mayor

Attest:



Erin Larsen CMC, City Clerk