

**City of DuPont**  
**Regular City Council Meeting**  
**September 23, 2008**  
**7:00 p.m.**

**Call To Order:** Mayor Jenkins called the Regular City Council meeting to order at 7:00 p.m.

**Roll Call:** Those present were Mayor Jenkins and Councilmembers Bailey, Coffey, Ehrenreich, Marin, Westman, and Wilcox. Councilmember Trotter was excused.

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

**Pledge:** Councilmember Bailey led the flag salute. The flag salute was followed by a moment of silence to honor our Military.

**Presentations:** Law Enforcement Support Agency (LESA) Director Tom Orr Thanked the Council and Mayor for their support. He provided background information on Vision One and the Public Safety Answering Point (PSAP) Assessment. He also highlighted the agency, budget, departments and services provided by LESA to DuPont.

Pierce County Long Term Care Ombudsman Representative Karen Hausrath highlighted the program and services they provided to DuPont.

*Councilmember Wilcox* inquired about a volunteer program. *Ms. Hausrath* stated that the next class for volunteers is Friday in Tacoma. She stated that she left a few brochures with the City Clerk.

**Approval of Agenda:** Mayor Jenkins pulled item 13e, Ordinance Adopting a Tree Policy, stating that this item will be covered under the City Administrator's Report. Councilmember Ehrenreich moved item 7a, Regular City Council Minutes for September 9, 2008, to New Business. A motion was made and seconded to approve the agenda as amended. Coffey/Marin 6/0 motion carried.

**Public Comment:**

*David Semerad (1266 Hudson St.)* expressed support for the preservation of the 1839 Mission Site. He provided an artist's rendition of a possible interpretive center and park designed to preserve the site appropriately and attract visitors.

*Don Denning (3174 Brown Loop)* provided a summary of facts as related to the Fire Levy on the November 2008 ballot. He recommended that Council consider passing an Ordinance for a one year levy and create a new two year levy for the February election dedicated to the Fire

## **Agenda Item: 8a**

Department. He stated that this strategy if adopted, will win the trust of citizens in support of the Fire Department. (A full copy of Mr. Denning's comments is on file with the City Clerk)

### **Approval of Consent Agenda Items:**

- Claim Vouchers List – September 23, 2008;
- Hoffman Hill Div 5 Phase 1 Final Plat;
- Consent to Transfer Ownership of LeMay Enterprises;
- Net Versant Change Order No. 2;
- Council Confirmation of the Appointment of Annaliese Nobles to the Park Agency.

A motion was made and seconded to approve the consent agenda items. Marin/Coffey 6/0 motion carried.

### **Discussion Items:**

#### **Park Reservation Policy**

*Public Works Director Zahn* provided background information on the development of a reservation policy for City parks. He stated that the policy mainly addresses reservation of the picnic shelters. Mr. Zahn also stated that the policy will require staff to propose a Resolution to address the fees.

*Council* inquired about code references, opening the balls fields, rental fees, staff time and costs to administer policy, scheduling priorities, permit issuance, and enforcement.

*Councilmember Westman* recommended identifying structures for rental in each park and including City Hall in the Policy.

*Mayor Jenkins* stated that an Ordinance would be presented to Council in October or November.

#### **Mayor's Report:**

- Stated that the Community Connector Program from Ft. Lewis will be providing volunteers for a community project and also donating a large tree for Ross Plaza;
- September 16<sup>th</sup> Workshop, Council to e-mail City Administrator with follow up items;
- She announced a Community Outreach Program with a Communication Task Force to begin in 2009;
- October 9<sup>th</sup> Town Hall Informational Meeting on Fire/Medic One Levy.

#### **City Administrator's Report:**

- Suggested that the Council form a Tree Advisory Board to develop and recommend a tree policy;
- Stated that the Lodging Tax Advisory Board will need to reconvene for budget purposes. There is a Council vacancy on the Board and a volunteer was requested. Councilmember Wilcox volunteered.
- Provided information on the Fire Sprinkler Recall issue and requested additional information from the City Attorney. A letter from the Attorney's office is forthcoming.

*City Attorney Kerslake* stated that the City does not have a special duty in this recall and that the waiver for replacement is a private citizen's matter. She stated that citizens will have their own recourse through the Fire Marshal's Office and the Consumer Protection Agency.

*Interim Fire Chief Merritt* provided information on the amount of homes affected by the recall, the company performing the work, the issues with replacement, a performance permit, and timeline to start the work.

*Councilmember Coffey* inquired about a permit fee.

*Interim Fire Chief Merritt* stated that the work can be performed under a master permit and recommended waiving the fee.

**Council Reports:**

*Councilmember Coffey* stated that with the approval of the Hoffman Hill Final Plat, the City is taking on another unfunded asset as there are not sufficient funds to maintain the streets, parks, and landscaping. She stated that this continues to happen as Northwest Landing is developed.

*Councilmember Wilcox* provided an update on the Planning Agency meeting stating that the agency requested that Council provide them with work. He also provided an update on the Pierce County Regional Council Meeting regarding transportation and affordable housing. He announced a meet and greet with the Fire Chief on Wednesday, 7pm, at 2766 McNeil Street.

**New Business:**

**Resolution Clarifying Implementation of the Fire Medic One Levy**

*City Administrator McDonald* stated that the proposed Resolution lays out a response to the non-supplanting issue, establishes a range for the budget and levy funds, restricting how the funds will be utilized, and clearly identifies a likely course of action should the Fire Levy not be approved. He introduced Alice Ostdiek Legal Counsel from Foster Pepper, LLC retained to address and respond to legal limitation regarding the Fire Levy.

A motion was made and seconded to adopt a Resolution Clarifying the City Council's intent to comply with RCW 84.55.050(2), identifying a process to determine the levy amount, a commitment to reserve revenues for Fire and Medic One purposes only, and declaring alternative action should the levy fail. Ehrenreich/Wilcox

*Council* inquired about the levy rates over the six-year period, narrowing the range of the levy amount to be certified, the cost to contract with Lakewood Fire District No. 2, a systematic process to finance the Fire Department, clearly explaining the process to citizens, establishing Council's intent, a Resolution to clarify the proposed schedule, and a breakdown of the differential.

A motion was made and seconded to amend the Resolution by changing the range in Section 2, 2009 Fire Department Budget to not less than \$2,300,000 and not more than \$3,000,000. Bailey/Ehrenreich 4/2 motion carried with Councilmembers Wilcox and Westman opposed.

*Mayor Jenkins* called for a vote on the main motion to adopt the Resolution. 5/1 motion carried with Councilmember Westman opposed. Resolution No. 08-354

**Ordinance Exempting Police Chief from the Civil Service Commission – 2<sup>nd</sup> Reading**

*City Administrator McDonald and City Attorney Kerslake* provided background information on the proposed Ordinance stating that it preserves the right to remove at will employees if needed. *Mr. McDonald* stated that Police Chief would retain protection under the personnel policies and recommended approval.

A motion was made and seconded to adopt an Ordinance adding section 1.05.031 to Chapter 1.05 of the DMC excluding the office of the Police Chief from the Civil Service Commission. Coffey/Bailey 6/0 motion carried. Ordinance No. 08-862

**Ordinance Amending DMC Chapter 1 – 2<sup>nd</sup> Reading**

*City Administrator McDonald* provided background information on the proposed Ordinance stating that staff made the appropriate changes as directed by Council at the last meeting. He recommended approval.

A motion was made and seconded to adopt an Ordinance amending DuPont Municipal Code Title 1. Bailey/Coffey

A motion was made by Councilmember Westman to amend the Ordinance by deleting the language “conflict or other just cause” on pages 7 and 10. There was no second to the motion. *City Attorney Kerlake* stated that the language existed as a catch all for a situation that may not be contemplated.

*Mayor Jenkins* called for a vote on the main motion to adopt the Ordinance. 6/0 motion carried. Ordinance No. 08-863

**Ordinances Amending Chapters 9 & 10 – 2<sup>nd</sup> Readings**

*City Administrator McDonald* provided background information on the proposed Ordinances and recommended approval.

A motion was made and seconded to adopt an Ordinance amending DuPont Municipal Code Title 9. Coffey/Marin

A motion was made and seconded to adopt an Ordinance amending DuPont Municipal Code Title 10. Coffey/Marin

*Councilmember Westman* stated that approval of Title 9 will restrict anyone from firing any item within the City limits. He inquired about the use of skateboards and similar devices and expressed concern for enforcement. He also inquired as to whether or not the Fire Department’s “Fill the Boot” campaign violates the Municipal Code.

*Councilmember Wilcox* expressed support for not allowing paint guns to be fired.

*Councilmember Ehrenreich* inquired about communication with the citizens on code regulations and how often the message is relayed.

*City Attorney Kerlake* stated that the regulation for solicitation does not apply under a special event permit.

*Mayor Jenkins* called for a vote on the main motion to adopt Title 9. 6/0 motion carried.

Ordinance No. 08-864. She then called for a vote on the main motion to adopt Title 10. (6/0 motion carried. Ordinance No. 08-865

**Resolution Setting Standards of Coverage for the Fire Department**

*City Attorney Kerlake* provided background information on the proposed Resolution stating that the legislature passed a statute in 2006 that requires Fire Departments to develop standards of performance and to measure and track these standards to meet efficiency guidelines. She stated that Council can certainly perform reviews of performance standards and amend them at any time.

A motion was made and seconded to delay action on the proposed Resolution until after the General Election. Bailey/Ehrenreich

## **Agenda Item: 8a**

*Councilmember Coffey* inquired about any adverse action to the City if the Resolution is not adopted now.

*City Attorney Kerlake* stated that the statue carries no penalty and some cities have not adopted standards yet for fear of the liability issues. She did not advocate waiting indefinitely but that holding off for a few more weeks would not be an issue.

*Mayor Jenkins* called for a vote on the main motion to delay action on the proposed Resolution. 6/0 motion carried.

Councilmember Marin moved to table the remaining items on the agenda until the next regular meeting. There was no second. Councilmember Marin withdrew her motion.

### **Resolution Adopting Financial Policies**

*Assistant City Administrator Dawn Masko* highlighted the change to the Resolution regarding recreation fees and how they are established. She recommended approval.

A motion was made and seconded to adopt a Resolution adopting Financial Policies. Wilcox/Coffey 6/0 motion carried. Resolution No. 08-355

### **Resolution Declaring Certain Items Surplus**

*Assistant City Administrator Dawn Masko* stated that this is a housekeeping item that we perform on an annual or as needed basis. She recommended approval. Coffey/Wilcox 6/0 motion carried. Resolution No. 08-356

### **Regular City Council Meeting Minutes - September 9, 2008**

*Councilmember Ehrenreich* requested that the minutes be changed to reflect two separate concerns he expressed regarding funding recreation programs being included in the financial policies and the amount recommended for reserve funding being too high.

A motion was made and seconded to adopt the Council minutes as amended. Marin/ Ehrenreich 6/0 motion carried.

### **Public/Council Comment:**

*Doug Bonner (Quadrant Corporation)* thanked Council for their approval of the Hoffman Hill Final Plat and staff for bringing the project to a conclusion.

*Don Denning (3174 Brown Loop)* expressed concern for poor drainage at Chief Leschi Park. He stated that most of the questions he submitted on his written comments were answered by Attorney Alice Ostdiek. He added that it is now clear to him that the 6% lid lift only goes toward the Fire Department. Mr. Denning stated that he did submit questions to the City on September 2<sup>nd</sup> that he is waiting for.

*Councilmember Bailey* volunteered to assist with the Communication Task Force beginning in 2009.

*Councilmember Westman* expressed concern that a Military liaison from Ft Lewis has not been in attendance at the last few Council meetings. He also recommended discussing affordable housing with our developers.

*Councilmember Coffey* stated that included in the final plat was multifamily housing ranging from \$200,000 to \$250,000. She stated that low and moderate income housing statements are included in the staff report for each of the final plats.

*Councilmember Wilcox* stated that a vote will be taken on affordable housing at the Pierce County Regional Council on October 16<sup>th</sup>.

**Adjournment:**

Mayor Jenkins adjourned the meeting at 9:37 p.m.

**City of DuPont:**

  
Penny Coffey, Deputy Mayor

**Attest:**

  
Erin Larsen CMC, City Clerk