

**Roy City Council Study Session
Roy City Hall
August 8, 2011**

Reviewed information distributed, current vouchers. Informal discussion regarding tonight's agenda items. Librarian Cecelia Hanson furnished handouts for council concerning research she did on new computers and library software. She has had trouble with emails she sent being lost, resulting in a missed opportunity for assistance from the State Library, and believes it to be due to a computer issue. The \$600 donated by Anita McCay was earmarked for technology. The history of the computer was discussed, which is that the computer was donated by Pierce County GIS a few years ago, and when the library software was transferred, it was found to be incompatible with Windows 2007, so Windows 2000 was reinstalled. The library software used for inventory is Auto Librarian 2001, and there is no upgrade for it that would allow her to use the current operating systems available on new computers. To use a current Windows operating system, a different library software application would have to be purchased, but this would mean manual re-entry of current inventory, since no known software has capability to convert from Auto Librarian. Her preference is to buy a laptop computer, which would allow library workers to input inventory from the shelves, continue to use Windows 2000 and Auto Librarian 2001, and retain the old computer as a card catalog. Council would like to review additional information at work session August 15 and asked Librarian Hanson to obtain and furnish her user manuals, emails from vendor Highsmith and any other information that would be helpful to tech-oriented people who will help council assess the situation.

**ROY CITY COUNCIL REGULAR MEETING
Roy City Hall
August 8, 2011**

1) CALL TO ORDER: Mayor Yates called the meeting of the Roy City Council to order at 7:30 p.m. on August 8, 2011.

a) Pledge of Allegiance

b) Roll Call: Present: Council members Bill Llewellyn, Ray Bourne, Michelle Walker, Leon Garrison and Mayor Karen Yates. Absent: Excused council member Pamela Raczkowski. City attorney Cathy Parker, planning commission member Dick Roush, planning consultant Jeff Boers, librarian Cecelia Hanson and City Clerk/Treasurer Debra Dearing were also present.

2) APPROVAL OF MINUTES: Council member Bourne moved to approve the minutes of the July 25, 2011 regular council meeting. Council member Walker seconded the motion, which passed unanimously.

3) CONSENT CALENDAR:

a) Approval of Vouchers: Council member Llewellyn moved to approve Payroll Vouchers #29179-29190 and 29192 and Claims Vouchers #29191 and 29193-29203. Council member Garrison seconded the motion, which passed unanimously.

b) Treasurer's Report: Council member Llewellyn moved to approve the July 2011 Treasurer's Report. Council member Bourne seconded the motion. Mayor Yates noted that the Suspense Fund should not have a negative balance, and City Clerk/Treasurer Dearing acknowledged that there was an error relating to BIAS account assistance in March that she will be sorting out and correcting. The motion passed unanimously.

4) CITIZEN'S REQUEST TO BE HEARD: None.

5) PUBLIC HEARING: None.

6) MILITARY UPDATE: SFC Murry asked if the rodeo would be going on, and council said it will be September 3-4. He also requested a list of possible projects for Make A Difference Day so they can write up the op order for the mission. He and Council member Bourne and Public Works Superintendent Possien will meet at City Hall on August 11 at 1500 hours, and Council member Bourne will be SFC Murry's contact for Make A Difference Day. SFC Murry expressed that there is nothing they like more than getting out and working with the community.

7) ORDINANCES:

ORDINANCE NO. 857

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROY, PIERCE COUNTY, WASHINGTON, ADDRESSING FEMA REQUIREMENTS FOR FLOOD CONTROL BY AMENDING THE ROY CITY CODE BY REPEALING CHAPTER 1, *FLOOD DAMAGE PREVENTION*, OF TITLE 13, *FLOOD CONTROL*, AND ADDING A NEW TITLE 13, CHAPTER 1, *FLOODPLAIN DEVELOPMENT MANAGEMENT*; AND BY AMENDING TITLE 1, *ADMINISTRATION*, CHAPTER 6, ARTICLE A. *SPECIFIC OFFICERS*, SECTION 4, *HEARING EXAMINER*; TITLE 10, *BUILDING REGULATIONS*, CHAPTER 1, *BUILDING CODES AND REGULATIONS*, SECTION 10-1-1: *INTERNATIONAL BUILDING CODE; FEES* AND SECTION 10-1-12: *BUILDING PERMITS AND FEES*; TITLE 10, *BUILDING REGULATIONS*, CHAPTER 3, *MANUFACTURED HOMES, MOBILE HOMES AND RECREATIONAL VEHICLES*, SECTION 10-3-1: *MANUFACTURED OR MOBILE HOME INSTALLATION PERMIT REQUIREMENTS*; TITLE 10, *BUILDING REGULATIONS*, CHAPTER 4, *MOBILE AND MANUFACTURED HOME PARKS*, SECTION 10-4-5: *INVESTIGATION OF PREMISES; PERMIT ISSUANCE CONDITIONS*, SECTION 10-4-8: *CONSTRUCTION PLAN; INFORMATION REQUIRED*, AND SECTION 10-4-9: *MANUFACTURED OR MOBILE HOME PARK REQUIREMENTS*; TITLE 10, *BUILDING REGULATIONS*, CHAPTER 5, *CRITICAL AREAS CODE*, SECTION 10-5-4: *CRITICAL AREAS CODE; ADMINISTRATION*, SECTION 10-5-6, *APPLICABILITY*, SECTION 10-5-7, *EXEMPTIONS* AND SECTION 10-5-8: *REVIEW PROCESS*; TITLE 11, *LAND DEVELOPMENT CODE*, CHAPTER 11-2, *ADMINISTRATION AND ENFORCEMENT*, SECTION 11-2-1: *INTERPRETATION* AND SECTION 11-2-3: *ENFORCEMENT*; TITLE 11, *LAND DEVELOPMENT CODE*, CHAPTER 11-3, *DEFINITIONS*, SECTION 11-3-2, *DEFINITION OF ANY WORD OR PHRASE NOT LISTED*; TITLE 11, *LAND DEVELOPMENT CODE*, CHAPTER 11-5, *TYPE I-IV PROJECT PERMIT APPLICATIONS*, SECTION 11-5-1, *PROJECT PERMIT APPLICATION*; TITLE 11, *LAND DEVELOPMENT CODE*, CHAPTER 11-7, *CONSISTENCY WITH DEVELOPMENT REGULATIONS AND SEPA*, SECTION 11-7-1 *DETERMINATION OF CONSISTENCY*; TITLE 11, *LAND DEVELOPMENT CODE*, CHAPTER 11, *ZONING DISTRICTS, MAPS AND BOUNDARIES*, SECTION 11-11-1, *ESTABLISHMENT OF ZONING DISTRICTS* AND SECTION 11-11-2, *OFFICIAL ZONING MAP*; TITLE 11, *LAND DEVELOPMENT CODE*, CHAPTER 11-36 *AMENDMENTS TO ZONING MAP AND DEVELOPMENT REGULATIONS*; TITLE 11, *LAND DEVELOPMENT CODE*, CHAPTER 11-40, *LAND DIVISIONS – GENERAL PROVISIONS*, TITLE 10, *BUILDING REGULATIONS*, CHAPTER 6, *STORMWATER REGULATIONS*, ARTICLE A, *STORMWATER MANAGEMENT*, SECTION 10-6A-2: *INTERPRETATION*, SECTION 10-6A-6, *ADOPTION OF WRITTEN PROCEDURES* AND SECTION 10-6A-7, *ADMINISTRATIVE OFFICIAL; DUTIES*; TITLE 10, *BUILDING REGULATIONS*, CHAPTER 6, *STORMWATER*

REGULATIONS, ARTICLE B, STORMWATER MAINTENANCE, SECTION 10-6B-2, INTERPRETATION, SECTION 10-6B-6: ADOPTION OF WRITTEN PROCEDURES, AND SECTION 10-6B-7, ADMINISTRATIVE OFFICIAL; DUTIES. First reading.

City attorney Parker read the title of Ordinance 857 and made preliminary remarks, followed by referring council to the options in the model ordinance that were used.

FEMA issued regulations with which we must comply. A group of individuals in Washington State developed a model ordinance to incorporate those regulations with biological opinion issued by the Marine Fisheries Service and with the applicable RCWs, WAC regulations, etc., including FEMA's strong recommendations to strengthen code to regulate development in a floodplain. Our ordinance is largely based on the model ordinance and FEMA requirements. She thanked planning commission member Roush, the other members of the planning commission, and consultant Boers for their work on and review of the ordinance. They followed the requirements and made sensible regulatory additions. Regarding optional language and changes made to avoid stifling development unnecessarily, she asked Council to notify her of any questions or amendments to this ordinance. On August 9, she will ask FEMA to review the ordinance if Council believes at this time that the ordinance is on the right track.

Planning commission member Roush said that the National Marine Fisheries Service imposed regulations on FEMA, and it flows down to the City. We need to do this to maintain residents' eligibility for the national flood insurance program. This will affect future development of the Weaver property, depending on how FEMA redraws the floodplain. Not too many houses are affected. There was discussion in planning commission meetings about parcels that are partially in and partially out of the floodplain not being able to be split. In addition to FEMA review of this ordinance, there will be Department of Ecology review.

City attorney Parker added that we could ignore this requirement, but each permit that comes through would still have to be reviewed for compliance with state and federal law. In addition, if we want future grants for dealing with the creek, we will have to be in compliance with this. The public hearing will be held at the council meeting on August 22.

She then directed Council to the model ordinance options that have been chosen, appearing on our ordinance on the following pages:

Page 6, the definition of a floodway: One foot was entered to be the least restrictive allowable and still get FEMA agreement, but Council may want fewer inches.

Page 7, substantial damage: The second paragraph is optional. We went with the model ordinance rather than being less restrictive because of the desirable effect of triggering the cost of compliance claim payments. Later in the ordinance it allows more people to do repairs of damages than otherwise would be allowed.

Page 8, substantial improvement: "Cumulative" is optional and makes regulatory sense if the purpose of Council is to help insure property is safe; the need to comply will accrue more quickly.

Page 9, 13-1-3(3)(D): "Plus one foot" was highly recommended to increase safety and to decrease insurance premium costs for individuals up to 60%, and this is neither the most nor the least stringent.

Page 10, 13-1-3(5)(C): See the commentary pages 24-25 of the model ordinance. We left out this optional language that is more restrictive and burdensome to smaller development that she did not see a need for.

Page 13, 13-1-4(6): This is optional, but the owner needs to get a certificate to get insurance.

Page 13, 13-1-4(8): The Hearing Examiner can hear variances that are less restrictive. It is possible but not easy to get a variance.

Page 15, 13-1-5(1)(C): For development that is partially in and partially out of the floodplain, our change is that it could be subdivided but must consider the same criteria that a hearing examiner would. The thought is of the Weaver property and future growth of the City. The most restrictive option would be the original language on page 36 of the FEMA document commentary, which is to say it cannot be subdivided; the least restrictive would be to take it out totally.

Page 15, 13-1-5(1)(E): This is optional, but since the phrase "wherever possible" is used, it is not too restrictive, and access roads seemed sensible.

Page 17, 13-1-6(2)(A): The language "and all additions" is optional but made sense by reason of stewardship for citizens. It would cost people more but lower their insurance rates and help ensure against damages.

Beginning on page 24, the rest of our ordinance is to make it convenient for people looking at other sections of the code to be alerted and understand that they must also look at Title 13. The underlining shows the added language, and a very few strikeouts are mostly grammatical corrections.

Planning consultant Boers distributed three maps and addressed the practical implications of the ordinance. It is pretty workable for properties in the City. The "3B" map from AHBL shows two irregular yellow-bordered areas that are directly affected by the Shoreline Master Program. The map from the county's GIS system of the current 100-year A-(flood)zone shows flood hazard areas in the city limits in dark blue. The Protected Area map shows how the model ordinance includes the 100-year A-zone plus the riparian habitat zone protected area (250-plus-or-minus feet from the ordinary high water line of the creek); two yellow lines are around the outside of the properties impacted. This expands the applicability of these regulations to more properties than what currently is the case. The implications are that you need to build outside this area, and if that's not possible, then as far as possible from the creek or on higher ground, and if that's not possible, then a 15-foot setback from the protected area. If the project doesn't meet these criteria, you have to hire a biologist or some other qualified professional to evaluate the endangered species and habitat impact. If there is impact, you must come up with a habitat mitigation plan. There is a cost burden on the applicant if all they plan to do is to build an addition to a house. Fortunately the ordinance has some exemptions to allow for repairs, modifications, and improvements to some extent. Regarding the Weaver site, current provisions (critical area regulations, floodplain regulations and proposed shoreline master program regulations) already restrict development of the northern piece and say that some density could be transferred to portions further south. This is an additional layer but not much, if any, worse than it already was under other ordinances. Existing agriculture is exempted from regulation under this ordinance. The flood protection standards for new construction in this ordinance are administered by the building official. Generally speaking this is similar to what's on the books now, with the biggest distinction being the lowest floor level being one or more feet above the flood protection level; we had it at two feet before, based on FEMA's earlier 2008 requirement. This is a Council decision. Planning has no recommendation.

Planning commission member Roush said the City would have to look at the impact on buildable parcels to reassess the inventory of buildable parcels.

City attorney Parker, planning commission member Roush and planning consultant Boers will attend the public hearing. Planning consultant Boers expressed that the ordinance was well done.

8) RESOLUTIONS: None.

9) NEW BUSINESS: None.

10) OLD BUSINESS:

a) Cable franchise commission. No discussion.

b) Make A Difference Day October 22. Mayor Yates will be late for the work session August 15, but Council member Bourne will be in charge of the session and food for it and Make A Difference Day. He wants feedback for Make A Difference Day. Ideas involve sidewalk safety, the drainage problem on Second Street, and paint for the park. It would be possible to apply for a grant by August 31 from RMSA for a safety or loss prevention project.

c) School zone lights. Mayor Yates reported that the system has been ordered and has four weeks' lead time. The small excess in the \$15,000 grant and the \$350 loss control grant will be used for the poles and signage accessories.

d) Telephone service. Council member Llewellyn confirmed that the VOIP technology with Comcast service would lose service in a power outage. The copper wire with Qwest service is more reliable from an emergency management position. The technology is improving, so we should revisit this in a couple of years or when working on the 2013 budget.

e) Youth public meeting. Mayor Yates said that the date and time (August 29, 7:00 p.m.) will be added to the reader board.

11) REPORTS:

a) Mayor – Mayor Yates reported that she will be on jury duty for four weeks and has a laptop to check email during breaks and down time but cannot see older email messages. She will probably arrive late to next week's work session. The topics for the work session will include Make A Difference Day, the floodplain ordinance, more information about technology needed at the library, and rodeo weekend.

b) Council –

Public Safety & Emergency Management – Council member William Llewellyn read Officer Rozier's police report:

"Greetings. This police activity summary is for the month of July. There have been no major incidents in the city. The weather has been increasingly better which has drawn more traffic through the city. I have been doing my best to address speeding complaints and traffic related issues in the city. The department is still down to one officer and I am rotating my schedule to best address the needs of the city. I am starting to plan for the rodeo and seeking feedback for participation from local businesses. The Police Department is concerned about patronage this year since we have only one drinking establishment currently open. We are working with owners for the safest outcomes.

For the month of July there were 69 CAD entries in the city limits. The following is a brief breakdown of major incidents.

Traffic Stops: 38

Medical/Fire Calls: 8

Disturbances/Domestics/Fights/Assaults: 3

Warrant Arrests: 1

Welfare Checks: 2

Sex Crime: 0

Citizen Assists/Civil Issue: 1

Weapons Complaint: 1

Burglaries: 2

Financial Crimes: 1

Thank you for your time.”

Economic Development & Library - Pamela Raczykowski. On vacation.

Water System – Ray Bourne. Nothing to add.

Legislative Action – Michelle Walker. No report.

Streets & Park – Council member Leon Garrison reported graffiti on two picnic tables with permanent marker, so he may turn the boards over and/or paint.

c) Commissions – Planning Commission member Dick Roush reported that the commission will meet Tuesday the 16th. They will go over the final version of the floodplain ordinance and then begin on the pipeline ordinance.

d) Committees –

Finance Committee – City Clerk/Treasurer Debra Dearing reported that the general fund analysis is complete and that expenditures have been frugal, so less revenue coming in has been offset. The remaining work for the amended budget will happen as soon as time allows.

Community Day – Council member William Llewellyn reported that the committee needs to have a meeting.

12) BUILDING PERMITS: None.

13) ANNOUNCEMENTS: None.

14) OTHER MATTERS FOR COUNCIL CONSIDERATION: Librarian Hanson reported a point of concern that there have been two home invasions in the last three weeks at the same home in unincorporated Pierce County by two or four black and Caucasian persons in a smaller two- or four-door silver car. They broke the door of the house and barged in during the day while the handicapped resident was at home. The sheriff did not respond the first time but did get details the second time. She wanted to alert our police.

15) ADJOURNMENT: Council member Bourne moved to adjourn the council meeting. Council member Walker seconded the motion, which passed unanimously at 8:51 p.m.

_____, City Clerk/Treasurer
Debra Dearing

ATTEST: _____, Mayor
Karen E. Yates