

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

January 9, 2003

The regular meeting of the Des Moines City Council was called to order at 7:34 p.m. by Mayor Wasson in the Council Chambers, 21630 11th Avenue South, Suite B.

PLEDGE OF ALLEGIANCE to the Flag was led by Councilmember White.

ROLL CALL - Present: Mayor Don Wasson, Mayor Pro Tem Richard Benjamin, Councilmembers Gary Petersen, Bob Sheckler, Maggie Steenrod, Scott Thomasson and Susan White. Also present were City Manager Tony Piasecki, Assistant City Manager Corbitt Loch, City Attorney Linda Marousek, Community Development Director Judith Kilgore, Land Use Planner II Celeste Carlson and City Clerk Denis Staab.

AGENDA REVISION

Mayor Wasson announced that due to the large number of citizens who have signed up to speak under Comments from the Public, he is removing New Business Items 1, 2, 3 and 4. He noted that after the urgent business of Council is concluded the rest of the meeting will be devoted to Comments from the Public.

BOARD & COMMITTEE REPORTS

Ad-hoc Mt. Rainer Pool Committee

Mayor Pro Tem Benjamin presented a check for the Mt. Rainier Pool Fund to City Manager Piasecki, from the congregation of Christian Faith Center. He thanked them for their support on behalf of the City and the Ad-hoc Mt. Rainier Pool Committee.

ADMINISTRATION REPORTS

Mt. Rainier Pool Fund

City Manager Piasecki announced that with the contribution from the Christian Faith Center, the Save the Pool Fund now stands at \$18,200. He noted that members of the Ad-hoc Pool Committee still have several thousand dollars in pledges to collect.

City Manager Piasecki noted that the Mt. Rainier Pool Fund is still accepting donations. Checks should be sent to the City Hall address, made out to the City of Des Moines with a memo that it is for the Pool fund.

Economic Development Conference

City Manager Piasecki reported attending a recent EDC Forecast Conference. He reported that the forecast does not look good for the Puget Sound region. He advised that he has prepared copies of the articles from the four speakers and will put copies in Council's boxes to review.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the minutes of December 12 and 19, 2002.

2. Findings: Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing which has been made available to the City Council.

Motion: As of this date the Des Moines City Council, by unanimous vote, does approve for payment those vouchers and payroll transfers included in the above list and further described as follows:

Claim checks #83551 through #83681 & electronic fund transfers in the total amount of \$227,766.04

Payroll fund transfers in the total amount of \$377,386.24

3. Motion is to authorize the City Manager to sign the Contract for Professional Services to provide public defense services in the Des Moines Municipal Court, substantially in the form as submitted.

MOTION was made by Councilmember White, seconded by Councilmember Petersen and passed unanimously, to approve the Consent Calendar as read.

CONTINUED PUBLIC HEARING

Draft Ordinance No. 02-186 Dangerous Fences - 1st Reading

Land Use Planner II Carlson reminded Council that a Public Hearing was held at the November 31, 2002 meeting. At that hearing Council heard staff's presentation of the draft ordinance regarding the dangers of razor wire to the safety of people, pets and wildlife. Public testimony was taken at that meeting, but due to time constraints, Council has continued the hearing. She further advised that at the direction of Council staff has added a definition for electric fencing so that buried fences will be excluded from the proposed regulations, has exempted commercial zoned property from the regulations, and has also clarified the language in the definition of barbed wire.

Councilmember Thomasson requested, and Council concurred, the following revisions to the draft ordinance:

Page 3 (4) first line: Strike the words "non-dangerous"

Page 3 (2) 2nd sentence, and/or: Strike the word "and"

Upon questioning by Councilmember Thomasson, Land Use Planner II Carlson advised that the 10 foot measurement in section 2 (4) was taken from another city's ordinance.

As there were no public who wished to address the Council, Mayor Wasson declared the hearing CLOSED.

MOTION was made by Councilmember Sheckler, seconded by Councilmember White, to move Draft Ordinance No. 02-186 to a 2nd reading at the January 23, 2003 Council meeting.

Councilmember Thomasson advised that he may wish to change the 10 foot measurement in Section 2 (4) to 3 or 5 feet at the next reading.

VOTE ON MOTION: Motion passed unanimously.

COMMENTS FROM THE PUBLIC

Allen Edmiston, 27005 15th Avenue South

Mr. Edmiston informed Council that people scuba diving at the Redondo boardwalk area have no place to change clothes other than in public. He requested that scuba divers be allowed to use the Highline College classroom facilities for changing.

Mr. Edmiston noted that the latch on one of the gates at the Redondo boardwalk is not functioning which could be a danger to children who might fall down the stairs into the water. He also noted that there is no gate at all on the other stairs.

Mr. Edmiston remarked that the ditch by the street in front of Woodmont Elementary School creates a dangerous situation. He also noted that the walkway to the school needs to be improved with a sidewalk.

Bob McMurtrie, 1125 South 27th Street

Mr. McMurtrie stated that he is opposed to the 3rd runway. He questioned how much analysis has been conducted regarding the monstrous retaining wall that is to hold all the fill. He stated that nothing has been built like this and questioned how stable it might be in a major earthquake especially after heavy rains. He thanked Councilmembers who have supported the fight against the third runway, noting he has concerns over his child breathing fumes from jet aircraft. He stated that he will move out of the community if the 3rd runway is built and requested Council not cut funding to the Airport Communities Coalition.

Councilmember Sheckler announced that if Mr. McMurtrie will leave information with the City Clerk on how to contact him, he has information regarding the retaining wall that he will be glad to share.

Dan Caldwell, 19547 2nd Avenue South

Mr. Caldwell stated that other communities with attributes similar to Des Moines, such as Kirkland, are thriving, while downtown Des Moines is turning into a ghetto. He noted that Council needs to work on an improved image to the downtown area. He felt part of the answer is to stop the 3rd runway and feels that the battle is almost won. He requested that Council work for the common good of the community and put money back in the budget to fight the 3rd runway.

Molly Nordhaus, 815 South 216th #63

Ms. Nordhaus addressed Council urging them to reinstate funding to fight the 3rd runway. She noted that no efforts for economic development will help if the 3rd runway is built.

Jim Essman, 1108 South 244th Place

Mr. Essman reported that as the current President of the Board of Director of Huntington Park, the majority of Huntington Park residents oppose the construction of the 3rd runway. He noted that it took the Port 20 years to provide funds for noise impacted schools after the construction of the 2nd runway. He stated that the 3rd runway would adversely impact the quality of life in Des Moines. He encouraged Council to continue to fund the fight through ACC.

Stan Scarvie, 204 South 206th

Mr. Scarvie informed Council that the decision to stop funding the 3rd runway fight is destructive to any proposed economic development in Des Moines. He noted that no amount of economic development could even begin to offset the negative impacts of a 3rd runway. He felt that to say the battle is over, is wrong. He stated that the battle is both political and legal and that the Council needs to continue funding the fight through ACC. He felt that airport expansion will exploit the community and only the Port will benefit. He advised that we need to protect what Des Moines has now before any economic development can occur. He reminded Councilmembers that they were elected to protect the citizens interests.

Mayor Wasson cautioned the audience against comments being made other than from the speakers table or he may be forced to clear the room.

Mayor Wasson requested City Manager Piasecki address issues raised by Mr. Scarvie in a letter to the editor written this week regarding payment of legal fees.

City Manager Piasecki advised that at the December 19, 2002 meeting, there was check on the list of checks that the City Council had in front of them. This is the routine way of the Council for authorizing all the payments that the City needs to make when it makes payment for goods and services. The last item on the claims and voucher list from December 19th, was a request for reimbursement for legal fees by three Councilmembers. It was processed as a regular payment, it was put on the claims and vouchers at his direction, and he did inform all the Councilmembers that it was there. The Mayor subsequently pulled it off the Agenda. It was suppose to be on the agenda tonight, however there will not be time to deal with that issue. He stressed that the manner in which this was done, is a matter of routine in the way the City goes about paying bills in the City of Des Moines.

Mayor Wasson also noted that it was erroneous statement that the Council had never discussed the item. This was an item of discussion during an Executive Session held earlier in the meeting of December 19, 2002.

Mayor Pro Tem Benjamin complained about the audience noise being distracting to conducting the meeting.

Adjournment - 8:13 p.m.

MOTION was made by Mayor Wasson, seconded by Mayor Pro Tem Benjamin, to adjourn the meeting. Motion FAILED 5 to 2 with Mayor Wasson and Mayor Pro Tem Benjamin voting YES.

Mayor Wasson again cautioned the audience to control their comments or he will be forced to clear the room.

COMMENTS FROM THE PUBLIC CONTINUED

Austin Warriner, 24439 11th Avenue South

Mr. Warriner addressed Council stating that he believes the metropolitan area needs another airport, not a 3rd runway at Seatac. He requested Council put the ACC funding back into the budget to continue the fight.

Councilmember Steenrod stated that she was interested in what everyone has to say and she requested the audience be courteous and allow Council an opportunity to hear everyone.

Lala Klenman, 24804 9th Place South

Ms. Klenman stated that several of the new Councilmembers, in particular Mayor Pro Tem Benjamin, had campaigned being against the 3rd runway, but she noted their voting record does not reflect that. She felt that the City should not stop the fight now. She requested that funding of ACC be restored and that the Council should not withdraw membership in RCAA. She suggested that Council should show the voters that they meant what they said in their campaign speeches and brochures.

Dave Kaplan, 2614 South 226th, B303

Mr. Kaplan noted that the following items that he feels the Council has accomplished in the past year. On the positive side he noted:

- Kept Mt. Rainier Pool open for a few extra months
- Placed an emphasis on economic development

On the negative side he cited the following:

- Economic development appears to be business, any business, at any cost including mini casinos
- Fired a competent, hard working City Manager without cause
- Agreed to a Union Contract with language that sets a bad precedent
- Balanced the 2003 budget by cutting police officers and using one time monies for on-going expenses rather than making tough long term funding of certain services that can be supported
- In spite of the budgetary shortfall, took on the expense and added costs of funding the Mt. Rainier Swimming Pool
- Went ahead with construction of the sports park in spite of the fact it will cost an additional \$25-50 thousand for maintenance costs
- Failed to build the dry stack storage at the Marina to pay for the land that was purchased for that purchase
- Created a Finance & Economic Development Committee that wants to micro-manage the City
- Failed to hold Water District #54 accountable for the fact it has not filed its Comprehensive Plan
- Without public input, dropped ACC funding on what appears to be the eve of a victory over the port of Seattle

Len Oebser, 20724 8th Avenue South

Mr. Oebser strongly urged Council to reconsider and reinstate funding to ACC. He stated that ACC has diligently fought the Port and this is not the time to quit the fight. He noted that while the cost has been high, it is nothing compared to what will happen to the City if the Port ignores environmental concerns, among many others.

Marilyn Ayres, 728 South 231st

Ms. Ayres expressed strong concern regarding the risk of airplanes dropping out of the sky should the 3rd runway be built. She noted that the Boeing Company may leave Everett and this would provide a perfect answer to an additional airport. She urged Council to restore funding to ACC.

Mark Proulx, 26202 14th Avenue South

Mr. Proulx spoke against the 3rd runway as it poses additional threats to the area's water supply, salmon habitat, property values, intolerable noise and decreased air quality. He noted by stopping funding to ACC the Council has failed in its duty to the welfare of the citizens and there is no excuse for that.

ED Pina, 24219 7th Avenue South

Mr. Pina stated that he has lived here since 1957 when the 2nd runway was built and the Port promised there would not be a 3rd runway. Mr. Pina commented that ACC has been instrumental in placing many environmental restrictions on the Port. He noted that Port is currently in Court trying to get these restrictions reduced. He felt it is important to continue funding ACC to keep the fight going. He reminded Council that they have an obligation to defend the citizens of Des Moines.

Frank Jovanovich, 22431 10th Avenue South

Mr. Jovanovich stated that he was Mayor of Des Moines about 10 years ago when the fight against the 3rd runway began. He expressed strong objection to removing the funding to ACC and urged the funds be restored to help retain a decent City.

Jim Bartlemay, 23510 10th Avenue South

Mr. Bartlemay stated that he feels the fight against the 3rd runway is the most critical issue facing Des Moines. There will be huge impacts on schools, environment, traffic and property values. He encouraged Council to restore funding to ACC. He noted that the last 2 years in the fight have been the most productive in using environmental laws and fighting scientific battles in Court and this not the time to stop. He felt that the Port is reaching a point where they will be unable to pay the costs involved in the installation of the 3rd runway to meet all the environmental laws of the State. He also felt that an independent study should be conducted to determine whether there really is a need for a 3rd runway and that Council should inform the Port that we will fight back when we are attacked.

Robert Stephens, 815 south 216th

Mr. Stephens advised that another reason for not needing a 3rd runway is that the number of flights has decreased and there is no evidence that it will come back very soon. He also noted that delays at the airport due to weather problems is less than 4%. He felt there is no reason for a 3rd runway and that Des Moines should be in the forefront to see that it is stopped. He requested that funding be restored to ACC to continue the fight.

Ben Stark, 1310 South 230th

Mr. Stark noted that a 1997 State funded HOK study documents expectations for blight for Des Moines which would include decreased property values, increase in rental housing, increase in social services and crime. He noted that depressed property values brings decreased tax revenues. He advised that this is already happening just from the threat of a 3rd runway. He felt that Council must budget a minimum of \$150,000 to continue the fight with ACC.

Craig Martinson, 1247 South 230th

Mr. Martinson addressed Council and informed them his home has been devaluated by 14% due to being located close to the proposed 3rd runway. He stated that he is prepared to fight the 3rd runway and requested that Council reinstate the funding to ACC.

Gene Achziger, 28708 Soundview Drive South

Mr. Achziger noted that we are close to finding out if the efforts to fight the 3rd runway will payoff. He advised that he believes the battle can be won. He stated the Port very well may get the permits to build the runway, but may have to abandon the project due to the huge costs. He noted that the efforts of CASE, RCAA and ACC have achieved numerous partial victories which bode well for the citizens whether the 3rd runway is built or not. The Port is being required to protect our drinking water, pay fair prices for the land that they take, and to mitigate the damages it is proposing to the environment and quality of life. In conclusion he stated to abandon the fight now, we will abandon all the partial victories and surrender unconditionally to the Port. He feels if that happens then all the money will have been wasted. He felt we must continue the fight if for no other reason than to protect property values.

Mary Paynter, 27220 10th Avenue South

Ms. Paynter noted that several speakers have referenced the declining business climate in Des Moines. She advised that she is here to support reinstating funding to ACC. She feels this is one of the biggest bargains in ages. She noted that the \$150,000 comes out to about \$5 per citizen and she for one is willing to pay much more than that. She urged Council to restore the funding and continue the fight against the 3rd runway.

Dolores Hodgkin, 23456 28th Avenue South

Ms. Hodgkin requested Council not give up the fight on the 3rd runway and reinstate the money to ACC.

Tom Slattery, Highline School District Board Member, 15675 Ambaum Blvd.

Mr. Slattery stated that ACC offers more than a vehicle to protect the families and their futures from the negative impacts of the Airport. The coalition provides a great way to collaborate on common needs. He noted now is not the time to abandon the potential that ACC offers for the future. He noted that no final decision has been made regarding the 3rd runway. He noted that the \$150,000 is relatively small compared to prior costs. He urged Council to protect their past investment and to continue to provide funding. He feels that all individuals in elected positions have a duty to ensure a healthy environment for constituents. All issues under appeal are all about healthy streams and drinking water for the community. The citizens of Des Moines have as much, or more, to lose than all the other cities by abandoning the ACC at this juncture. He cited a long term danger of the negative impacts of the airport and short term danger of alienating neighboring communities, and a long range danger of isolation from the collective strength of the airport communities. He noted this is the worst time to abandon the efforts against the 3rd runway.

Joe Coomer, 16857 Des Moines Memorial Drive

Mr. Coomer stated that, in his opinion, fighting the 3rd runway is an exercise in futility. He felt that most citizens believe the issue is a lost cause and do not wish to spend any more money fighting the Port. He advised that he has concerns regarding the finances of ACC. He noted that ACC informed him they have no balance sheets, year end reports or other financial reports available for review and therefore he questioned their financial spending picture. He concluded by noting that he supports Council removing the funding for ACC.

Rose Clark, Deputy Mayor, City of Burien and Co-Chair of ACC

Ms. Clark advised that ACC has had exceptional audits. She stated that the 3rd runway fight is a legal fight and is an effort to protect the communities from a political solution that was hammered out between the Port and the Puget Sound Regional Council, with the aid of regional political leaders. She noted there are a host of environmental impacts associated with the 3rd runway. She stated that poor environmental standards by the Port of Seattle on their property are causing flooding, loss of habitat and a host of other environmental hazards. She advised that the financial costs to repair this damage could destroy the City of Burien's budget and she imagines the same will be true for Des Moines. She feels to pay a little now through ACC is better than paying a lot later. She noted that the Port is now appealing environmental conditions and standards in Court, as they feel they cannot afford to pay for them.

Phil Emerson, 18403 2nd Avenue South, Burien

Mr. Emerson noted that after the Pollution Control Hearings Board decision came out with 16 stipulations on the Port's 401 Permit, the Port said that they cannot build a runway with those conditions, it is financially impossible. He felt this is a win. He requested Council continue funding the fight to preserve the win.

Bret Fish, 801 SW 168th, Normandy Park, representing Citizens Against Seatac Expansion (CASE)

Mr. Fish encouraged Council to reconsider its position and reinstate funding to ACC. He felt if the fight stops now, we will blow everything.

Bob Pond, 23116 30th Avenue South

Mr. Pond informed Council that his neighborhood is getting better and he is anxious for Council to pass legislation to regulate motels, such as King's Arms. He noted that since the King's Arms motel has been closed there has been much less police presence necessary.

9:04 p.m. Mayor Wasson called for a 10 minute break.

Gary Goodwin, 21933 4th Place South

Mr. Goodwin informed Council that he works for the FAA and is strongly against the 3rd runway. He encouraged Council to reinstate funding to ACC and advised that the FAA is reconsidering their position of supporting the proposed 3rd runway. In conclusion he questioned Council as to what will be next, a conveyor belt?

Al Waln, 815 South 216th #

Mr. Waln commended the Council for their decision not to spend any more money to opposed the 3rd runway. He stated that it is already being built. He stated that an adequate and safe functioning airport is vital to the economic welfare of all of the community. He encouraged Council not to tax the citizens to fight the 3rd runway.

Kathleen Quong Vermeire, 20209 2nd Avenue SW, Normandy Park

In reference to the letter to the Editor in the Des Moines Highline Times regarding the payment of Councilmember's attorney fees, Ms. Vermeire expressed hope that the Councilmember's who will benefit financially from the approval of the payment will recuse themselves from voting.

In regards to the 3rd runway, Ms. Vermeire expressed the opinion that Des Moines' needs to continue the fight against the 3rd runway. She felt neighboring cities, citizens and elected officials need to work together. She advised that headway has been made, and that if it was not

for the help of ACC the Port of Seattle would not have been fined by the Dept. of Ecology, twice, for damaging Miller Creek. She reminded Council that once the environment has been lost it, is gone.

Bill Whisler, 418 SW 185th Place, Normandy Park

Mr. Whisler, as a long time user of the Mt. Rainier Pool, thanked Council for their efforts in helping to keep the Pool open.

Eric Faison, 133 South 309th Street, Federal Way City Councilmember

Mr. Faison reminded Council that the City of Federal Way represents about 40% of the total population of ACC and has stood behind Des Moines politically and have done so despite objections of numerous citizens in Federal Way who felt the City should settle with the Port. He advised that the Federal Way City Council felt that working cooperatively with neighbors was an important thing to do. He cautioned Council that its hasty decision to withdraw support from the 3rd runway fight, will call into question support in Federal Way whether to continue participation in ACC. He stated that it is important for neighboring communities to work together whether it is in regards to roads, boundaries, or airport issues, as everyone is affected and the communities are much stronger together than separate. He suggested Council reconsider funding and support of ACC. He noted that he fears if Des Moines does not reconsider, there may be other situations where the cities cannot work cooperatively.

John Burdick, 816 South 216th

Mr. Burdick noted that there are a lot of good arguments about why we should not have the 3rd runway. However, he feels the fight has been lost on the two major points on the permitting and it is now down to arguing about environmental concerns. He feels that even if the Port loses on the environmental issues, the 3rd runway will still be built. He does not feel that spending another \$150,000 will change anything and therefore feels it should not be spent.

John Wiltse, 244 SW 192nd Street, Normandy Park Mayor

Mr. Wiltse thanked Mayor Pro Tem Benjamin for his leadership role in pulling together a coalition of cities that helped fund the Mt. Rainier Pool. He noted this is an example of the type of cooperation that the ACC has experienced over the last several years. He stated that finally results are being seen. He advised that the City of Normandy Park is committed, along with Burien, Federal Way and Tukwila, and now is not the time for the City of Des Moines to quit.

NEXT MEETING DATE - Regular Meeting January 16, 2003

ADJOURNMENT

MOTION was made at 9:39 p.m. by Councilmember Thomasson, seconded by Councilmember Sheckler to adjourn. Motion passed 6 to 1 with Councilmember Steenrod voting NO.

Respectfully submitted,

Denis Staab
City Clerk