

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

February 22, 2001

The regular meeting of the Des Moines City Council was called to order at 7:30 p.m. by Mayor Pro Tem Sheckler in the City Council Chambers, 21630 11th Avenue South, #B.

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

ROLL CALL - Present: Mayor Pro Tem Bob Sheckler, Councilmembers Terry Brazil, Dave Kaplan, Dan Sherman, and Gary Towe. Absent: Mayor Scott Thomasson and Councilmember Don Wasson. Also present were City Manager Bob Olander, City Attorney Gary McLean, Community Development Director Judith Kilgore, and City Clerk Denis Staab.

MOTION was made by Councilmember Sherman, seconded by Councilmember Kaplan and passed unanimously, to excuse Mayor Thomasson and Councilmember Wasson.

BOARD & COMMITTEE REPORTS

Association of Washington Cities

Mayor Pro Tem Sheckler announced that Governor Locke reported that he is proposing more than \$190 million in the next biennium to help cities and counties make up for revenue lost due to Initiative 695. Mayor Pro Tem Sheckler cautioned however, that our State Representatives in the Legislator were much more cautious regarding financial help due to difficulties with the State budget issues.

Airport Communities Coalition

Mayor Pro Tem Sheckler stated that the ACC received an outstanding audit report from the State Auditor's Office.

Suburban Cities Association

Councilmember Brazil advised that there will be a Sound Transit Forum on February 23rd from 2 p.m. to 5 p.m. at the Carco Theater in Renton. The purpose will be to review pros and cons of the issues and he encouraged all staff and Councilmembers to attend.

ADMINISTRATION REPORTS

Mt. Rainier High School

City Manager Olander announced that the Mt. Rainier Boys Swimming Team has won the State Championship in boys 3A swimming at the meet held last Saturday.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the minutes of January 25, February 1, and 8, 2001.
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 42.24.080, 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 check #74980 through #75122 in the total amount of \$323,687.71
Payroll fund transfers in the total amount of \$305,410.20

3. Motion is to approve the contract between the City of Des Moines and King County for King County Youth Sports Facilities Grant award and authorize the City Manager to sign the agreement substantially in the form as attached.
4. Motion is to enter into an interlocal agreement with Yakima County to house Des Moines' inmates in the Yakima County Jail, and to authorize the City Manager to sign said interlocal agreement substantially in the form as attached.
5. Motion is to authorize the City Manager to approve all vouchers for payment of the following claims during the period of February 23, 2001 through March 22, 2001:
 - a. All vouchers for payment of payroll checks, including Marina payroll, and
 - b. All vouchers for payment of claims and Marina checks, provided that all vouchers and checks approved by the City Manager in accordance with this motion shall be presented at the March 22, 2001 meeting.

MOTION was made by Councilmember Brazil, seconded by Councilmember Towe, to approve the Consent Calendar as read. Motion passed unanimously.

PUBLIC HEARING

Draft Ordinance No. 01-007 - Elementary School Minimum Lot Size - 1st Reading

Community Development Director Kilgore advised Council that currently DMMC 18.08.020(14)(I) allows as a permitted use elementary schools in residential zones if they have lot sizes of five acres or greater. This has been in existence since the adoption of the Zoning Code in 1964. Due to increased parent requests, some local churches have investigated expanding their educational services to the community. Generally, this would include developing an elementary school on-site using existing buildings. Most of these churches have lot sizes less than the required 5 acres. She advised that it is Administration's opinion that under certain circumstances, with adequate review by the State Board of Education and land use mitigation through the SEPA process, a reduction of the school lot size would not have an adverse impact on either the students or the adjacent neighborhood. She noted that Draft Ordinance No. 01-007 attempts to balance community, neighborhood and student needs with appropriate land use controls, but only applies to Grace Lutheran Church.

Community Development Director Kilgore noted that she would have concerns over other churches whose property is under 4 acres. It is her opinion, that these requests should be policy issues addressed either by City Council or the Hearing Examiner. She concluded by noting impacts could be mitigated on a case by case basis.

City Attorney McLean announced the rules for conducting the public hearing.

PUBLIC COMMENTS

John Buchholz, 2021 South 260th, Pastor of Holy Trinity Church, Des Moines
Pastor Buchholz advised Council that his church, which has a school that was approved by the Superintendent of Public Instruction, is located on 3.76 acres with 100 students enrolled. He noted that their current facility is less than adequate as it was built in 1967 and that he has been working with the City's building department for plans for new construction. He advised that he totally supports the draft ordinance however, it would not address his church's needs. He urged

Council to consider using a Unclassified Use or Conditional Use Permit to allow churches with smaller acreage to offer alternative educational choices to citizens.

John O'Neal, 22925 24th Avenue South, Grace Lutheran Church

Mr. O'Neal spoke in support of the draft ordinance noting the additional school classes would be beneficial to the community. He noted that the school is working towards becoming a certified school.

John Derme, 26425 Marine View Drive

Mr. Derme spoke in support of the draft ordinance.

John Hicks, 19516 5th Avenue South

Mr. Hicks voiced support of the draft ordinance noting that church schools tend to be good neighbors. He also noted that no public tax money is used to support this type of schooling and offers a beneficial service to the community. He further requested Council consider using a Conditional Use process to allow churches with smaller amounts of land the opportunity to offer schooling, noting that any impacts can be addressed on a case by case basis.

As there were no further comments at this point, Mayor Pro Tem Sheckler questioned Administration as to whether they had any additional comments.

City Attorney McLean advised Council that should they wish to consider legislation to allow schools with smaller lot sizes, staff could prepare draft language for Council to consider which would allow either the Hearing Examiner or Council to address specific impacts on a case by case basis.

Upon questioning by Councilmember Sherman, Community Development Director noted that the City's role in the location of schools is only through the zoning code which allows outright in residential zones, but would govern lot size, setbacks, building code, etc.

Councilmember Sherman requested staff prepare information for Council's review before he can make a final determination on the issue, in particular the fact that in 1964, when the 5 acre minimum was set for grade schools, population has become increasingly dense, so perhaps this standard is outdated. He also requested some expert advise regarding design of schools, i.e. recreation standards versus size of school enrollment, etc.

Councilmember Towe noted he is in support of the draft ordinance and would like to see code amendments that would allow for some of the other churches who do not meet lot size requirements be able to apply for consideration of expanding or adding schooling.

Stephan Rodmyre, Principal at Holy Trinity Church School

Mr. Rodmyre spoke in support of the draft ordinance and encouraged Council to consider additional legislation to allow smaller size churches to expand their educational facilities.

Mayor Pro Tem Sheckler closed the public hearing.

MOTION was made by Councilmember Brazil, seconded by Councilmember Kaplan, to move Draft Ordinance No. 01-007 on to a second reading.

City Attorney McLean read the ordinance by title into the record.

VOTE ON MOTION: Motion passed unanimously.

8:37 p.m. Mayor Pro Tem Sheckler called for a 10 minute break.

NEW BUSINESS

Draft Ordinance No. 01-024 ***[ASSIGNED ORDINANCE NO. 1279]*** City Fair Employment Policy - 1st Reading

City Attorney McLean advised that the draft ordinance was prepared at the request of Councilmember Kaplan, with the support of several other Councilmembers. He noted that draft ordinance would codify a "Fair Employment Policy" for the City's workforce. This policy would be added to the City's current code chapter addressing general personnel policies and authorize the City Manager to include the language in the City's Employee Personnel Manual. The proposed policy would be limited in scope, and is specifically designed to apply only to employees of and applicants for employment with the City of Des Moines.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Towe, to suspend Council Rule 26(b) to enact Draft Ordinance No. 01-024 on a first reading. Motion passed unanimously.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Towe, to approve Draft ordinance No. 01-024.

Upon questioning by Councilmember Sherman, City Manager Olander advised that this policy is not anything different than what the City is currently following.

Councilmember Kaplan remarked that this issue first came up when the Council was addressing policy issues with the cable franchise agreement. He discovered that while this is an employee policy followed by the current Administration, it is not codified as such. He feels this draft ordinance will ensure future fairness and is an important statement.

Councilmember Towe spoke in support of the draft ordinance, feeling this will make a positive statement in the City's Code and Personnel Manual.

City Attorney McLean read the draft ordinance by title into the record.

VOTE ON MOTION: Motion passed unanimously.

NEXT MEETING DATE

City Manager Olander suggested that due to the lack of agenda items that the March 1, 2001 study session be cancelled. Council concurred

It was noted that the March 8, 2001 regular meeting has been cancelled because four Councilmembers will be attending the National League of Cities conference in Washington, D.C.

Mayor Pro Tem Sheckler announced that the next regular meeting will be March 22, 2001.

ADJOURNMENT

The meeting was adjourned at 8:54 p.m.

Respectfully submitted,

Denis Staab
City Clerk