REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES March 13, 2003

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

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

ROLL CALL - Present: Mayor Maggie Steenrod, Mayor Pro Tem Richard Benjamin, Councilmembers Gary Petersen, Bob Sheckler, Scott Thomasson, Don Wasson and Susan White. Also in attendance were City Manager Tony Piasecki, Assistant City Manager Corbitt Loch, City Attorney Linda Marousek, Community Development Director Judith Kilgore, Harbormaster Joe Dusenbury, Finance Director Paula Henderson, and City Clerk Denis Staab.

COMMENTS FROM THE PUBLIC

Michael Dannels, 1115 Woodmont Beach Road South

Mr. Dannels thanked City Manager Piasecki for coming to his home to look at the gate that the City required near the end of his driveway, which he wants to remove. He informed Council that he hired a transportation engineer to review the situation and prepare a report. Mr. Dannels distributed a copy of the report for Council's review and restated his request to be allowed to remove the gate required by the City, as he contents it is a dangerous situation.

City Manager Piasecki informed Council that he and the Public Works Director did go out to look at the situation. He has requested that the Public Works Director prepare an engineering analysis. He noted that he will be sure that the report Mr. Dannels' had prepared is reviewed by the City's Public Works Director. City Manager Piasecki advised Council that the driveway was supposed to have been built in a different location, however the contractor paved a driveway where he had been using a construction access.

Councilmember Thomasson felt that this situation should have never been allowed to occur and the City should have made the contractor move the driveway to a more logical place.

Mr. Dannels responded that a different location would have required a switch-back driveway which, in his opinion, would have been even more dangerous. The other alternative would have been to acquire access through a neighbors property.

City Manager Piasecki concluded by stating that he will provide Council with a written report on the conclusions drawn by the Public Works Director.

Les Findley, 24726 12th Avenue South, Huntington Park

Mr. Findley stated that he has been out of town since January and just learned of the passage of Ordinance No. 1315 regulating dangerous fences, including razor wire. He informed Council, that on the advice of the Police Department, he has razor wire around an area where he and others store valuable motor homes. He expressed concern with the fact that he will now have to remove this wire, which will increase insurance premiums.

City Manager Piasecki explained that the ordinance was prepared at Council's direction over concerns expressed to small domestic animals encountering razor wire.

Tom Roush, 2000 Alaskan Way, #255, Seattle

Mr. Roush, Associate Broker for Windermere Real Estate, read a letter into the record requesting Council revisit the Pacific Ridge zoning to carefully examine what is hindering development on Pacific Highway. He specifically noted orientation of a building to be directly on the highway, lot coverage for at grade surface parking not allowed to exceed 35% and driveway separation of 100 feet.

Dave Kaplan, 2614 South 226th

Mr. Kaplan spoke regarding Marina rates. He noted several years ago, the decision was made to separate resident and non-resident rates. He voiced support that Council is addressing this disparity as he feels they should be equal. He did express the opinion that there are long term implications for the Marina and that stability is important.

In regards to economic development, Mr. Kaplan felt that looking at the area south of Kent-Des Moines Road along Pacific Highway South is important as it is the last commercial zone in the City that needs attention. He felt that whatever economic development plan Council chooses it is important that it have a City-wide vision, not just focused on the downtown area. He stressed the need for Council to work with a number of various business entities. He voiced concern with working solely with the Chamber of Commerce as, to his knowledge, has not brought in 3 new businesses to the City in the last five years.

Speaking in regards to the Pacific Ridge area, Mr. Kaplan stated that the one variance he would not grant is the one concerning the minimum height restriction. He felt the height restriction is very important as it helps maintain the vision established for the area.

Regarding a potential utility rate reduction, Mr. Kaplan reminded Council that for the last five years he has stated that he feels utility taxes are a crummy way to finance a City. However, given the fact that the City has not addressed the long term financial concerns in terms of expenditures versus revenues, it would be premature to roll back utility tax rates until the long term expenditure issues have been addressed.

Tom Sitterley, 601 South 227th

In regards to the proposed Marina rate ordinance on the agenda tonight, Mr. Sitterley reminded Council that the last rates were very specific in that they were a result of the I-695 and the failure of the City to have enough money. He noted the last ordinance raised rates of citizens of Des Moines by 7% and non-residents up over 19 ½ %. He stated this allowed the City to transfer in the year 2000 about $180,000 from the Marina revenues into the City, and since its enactment a little over $500,000 to help with the impacts of I-695. He noted that the new ordinance has three options that will increase the citizens rates and one option which follows the directions of the original Ordinance 1250 a little closer. This option would reduce the non-resident rates to the resident rates. He reminded Council that Ordinance 1250 contains the following language: "The City Manager is directed to return this ordinance to the City Council for reconsideration and possible reduction and/or repeal of Marina moorage rate increases at the earliest possible date." He felt that residents have been unfairly asked to take a greater portion of the City's revenue shortfall on their shoulders. He asked the Council to select Option C which will roll the non-resident rate back to the current resident rate and relieves the residents from supporting the City's budget shortfall.

Lynne Voss, 20810 7th Place South

Ms. Voss addressed Council advising that she has had a boat at the Marina for the last 15 years. She noted that when Council passed the last ordinance increasing rates for non-residents, she lost a lot of non-residential boater friends. She requested Council keep in mind that many boaters, such as herself, cannot afford moorage increases. She warned Council that if they keep raising rates they may find that "the cash cow has run out of milk".

BOARD & COMMITTEE REPORTS

National League of Cities Conference, WA, DC

Councilmember White briefed Council on her attendance at the Conference held this week. She noted that city council members and mayors from 49 states were in attendance. She noted the 2003 NLC priorities are:

1. An Economic Stimulus and Growth plan to partner with the Federal Government in assisting cities to provide fiscal relief.
2. Making America safe by providing new, substantial and continued funding for ongoing local homeland security efforts and for successful public safety programs.
3. Ensuring an adequate supply of affordable housing by fully funding the Community Development Block Grant, Home, Hope VI, public housing and Section 8 assistance programs.
4. Strengthening vital transportation systems by increasing federal support for the Transportation Equity Act for the 21st Century to preserve the partnership with cities, reduce congestion and promote smart, sustainable development.
5. Protecting the Natural resources, increasing the federal investment in clean water, clean air and renewed water infrastructure.
6. Investing in children by fully funding implementation of the No Child Left Behind Act.

She advised that she attended several seminar and sessions that she found very rewarding. She stressed the importance of maintaining and continuing close connections with neighboring cities and communities. She noted that while some problems are unique to our City, it is surprising how much we have in common with others and that by sharing information and learning from other cities, we may find solutions to our own problems. She concluded by noting she has prepared a packet of information that she will distribute to Councilmembers.

Municipal Facilities Committee

Mayor Steenrod reported that the Committee has been meeting once a week to discuss the Marina rates.

Highline Community College

Mayor Steenrod announced that the College has received a grant to move forward with their plans for a marine science technology center to be located at the Redondo Pier.

Finance & Economic Development Committee

Mayor Steenrod advised that the Committee is working on an economic development program, trying to set policy without going into detail. Details will be brought to Council to address as a whole within the next month.

PRESIDING OFFICER'S REPORT

Washington State SHB 1876 and SB 5787 - Draft Resolution ***[ASSIGNED RESOLUTION NO. 948]***

Mayor Steenrod announced that she understands there is a bill before the Legislature with regards to paving the way for the Port of Seattle to put in the 3rd runway having to do with changing the requirement for dirt and water.

Councilmember Sheckler stated that the bill was presented to the Legislature by the Port of Seattle in attempt to change the requirements set by the Pollution Control Hearing Board (PCHB) regarding the quality of fill that would be used to complete the 3rd runway should they get the green light. The Port is asking that the requirements set by PCHB be lowered so that instead of using clean fill they can use, what is commonly called, dirty dirt. He advised that there were two requirements before the 3rd runway could be built, one was to have the Dept. of Ecology issue a 401, which is a certification that says they have met all of the State requirements for the Clean Water Act. The 401 was issued some time ago, however ACC challenged that to the PCHB saying that the type of fill that Port was proposing to use was very dirty and had contaminates that could leach into the rivers, particularly Des Moines and Miller Creeks and pollute them. The PCHB agreed with ACC and said that in order for the Port to use any fill to construct the 3rd runway it had to meet certain criteria and the dirt tested prior to being used. The Port did not like this because of cost and they did not know where they would get that type of fill. He felt that what the Port is attempting to do in the Legislature is to circumvent the PCHB ruling and any future Court ruling against them. He advised that the Senate has passed the bill and it is now in Committee in the House side. Should the speaker of the House approve this bill then the Port has the go ahead to start using potentially contaminated fill.

Mayor Steenrod stated that she believes it wrong for the Legislature to allow "an end run" to happen to circumvent the PCHB decision. She questioned whether Council would consider issuing a resolution to the Legislature telling them this is a local issue and that we believe it is wrong for them to even be contemplating the idea and basically we would like them to vote it down. She felt that if Council is to speak for the citizens of Des Moines then it is Council's right and obligation to go on record to the Legislature explaining opposition to the 3rd runway and what we expect them to do.

Councilmember White noted that Representatives Shay Schual-Berke and Dave Upthegrove are working hard on this issue but feels it would be a good idea for Des Moines Councilmembers to be on record to help support them in their efforts.

Councilmember Sheckler pointed out that the lack of any response from the City of Des Moines would be harmful as that would indicate to certain individuals at the State Legislature that Des Moines does not care. He stated that fortunately 100s of citizens have testified and that is giving the Speaker of the House Frank Chopp reason to pause before making his final decision. He felt it important that the City match what the citizens are saying.

After further discussion regarding reasons the City should strongly oppose the bills, **MOTION** was made by Councilmember Thomasson, seconded by Mayor Pro Tem Benjamin to direct City staff to prepare proper legislation opposing the bills and authorize the Mayor to sign.

Staff was further directed to e-mail the draft legislation to Councilmembers to review and add comments if needed prior to having the final draft signed by the Mayor.

VOTE ON MOTION: Motion passed unanimously.

ADMINISTRATION REPORTS

Proposed Fire Districts Merger

City Manager Piasecki stated that several years back there was an effort of four Fire Districts to merge - Des Moines, Federal Way, Burien and Highline. He advised that for various reasons that effort failed. However, that effort is being revived and there is on-going efforts between the Fire Districts to potentially merge. He noted that the Des Moines Fire District #26 will be sending a packet of information regarding the merger and he will distribute the information to Council when it arrives.

ACORN Group

City Manager Piasecki informed Council that the ACORN Group have invited City staff from Public Works, Parks and the Police to attend a meeting on Tuesday, March 18th to discuss issues they have of concern regarding the east side of the Pacific Ridge area and Midway Park.

Pacific Highway South Project

City Manager Piasecki announced that the Pacific Highway South project property purchase has recently gone through an audit by Washington State Department of Transportation and we have gone through with "flying colors". This is an important milestone in being able to get the project design bid and construction.

Draft Legislation Opposing SHB 1876 and SB 5787

City Attorney Marousek requested Councilmembers contract her or the City Manager directly with any questions or changes to the draft legislation in order to ensure there is no violation of the Open Public Meetings Act by Councilmembers talking about this amongst themselves.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the regular meeting minutes of January 23, and February 6 and 27, 2003.

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 #84403 through #84547 & electronic fund transfers in the total amount of $292,929.21

Payroll fund transfers in the total amount of $344,140.99

3. Draft Ordinance No. 03-059 ***[ASSIGNED ORDINANCE NO. 1317]*** - Title: An Ordinance of the City of Des Moines, Washington relating to boards and committees, revising provisions governing the Senior Services Advisory Committee residency requirements, and amending DMMC 4.44.020.

TWO MOTIONS: First motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 03-059.

4. Motion is to enter into an interlocal agreement with the Highline School District for the transfer of a surplus ball field drag to Mt. Rainier High School and to authorize the City Manager to sign the interlocal agreement substantially in the form as submitted.
5. Motion is to approve the "Consent Judgment & Decree of Appropriation" in King County Superior Court Cause No. 02-2-19389-6 KNT, which provides for acquisition by the City, for $32,750.00, of right-of-way property and a temporary construction easement, both of which are necessary for the Pacific Highway South Improvement Project and to authorize the City Attorney to present to the court, for approval and entry, the "Consent Judgment & Decree of Appropriation" substantially in the form as submitted.
6. Motion is to purchase 1,589 square feet of land and improvements from Callow Limited Partnership in the amount of $139,883 plus closing costs and to authorize the City Manager to sign the Purchase and Sale Agreement substantially in the form as submitted.
7. Motion is to approve the Consultant Agreement for Landscape Architecture, Civil Engineering and Project Construction Observation Services with Cosmopolitan Engineering Group, Inc., in the amount of $42,000 and authorize the City Manager to sign the contract substantially in the form as submitted, and to authorize the City Manager to approve change orders in amounts not to exceed 10% in total.

Councilmember Sheckler questioned a word in Mayor Pro Tem Benjamin's statement in the minutes of January 23, 2003, contained on page 4, 27th line down, "legislature". He asked if this was what he meant. Mayor Pro Tem Benjamin advised he was not sure, but thought he meant elected official. However, the word "legislature" is what he said so it truly reflects what he said.

Mayor Steenrod and Councilmember Petersen noted that they are recusing themselves from Items 5 and 6.

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

PUBLIC HEARING

Draft Ordinance No. 03-065 Planning Agency Duties - 1st Reading

Mayor Steenrod introduced the item.

City Attorney Marousek explained the rules for conducting the public hearing.

Community Development Director Kilgore advised that the draft ordinance was prepared at Council's direction to rescind expanded duties of the Planning Agency and return the duties to the City Council. She read the duties involved: approval of preliminary subdivisions, preliminary modified subdivisions, preliminary alterations or vacation of subdivisions, preliminary alterations or vacations of short subdivisions with public dedication, preliminary alteration or vacation of binding site plans with public dedication, preliminary alteration or vacation of binding site plan with more than four lots and not involving public dedication, preliminary binding site plan with more than four lots, and preliminary townhouse development with more than four lots.

Mayor Steenrod declared the hearing open and called for public comments.

PUBLIC COMMENTS

Dave Kaplan, 2614 South 226th
Mr. Kaplan, as a former Des Moines Councilmember, explained that the expanded duties were given to the Planning Agency after Council deliberation concerning the role of the Planning Agency and that they had not been given enough substantial projects to warrant their existence. He further advised that the Agency members were given proper training to make the proper decisions. He suggested that Council maintain the Agency duties as they currently exist which allows for citizens to get an independent review and judgment. He encouraged Council not to pass the draft ordinance and urged Council to appoint citizens to the vacancies that currently exist on the Planning Agency.

As there were no further comments from the public, Mayor Steenrod declared the hearing closed.

Councilmember Thomasson expressed disappointment that staff had not prepared a full presentation regarding the Planning Agency duties as he had requested at the February 6th Council meeting.

Upon questioning by Council, Community Development Director Kilgore stated that the Agency has conducted 3 hearings since their duties have expanded and there is one Unclassified Use Permit pending that needs to be heard as soon as the Planning Agency has a quorum. She advised that their next work will be on the Comprehensive Plan which will still be true even if the draft ordinance passes.

Councilmember White voice the opinion that the Agency duties should remain as they are. She felt that Council does not have the time and energy that these trained Agency members can devote to these types of issues.

Mayor Steenrod expressed concern that an applicant's only appeal from these Agency decisions is to Superior Court. She would rather see this come to the City Council.

Community Development Director Kilgore advised that in her 10 years with Des Moines there has been no appeals to Superior Court. She informed Council that staff works closely with applicants to determine any fatal flaws in a project and works to solve any issues that arise.

Mayor Pro Tem Benjamin questioned whether there was a member of the Planning Agency in attendance that would come forward and address Council.

Gene White, Planning Agency member for two years, addressed the Council. He advised that the Agency meets when there is an appropriate item to address. He informed Council of the good comprehensive training that was provided to Agency members. He felt that the Agency members provide a professional contribution with no political interest. Upon questioning by Council, he noted that the Agency has met 6 times since he has been a member with no denial of projects. He acknowledged that the Agency would still review some projects to make recommendations to Council, but feels the Agency members intense training would be wasted. He further advised that before the expanded duties, the Agency really did not have anything very useful to do and no real input to make any decisions.

Councilmember Thomasson informed Council that the former role of the Planning Agency did not have enough "meat" to keep members on the Agency. Council at that time discussed dissolving the Agency even though there were a few statutory requirements that they filled.

Councilmember Sheckler further informed Council that members of the Planning Agency felt they did not have significant authority and therefore there was no need for their services. The Agency members at that time requested that their duties be put on a par with other cities agencies and that the City provide training for them to function properly.

Community Development Director acknowledged that there was a lack of work for the Agency before the duties were changed, but more important the Agency members felt Council was discounting their recommendations and preliminary decisions.

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

Mayor Pro Tem Benjamin noted that Mr. White had indicated that the current situation with the Planning Agency was superior over Council handling such matters without a political venue. He stated that Mr. White is involved politically in a major way and feels there is a conflict of interest since his wife Susan White is a City Councilmember. He noted that he has serious concerns regarding this as there are other members on the Agency that are very politically involved, and he feels it is important that the Citizens understand that there may be conflicts of interest and that the Agency members may not be looking out for the best interests of the City. He stated this is not the type of business he wants to see continue. He is willing to put in more time, get more involved and remove these duties from the Planning Agency.

Upon questioning by Councilmember Sheckler, Mr. White stated that he was appointed to the Planning Agency a year before his wife was elected as a Councilmember.

Councilmember Sheckler questioned what qualifications are looked at for appointment to the Agency. Mr. White stated that he worked for the Portland City Planning Commission on two separate occasions, worked as an advisor to the Mayor of Portland, working on land use, annexation, zoning. In addition, Mr. White stated that he is a Landscape Architect with a lot of land use background. He suggested that Council appointment citizens who are willing to dedicate their time and take advantage of citizens with qualified backgrounds.

Community Development Director Kilgore confirmed that the land use actions that would be returned to Council would still go to the Planning Agency for recommendations, but the Council would now have the ultimate decision making role.

Upon questioning by Council, Community Development Director Kilgore explained the process for selecting an Agency member. She noted that they must submit a City application, which is reviewed by the City Manager and herself, who then make recommendations to the Mayor, and the Mayor either accepts the recommendation or not. She prefers that the members have some background in planning, land use, urban design, architecture, or landscape architecture. Being able to read a plan is very important. Ultimately appointments are made by the Mayor and confirmed by the City Council.

Community Development Director Kilgore advised Council that a recent applicant who had been before the Planning Agency told her he felt going through the Agency was much more efficient due to City Council work loads, which could delay projects by months.

MOTION was made by Councilmember Wasson, seconded by Mayor Pro Tem Benjamin, to suspend Council Rule 26(b) in order to enact the draft ordinance on first reading.

Councilmember White advised that she is recusing herself from voting on this subject.

Councilmember Thomasson voiced the opinion that he feels Council needs more education to understand the issues involved. He explained that these types of land use hearings are quasi judicial in nature and are there are strict guidelines for findings of fact and conclusions needed to back up any decisions. He advised that there is not a lot of discretion allowed as all projects must meet City code.

VOTE ON MOTION: Motion failed 3 to 3 with Councilmembers Petersen, Sheckler and Thomasson voting NO.

MOTION was made by Councilmember Wasson, seconded by Mayor Pro Tem Benjamin, to pass Draft Ordinance No. 03-065 to a second reading.

Upon questioning by City Manager Piasecki, it was noted that the date would be determined by the Mayor and City Manager.

Councilmember Wasson advised that he has not argued about the duties of the Planning Agency, but has argued about the responsibilities of the City Council. He noted that Councilmembers are elected by the citizens and therefore should not give the decision making authority to citizens who have no accountability to the rest of the citizens of the City.

VOTE ON MOTION: Motion passed 4 to 2 with Councilmembers Sheckler and Thomasson voting NO.

NEW BUSINESS

Draft Ordinance No. 02-237 Amending Council Rule 12 Minutes - 1st Reading

Mayor Steenrod advised that she supports this draft ordinance as she feels that things keep slipping through the cracks. Also, items discussed at meetings seemed to disappear for months. Therefore she would like to see an "action item section" added at the end of the minutes so that Council could quickly refer back to things that have to be done.

MOTION was made by Mayor Steenrod, seconded by Councilmember Wasson, to place Draft Resolution No. 02-237 on a subsequent regular Council meeting agenda for adoption. Motion passed unanimously.

Draft Ordinance No. 03-014 Allowing Suspension of Council Rules of Procedure - 1st Reading

MOTION was made by Councilmember Wasson, seconded by Councilmember Thomasson, to table indefinitely Draft Ordinance No. 03-014.

City Attorney Marousek advised that the motion should be to table. She noted that if the motion is to "table" the item, then it must be brought off the table at the next regular meeting, or it is considered a dead issue.

Councilmember Wasson noted that he would **amend his motion** to read "table". Councilmember Thomasson withdrew his second, and Mayor Pro Tem Benjamin seconded the motion to table.

VOTE ON MOTION: Motion passed 5 to 2 with Councilmembers Petersen and Sheckler voting NO.

After clarification of the intent of the motion, Councilmember Sheckler stated he would like to change his vote to yes.

Draft Ordinance No. 03-036 Marina Rates ***[ASSIGNED ORDINANCE NO. 1318]*** - 1st Reading

Harbormaster Dusenbury advised that the purpose of the draft ordinance is to eliminate the dual moorage rate structure at the Marina. He noted that in 1999, the Council adopted the dual rate structure that charged tenants who are residents of Des Moines less than tenants who are non-residents. He displayed a graph which detailed current rate structure versus the four alternatives as noted in Council's packet. He noted that when Council adopted the rate structure in 1999, they committed to reconsidering the issue at an appropriate time.

Harbormaster Dusenbury continued by stating early in the Master Plan process some problems with the moorage rate structure were identified. Since that time staff has wanted to develop a new set of moorage rates based on the square footage for each class of moorage. It is felt by staff that this is the appropriate time for reconsidering the rate issue and return to the analysis of the rate structure begun in 1999. He noted the goal is to bring findings and recommendations to the Council by the end of this year. It is felt that equalizing the rates at this time is a good place to begin this process.

Mayor Steenrod, as Chairman of the Municipal Facilities Committee, informed Council that the Committee has reviewed the alternatives and recommends Alterative D even though there will be a revenue shortfall around $28,000 for the rest of 2003.

Harbormaster Dusenbury noted that the $28,000 loss, can be offset by the decrease in the DNR lease over what was budgeted and by the Redondo launch site closed for construction, staff expects to see an increase in launching fees. Furthermore, staff would recommend charging a fee for being on the waiting list for moorage. His recommendation is that Alternative D is the fairest and that the short fall in revenues can be made up.

Councilmember White, Municipal Facilities Committee member, stated that Alternative D has the least impact to tenants, but rates may have to be raised for next year.

Mayor Steenrod recommended that Council consider establishing an ad-hoc committee to study rates in general with the goal of having recommendations for Council deliberations of next years budget.

MOTION was made by Councilmember White, seconded by Councilmember Sheckler, to suspend Council Rule 26(b) in order to act on Draft Ordinance No. 03-036.

Councilmember Petersen announced that he will abstain from participation on this item.

VOTE ON MOTION: Motion passed 5 to 1 with Mayor Pro Tem Benjamin voting NO.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Sheckler, to approve Draft Ordinance No. 03-036.

Upon questioning by Council, Harbormaster Dusenbury informed Council that tenants will be given a 30 day written notice prior to any rate increases.

Councilmember Wasson advised that he will vote against the draft ordinance based on Mr. Sitterley's comments made earlier in the evening regarding City financial problems being heaped on the back of Marina customers.

VOTE ON MOTION: Motion passed 4 to 2 with Councilmember Wasson and Mayor Pro Tem Benjamin voting NO.

Utility Tax Rate

MOTION was made by Mayor Pro Tem Benjamin, seconded by Councilmember Petersen, to place this agenda on the April 3rd Study Session. Motion passed unanimously.

Councilmember Wasson Resignation

Councilmember Wasson read the following statement into the record:

> "Today I am announcing my resignation from the Des Moines City Council. My resignation is effective immediately and it is with great regret that I tender this resignation from the Council.
>
> My decision to resign was not made lightly and was driven by several factors. First, it is well known that I have become embroiled in two adversarial proceedings: one initiated by the Public disclosure Commission and a recall effort initiated by my political opponents within Des Moines City Government. In large part, these proceedings are based upon false statements by those who have political agendas and goals which require my removal from the Council and I have concluded that the personal and financial cost of defending against these false accusations is simply too great to warrant my continued participation on the Council. If I were a younger man with greater financial resources, I would not hesitate to stand and fight those who are determined to bully me from office. But I am 76 years of age and I have decided, that at this stage of my life, these costs are simply too great. I do not intend to jeopardize my health by continued stress that the holding of public office poses.
>
> I have also decided that my resignation will give the citizens of Des Moines the opportunity to elect another council member who can then serve the people of this good City without being distracted by false accusations as I have been for many months. By resigning now, it is my hope that we can get beyond the questions swirling around the 2001 council election and focus upon the substantial issues now facing this community. Were I to remain on the council, I do not believe that this refocusing could occur, even if I were to prevail on the merits of both proceedings.
>
> Finally, and significantly, my decision to resign is based upon a realization that I inadvertently made some mistakes during the 2001 Council campaign and in responding to questions asked of me by the PDC. While it was never my intent to violate any rule or law regulating our City's election process, I must acknowledge that I did so mistakenly.

To the many citizens of Des Moines who placed their trust and confidence in me I sincerely apologize and I also wish to apologize to the other citizens of our City who may feel a sense of embarrassment because of the negative attention the City has received in part because of my mistakes.

While I have enjoyed the last 12 years of public service, I have concluded that now is the right time to return to private life and I intend to remain a private citizen in the future and will not seek any further elective office.

It is my sincere hope that my departure will enable our City to move forward and address those many significant issues that confront us.

Sincerely,

Don Wasson

I will not be making any further comment.

My attorney John W. Wolfe can be contacted for further information."

ADJOURNMENT

At 10:30 p.m. **MOTION** was made by Petersen, seconded by Mayor Pro Tem Benjamin and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab
City Clerk