

## REGULAR MEETING DES MOINES CITY COUNCIL

### MINUTES

March 25, 1999

The regular meeting of the Des Moines City Council was called to order at 7:35 p.m. by Mayor Thomasson in the Council Chambers, 21630 11<sup>th</sup> Avenue South.

PLEDGE OF ALLEGIANCE to the Flag was led by Mayor Pro Tem Brazil.

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

MOTION was made by Councilmember Sherman, seconded by Mayor Pro Tem Brazil, and passed unanimously to excuse Councilmember Wasson from attendance.

### BOARD & COMMITTEE REPORTS

#### South County Area Transportation Board

Councilmember Sherman reported that the representatives from METRO had informed the Board that the transit routing changes recently instituted in the south county sub-region were the most popular revisions. Councilmember Sherman also noted that the PSRC was the authorized agent to disburse T21 Funds.

#### SR509 Executive Committee

Councilmember Sherman informed Council that Phase I of the SR509 project was in progress. The committee hoped to obtain project funding from the legislature's R49 Funds and the T21 Funds. He stated that the Draft Supplemental EIS should be released in early August with the record of decision for the SR509 route occurring in November, 2000. The committee had indicated that they would study the impacts of SR509 on Des Moines Creek.

#### South King County Board of Health

Councilmember Sherman reported that the Board had passed a septic system code which requires proof of regular inspections.

CONSENT CALENDAR was read by Deputy City Clerk Chaufty.

1. Motion is to approve the minutes of March 11 and 15, 1999.
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 #65977 through #66159 in the total amount of \$154,302.77

Payroll fund transfers in the total amount of \$207,774.56

3. Draft Resolution No. 99-061 [Assigned Res. No.860] - Title: A Resolution of the City of Des Moines, Washington, authorizing the Greater Des Moines Chamber of Commerce to conduct a

marine swap meet and on-the-water boat show in conjunction with the Des Moines-sponsored Boat Safety Fair at the Des Moines Marina.

MOTION is to approve Draft Resolution No. 99-061.

4. Draft Resolution No. 99-063 [Assigned Res. No. 861] - Title: A Resolution of the City Council of the City of Des Moines, Washington, relating to the City of Des Moines' Money Purchase Retirement Plan, amending by addendum Resolution No. 455, executing the Declaration of Trust of the ICMA Retirement Trust, and appointing a coordinator for the Plan.

MOTION is to approve Draft Resolution No. 99-063.

**MOTION** was made by Mayor Pro Tem Brazil, seconded by Councilmember Kaplan, and passed unanimously to approve the consent calendar as read.

## PUBLIC HEARING

### 1997 Amendments to the Greater Des Moines Comprehensive Plan

Mayor Thomasson introduced the subject and stated the guidelines for conducting the hearing.

Community Development Director Kilgore described the background of the issue. She noted that the Final Supplemental Environmental Impact Statement had been issued on March 5, 1999 and that no appeals had been received.

Mayor Thomasson opened the public hearing.

## PROPONENT

Hank Hopkins, 3720 Serene Way, Lynnwood

Representing the Wescot Company/Environmental Materials Transport, Mr. Hopkins noted that his company had been in business for over thirty years. He felt that the conveyor system had proven to be a safe, quiet, and efficient method to move fill. He also stated that the system could be easily removed with little disruption to the environment. Mr. Hopkins said that he understood the citizens' feelings toward the construction of the third runway. He stated that he was not trying to change the citizens' minds but only trying to provide a viable option to trucking should the project be approved. He said that the conveyor system was not connected to Maury Island and that the company had no connection with the Port of Seattle. He felt that the conveyor belt system would save lives, shorten the period of disruption of citizens' lives and result in a substantial savings. He listed funding for a Senior Center, park development, and salmon planting as possible mitigation conditions for the project. In closing, Mr. Hopkins stated that he felt that his request was consistent with the Comprehensive Plan and requested that Council approve the proposed amendments.

Nicole Fagin, 728 134<sup>th</sup> Street SW, Everett

As Senior Planner for Reid Middleton, Ms. Fagin announced that she had worked on this project for four years. She noted that the following issues were studied or highlighted by the EIS process:

|                 |                                                       |
|-----------------|-------------------------------------------------------|
| Marine Impacts  | Endangered Species Act                                |
| Slope Stability | Water Quality                                         |
| Air Quality     | Comparison of conveyor system versus trucking impacts |
| Noise Issues    | Light, Glare, and Aesthetic Issues                    |

Park Impacts

Safety Issues

Ms. Fagin noted that she had given the clerk copies of Exhibits Nos. 1 – 3 for distribution to Council. In closing, Ms. Fagin stated that a comprehensive review of the project had been performed.

John Keagon, 1501 4<sup>th</sup> Avenue, Seattle

As the attorney from Davies, Wright, and Trumaine representing Mr. Hopkins' project, Mr. Keagon felt that the requested amendments met the criteria for approval for the following reasons:

- 1) Addresses needs of the city as a whole and provides a key benefit to the City.  
Reduction of truck traffic.  
Mitigation and licensing fees could fund City parks and programs.
- 2) Requested amendments are consistent with Growth Management Act.  
Meets transportation goals.  
Was not inconsistent with other parts of the Comprehensive Plan.

He stated that the proposed amendments were separate from the third runway issue and served only to mitigate the impacts if a third runway was constructed. He also noted that adoption of the comprehensive plan amendments would not provide final approval for the project.

City Attorney McLean noted that the proponent had twelve minutes remaining for the rebuttal.

SPEAKERS

Sharon Nelson, 7318 SW 258<sup>th</sup> Place, Vashon

As president of Preserve Our Island, Ms. Nelson stated that the conveyor belt project posed an important regional issue. She felt that, if approved, the project would destroy the vast majority of the undeveloped beaches of Des Moines and Maury Island. She asked Council to seriously consider the affects of the proposal. In closing, she stated that Preserve Our Island members were interested in the City's efforts and asked the City to protect their efforts as well.

Lala Klenmon, 1000 South 248<sup>th</sup> Street

On behalf of the Huntington Park Home Association, Ms. Klenmon spoke in opposition to the proposed amendments as she felt they would aid the third runway construction process. She was concerned about the noise, pollution, destruction to parks, and decreased property value the project might generate. She also questioned where the workers would park as parking is limited in the area. She asked that all opposed to the project stand. Several in the audience stood.

Larry Corvari, 19900 4<sup>th</sup> Avenue SW, Normandy Park

As co-president of CASE, Mr. Corvari stated that his organization had spent ten years opposing the third runway and holding the Port of Seattle accountable for its damage to the environment. He felt that the conveyor belt project was backed by the Port as it would save millions of dollars on the construction of a new runway. Mr. Corvari suggested that if the proponents wished to help the community, they could lend their efforts to establishing Paine Field as a supplemental airport. He urged Council to reject the proposed amendments and to protect the environment.

Helen Gellish, 21937 Cliff Avenue South

Ms. Gellish voiced concern about the potential loss of tranquillity and possible damage to the cliff area resulting from the use of a conveyor system. Ms. Gellish informed Council that she had contributed \$50,000 toward the repair of the cliff previously. She asked that the rock wall be repaired again. In closing, Ms. Gellish asked Council to preserve the environment and wetlands.

Clark Dodge, 225 SW 171<sup>st</sup> Street, Normandy Park

Mr. Dodge cited his past community service including serving on council, Cove Board, and Miller Creek Management Coalition. He noted that the efforts of the Miller Creek Management Coalition hoped to result in preservation of the Miller Creek drainage basin. He felt that Des Moines Creek and Miller Creek were important to the community. He asked Council to protect the preservation progress already gained. He asked Council to oppose the proposed amendments.

Charles Branson, 204 SW 151<sup>st</sup> Street, Burien

Mr. Branson voiced concern that the third runway would be built with the use of trucks. He noted that the use of the conveyor belt would impact the community but felt that the trucking option would create dangerous situations at several major intersections as well as increase the number of rocks in the road. He asked that if the third runway was built, the City help for a temporary period of time by allowing the operation of the conveyor belt. He asked Council to consider the next five to ten years when making their decision.

B.J. Bjorneby, 517 South 212<sup>th</sup>, Normandy Park

Mr. Bjorneby urged Council to keep their options open and to look at the future. He stated that he preferred to see the City spend money on improvements rather than on fighting the construction of the third runway. He urged Council to take efforts to get something positive out of the project.

Marie Rosenberg, 22222 Dock Street, #1-C

Ms. Rosenberg informed Council that she had served on the first Planning Commission for the City of Des Moines. She felt that the conveyor belt issue was connected to the third runway project. In her opinion, the second runway and proposed third runway had been detrimental to the area. Ms. Rosenberg asked Council to think long term and not destroy the beauty and advantages of the park area.

Christopher Gower, 16856 11<sup>th</sup> Place SW, Normandy Park

Mr. Gower voiced opposition to the proposed amendments and appreciation for the level of public participation in the process. He felt that the proposal was clearly tied to the third runway issue. He felt that the noise generated by the use of the conveyor belt would be in direct violation of the Endangered Species Act. He urged Council to reject the proposed amendments.

Ron Klipping, 815 South 216<sup>th</sup> Street

On behalf of Wesley Homes, Mr. Klipping stated that he was strongly opposed to the conveyor belt project. As Wesley Homes' request to construct a fence located one hundred feet from Des Moines Creek was denied, he questioned how the Council could consider approval of a conveyor belt in the area. He asked Council to reject the amendments.

Al Furney, 19900 8<sup>th</sup> Avenue SW, Normandy Park

On behalf of the RCAA, Mr. Furney urged Council to reject the proposed Comprehensive Plan amendments. He said that he had serious concerns with the lack of mitigation for the conveyor system. Due to the serious financial issues involved, Mr. Furney stated his belief that the issue was linked to the third runway project. He stated that the Army Corps of Engineers had rejected the Port's Wetland Project and that the Endangered Species Act would need to be considered while deliberating the conveyor system issue.

At 9:00 p.m., Mayor Thomasson declared a five minute break.

Dan Caldwell, 19547 2<sup>nd</sup> Avenue South

Mr. Caldwell informed Council that the Port of Seattle does not pay any property tax so the City should not expect any revenue from them. He also encouraged the public and Council to consider running for a port commissioner position. In closing, he stated his belief that the third runway would not be constructed.

Frank Jovanovich, 22431 10<sup>th</sup> Avenue South

Mr. Jovanovich stated that compromise and mitigation go hand in hand. He encouraged Council to not give up their position and to reject the proposed amendments.

Vonde Perry-Jackson, 22979 Marine View Drive South, #D320

On behalf of Whalers Village, Ms. Perry-Jackson noted that the jetty had dramatically changed the beach and stated that there was no way to know how the conveyor system would affect the area. She questioned how the applicant could guarantee that there would be no contaminated soil used. She urged Council to protect the beaches and wetland areas. By approving the proposed amendments, she felt that Council would be saying "Yes" to the third runway.

Jim Bartlemay, 23510 10<sup>th</sup> Avenue South

On behalf of his family and more than 300 other individuals who had signed a petition, Mr. Bartlemay asked Council to deny the proposal to amend the Comprehensive Plan. He listed destruction of the marina area, fish habitat, soil contamination, and quality of life as his reasons for the request. He also stated that he felt that the conveyor belt proposal was linked to the Port of Seattle and that the fill would come from Maury Island.

Pat Pompeo, 434 SW 186<sup>th</sup> Street, Normandy Park

Ms. Pompeo read to Council an article from the March 24, 1999 edition of the Seattle Times regarding arsenic in drinking water and the National Research Council's suggestion that the government tighten its controls in this area. The article was marked as Exhibit 4.

Judy Mannard, 22315 6<sup>th</sup> Avenue South

Ms. Mannard addressed Council of her concerns regarding the potential impacts to the area caused by the use of a conveyor system. She felt that approval of the proposed amendments would aid the Port in constructing the third runway. She urged Council to deny the proposed amendments.

Steve Bennett, 801 SW 194<sup>th</sup> Street, Normandy Park

As Senior Planner for the City of Normandy Park, Mr. Bennett asked Council to deny the proposed amendments to the Comprehensive Plan. He felt that the request did not contain any rationale to support it and that it represented a drastic change that disagreed with all

Comprehensive Plan policies. He also expressed concern with the Endangered Species Act's impact on this issue.

Kyle Netterfield, 999 3<sup>rd</sup> Avenue, #3700, Seattle

Mr. Netterfield, an attorney with Ellis, Li, & McKinstry, asked Council to determine the answers to the following questions:

- Has the City or any Councilmember reached any agreement, understanding, or settlement with the Port or any of its representatives regarding whether the City will approve or disapprove this project? If so, what are the terms of the agreement?
- Has the City or any Councilmember entered into any discussions or negotiations, whether formal or informal, with the Port of Seattle or any of its representatives regarding a potential settlement between the Port and the City that would allow this project to move forward?

Connie Midget, 303 South 216<sup>th</sup> Street

Ms. Midget spoke against the proposed amendments to the Comprehensive Plan. She felt that the noise generated by the project would be unbearable. She stated that she had counted 37 fish in Des Moines Creek two months ago. She encouraged Council to not let the prospect of obtaining a new Senior Center or park influence them. She felt that if the citizens wanted a new Senior Center they would support it.

Unidentified Speaker

An unidentified speaker representing Rod Blaylock gave the clerk a signed document (Exhibit 5) stating Mr. Blaylock's opposition to the conveyor project.

Don Reicks, 21221 5<sup>th</sup> Avenue South

Mr. Reicks stated that he was opposed to the third runway but that he needed more information before he formed an opinion about the proposed conveyor system. He encouraged Council to mitigate the issue and use creative methods to improve the Senior Center. He felt that the Port of Seattle could not be stopped so he urged Council to consider the best interest of their citizens. He felt that a conveyor system would be safer and have less of an impact on the environment than trucks. He asked Council to let the voters decide by referendum if the City should continue its fight against the third runway.

Claudio Parazzoli, 20445 1<sup>st</sup> Avenue South, Normandy Park

Mr. Parazzoli felt that there was an obvious connection between the proposed conveyor system and third runway issue. He stated that residents did not want the third runway due to the pollution it would generate. He likened the situation to people dying of cancer so that progress could occur. In closing, he stated that he did not want approval of the conveyor system nor the third runway.

Darrell Nelson, 21935 4<sup>th</sup> Place South, Normandy Park

Mr. Nelson informed Council that the proposed project would border two sides of his property. Due to the sight, noise, lighting, and the smell of diesel generated by the project, Mr. Nelson urged Council to deny the proposed amendments. He felt that the project would affect his family's mental and emotional well being.

Peter Townsend, 29508 12<sup>th</sup> Avenue SW, Federal Way

Mr. Townsend urged Council to vote “no” on the proposed amendments. As past president of the RCAA, Mr. Townsend felt that the Port of Seattle was not credible. He noted that the Expert Panel had defeated the Port so the Port decided to change the process. In closing, he stated that the battle against the third runway was progressing well and that the longer the process took, the better.

Dave Reynolds, 210 South 218<sup>th</sup> Street, Normandy Park

Mr. Reynolds spoke in opposition to the proposed amendments. He felt that the project would generate pollution, noise, vibration, and dust. He asked Council to consider the liability of hill slides due to vibration and noted that a geotech study had not yet been performed.

Ben Stark, 1310 South 230<sup>th</sup> Street

Mr. Stark felt that approval of the proposed Comprehensive Plan amendments would violate the citizens’ property rights. He urged Council to put an end to the project immediately by denying the request.

David Yokers, 21904 4<sup>th</sup> Place South

Mr. Yokers asked Council to consider the environmental implications of the proposed conveyor system. He stated that he had video of blue herons nesting and bald eagles perched in the area. He asked Council to deny the requested amendments.

Mrs. James Carpenter, 16463 6<sup>th</sup> Avenue SW & Property Owner in Des Moines

Mrs. Carpenter asked Council to protect the environment and shorelines by voting “no” on the proposed amendments.

Betty Haines, 601 South 240<sup>th</sup> Street

Ms. Haines stated that she had worked on the Shoreline Management Plan to prevent projects such as the conveyor system from occurring. She urged Council to oppose the proposed amendments.

Phil Emerson, 18403 2<sup>nd</sup> Avenue South, Burien

Mr. Emerson felt the conveyor system was connected to the third runway project. He felt that the conveyor system was important to the Port due to the expense of trucking the fill. If the conveyor system operated, he felt that there would be some fill spilled into Des Moines Creek. He urged Council to not help the Port and to vote against the proposed amendments.

Christopher Gower, 16856 11<sup>th</sup> Place SW, Normandy Park

Mr. Gower stated that any truck accidents occurring while transporting fill was not the City of Des Moines’ responsibility but the Port of Seattle’s.

Mayor Thomasson called for additional speakers. None responded.

#### REBUTTAL

Hank Hopkins, 3720 Serene Way, Lynnwood

Mr. Hopkins stated that he felt that his company could support the facts presented by the proponents. He invited Council to visit a conveyor site. He stated that the speakers had voiced

legitimate concerns and that he wished to help them understand the proposed project. Mr. Hopkins showed a video illustrating the use of conveyor systems. He noted that he was available for Council's questions. In closing, he stated that he felt that the conveyor system could provide lasting benefits with a temporary project.

Mayor Thomasson closed the public hearing.

NEXT MEETING DATE

Study Session - April 1, 1999

ADJOURNMENT

The meeting adjourned at 10:17 p.m.

Respectfully submitted,

Angela M. Chaufty  
Deputy City Clerk