

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

April 7, 2005

The regular study session of the Des Moines City Council was called to order at 7:32 p.m. by Mayor Sheckler in the City Council Chambers, 21630 11th Avenue South, Suite B.

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

ROLL CALL – Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Richard Benjamin, Gary Petersen, Dan Sherman, and Susan White. Absent: Councilmember Maggie Steenrod. Also in attendance were City Manager Tony Piasecki, Assistant City Attorney Richard Brown, Community Development Director Judith Kilgore, Police Chief Roger Baker, Harbormaster Joe Dusenbury, Public Works Director Tim Heydon, Parks and Recreation Director Patrice Thorell and City Clerk Denis Staab.

MOTION was made by Councilmember Benjamin, seconded by Mayor Pro Tem Thomasson and passed unanimously, to excuse Councilmember Steenrod.

DISCUSSION ITEMS

Comprehensive Plan Revision – Status Report

Mayor Pro Tem Thomasson informed Council that the Ad Hoc Committee has held four meetings and have reviewed five chapters. He advised that the revisions to the Plan should be ready for full Council review prior to the end of the year.

Community Development Director Kilgore reported that the Committee has completed review of several of the chapters, however there are still several issues that need to be addressed in regards to Chapter two, the Land use Element, due to its complexity and detail. She noted some of these issues include the following:

- Final Review of the land use maps
- A decision on placing density designations on the maps
- Review of residential density by neighborhood to ensure the City is meeting the four dwelling units per acre “brightline” set by the State and Hearings Board
- Review of state statutes as it relates to prohibiting mobile home parks in the City of Des Moines and Development of a policy to allow “cottage housing” in certain residential areas
- Decision on whether townhouse development should be allowed in Pacific Ridge
- Decision on whether townhouse development should be allowed in commercial areas that allow mixed use
- Decision on whether to recommend a “Public Facility Zone”

She stated that although these issues are still outstanding, because of the time schedule, the Committee agreed to move on to other chapters while these issues are still being resolved.

In response to questioning by Councilmember White, Mayor Pro Tem Thomasson noted that while the Comprehensive Plan Committee has kept economic development in mind, they have not attempted to develop those kinds of policies. The Committee felt items like the term “cottage” needs to be defined before it can really be discussed. He noted that the same applies

for “townhouse” and it is unlikely that the Committee will strike out and take a position on these issues, but hopes to set the framework for the larger conversation.

Mayor Sheckler reminded Council that as soon as the Committee minutes are approved they will be distributed to the whole Council which may answer some questions in regards to economic development.

Community Development Director Kilgore concluded by advising that she feels the Committee is making good progress and we should be able to submit the City’s document to the State by the end of June.

Draft Resolution No. 05-022 Fireworks Over Des Moines for 2005

Harbormaster Dusenbury noted the event was started in 2001 by Des Moines resident, Cliff Hanna. He advised that the event has grown consistently over the last four years, and in general, no serious problems have occurred. However, he advised that in 2004 there were some incidents that caused some concern for City staff. They were:

- Staff on site was not able to provide adequate traffic control
- Too many vehicles were in the north lot
- Vehicles blocking of traffic lanes
- Emergency vehicles would not have been able to access north lot
- People setting off fireworks close to crowd & parked vehicles

He noted that City staff have discussed the problems at length and strongly recommend that the City have more of a presence at the event in the future. Specific recommendations are:

- Provide enough City staff to control traffic and parking in the Marina and downtown
- Close the north lot and the Beach Park to vehicle traffic on the afternoon of the 4th
- Fence the north lot & create gates that will allow City staff to monitor persons entering the area for possession of private fireworks
- Move some of the activities in the Beach Park to the north lot

Harbormaster Dusenbury stated that staff estimates that the costs for adequately managing the event is \$8,000. He concluded by advising that the fireworks show is becoming an anticipated annual event, and that staff recommends that the City participate actively in the planning and implementation of the show in order to have some control over the outcome.

In response to questioning by Mayor Pro Tem Thomasson, City Manager Piasecki advised that City staff have met with the organizers. He noted that some of the suggestions, such as fencing the north lot and gating so staff can check for illegal fireworks, are from staff. Also staff recommends bringing in normally off duty Police officers to help provide security. The Legacy Foundation is willing to sponsor a concert, and bringing in a few food vendors to offer people things to do while waiting for the fireworks show. He stated that he can foresee the event growing larger next year, especially without Waterland, this event could become a summertime focal point. He suggested that the City look at becoming more of a true partner with the organizers of the fireworks show. He informed Council that the promoters are willing to do a fireworks show and pay for what that show will need, including some security. However, the extra items are going beyond what they are willing to do and should be the City’s responsibility. He advised that the organizers are willing to share some of the costs of the security, and he suggested that the resolution contain some language showing the Fireworks Over Des Moines sponsors will pay half of the estimated costs up to \$2,500.

Mayor Pro Tem Thomasson felt that the estimated costs for the Marina (\$1,250), Parks (\$1,250) and Public Works (\$500) were at least in part attributable to the Fireworks show, and the organizers of the show should also pay a portion of those costs, not just Police security. He stated that the City still has a budget crisis, has laid people off, and where he feels this could be a great event, he is not convinced the City can afford it. He noted that the fireworks show started by a private group doing something great for the community and now it is involving into a 50/50 event and he has concerns that, within a few years, the City could be faced with continuing the event on its own. He felt this could be recreating Waterland with the City spending money it does not have. He stated this is becoming a huge policy issue and he is not convinced that this should be a City event, as that seems to be where it is headed.

Councilmember Benjamin reported attending the event last year. He questioned whether the City can address the concerns that he witnessed, as things pretty much got out of control, with children lighting fireworks right in front of Police officers.

Police Chief Baker stated he is very aware of last years problems and felt part of the problem was many people believed it was okay to set off fireworks. He strongly recommends appropriate signage be used and that two pedestrian check points need to be set up to check for alcohol and fireworks. He assured Council that this year the Police will be prepared to confiscate fireworks, write citations, or make arrests, as appropriate. He felt he could reasonably ensure a safe event with the budgeted funds as suggested by staff.

Councilmember Sherman expressed concerns with the event as proposed this year. He noted that Waterland kept getting more expensive and was costing the City around \$40,000 to \$50,000. He also cited safety issues noting last year someone started a big bonfire on the beach and the 4th of July seems to be a holiday that makes folks disregard the law. He stated it is unclear where the City funds would be coming from to pay these unbudgeted expenses.

City Manager Piasecki informed Council that the fireworks organizers are committed to paying the costs that are directly attributable to dealing with a Fireworks display. However, they are not willing to pay for any additional security for any events that may occur prior to the fireworks.

Upon questioning as to what other events are being planned, Harbormaster Dusenbury stated that a concert is being sponsored by the Legacy Foundation, some food vendors, and the Parks and Recreation Department wants some activities for children. He noted that the City would pay for security for these events.

Mayor Pro Tem Thomasson pointed out that Council has not authorized extra activities for the Fourth of July. He felt that these are new budget items that were not planned for, but with the current budget short fall, he cannot support putting any City funds into events for the Fourth of July, other than normal police coverage. If other events are to happen they must be funded by the groups sponsoring the events. He felt these are great ideas, but the City must spend money on needs, not on wants.

Councilmember Petersen noted that he has in the past supported private family use of fireworks on the Fourth, but listening to the problems that occurred last year, he would now be in favor of considering a ban on fireworks, except for commercial displays.

MOTION was made by Mayor Sheckler to adopt Draft Resolution No. 05-022, authorizing the fifth annual Fireworks Over Des Moines event on July 4, 2005, at the Des Moines Marina and to direct the City Manager to provide support services and amenities for the event as recommended by Council. MOTION DIED for lack of a second.

Councilmember Benjamin felt that there are more questions than answers. He stated that staff initiated events should be a separate issue from the Fireworks show. He questioned how this turned into an all day event, and while the idea is great, he has some concerns about safety and whether the Police department can handle it.

Councilmember White stated she would like to see an ordinance prepared to ban fireworks in Des Moines, other than commercial displays. She felt that it would be easier to monitor an event such as Fireworks Over Des Moines if there was a ban on other fireworks.

Mayor Sheckler questioned Council if they would be more comfortable if the cost to the City for this event did not exceed \$2,500 and that the City not be involved in any activities prior to the event. As there were no comments, Mayor Sheckler directed the City Manager to revise the agenda item and bring it back to Council at a later date.

MOTION was made by Mayor Sheckler, seconded by Councilmember White, to direct the City Manager to prepare an ordinance banning fireworks in Des Moines, with the Mayor and City Manager to schedule it for discussion at an upcoming City Council meeting. Motion passed 4 to 2 with Councilmember Benjamin and Mayor Pro Tem Thomasson opposed.

8:40 p.m. Councilmember Benjamin left the meeting.

Water District #54 Small Water System Management Plan

Public Works Director Heydon introduced Carl Mealy, Water District #54 Commissioner.

Mr. Mealy introduced other Commissioners in attendance Alli Larken, John Rayback, and District Manager Eric Clark. On behalf of the Water District, he expressed appreciation for the great working relationship that has been established with the City staff.

Mr. Mealy proceeded to present an overview of the District, its water infrastructure capabilities, operations preparedness, plans going forward and how the City and the District can work together. Some of the items mentioned were:

- District created in 1935 by vote of people, serves population of nearly 4,000 and run by Board of 3 Commissioners
- Water: Wells in Highline Aquifer, volume 135 million gallons annually, monitoring exceeds State requirements, from ground does not require treatment, traces of iron and manganese
- Infrastructure: 4 wells provide supply, 4 pumps plus 6 booster pumps online, 910 thousand gallon storage, over 10 miles of pipes 6 to 12 inches in diameter, a control system (SCADA) now online automates on-going pumping and delivery operations.
- Capacities: average daily demand is 251 gpm, capacity rate exceeds 4,500 gpm, storage volume is 910,000 in 2 reservoirs plus access to water via intertie, sizing storage meets or exceeds operations and fireflow requirements, turnover water in storage so it remains fresh, turnover maximum of 3 days with average of 2

- Operations: Maintenance includes main flushing and valve exercise program instituted. Monitoring over 150 customer devices inspected annually, leak detection program and water testing complies or exceeds regulations. Funding practices for minor capital items is pay as you go, with major capital items via borrowing. A debt retirement plan is in place with bi-annual rate and fee studies. Reserve monies exceed minimums.
- Preparedness: Storage capacity and distribution network in line with Fire District expectations. There is an emergency intertie for backup supply source. Training and partnering with other districts and agencies for shared knowledge and experience. Have a wellhead protection plan.
- Planning Process: Purpose of system Plan is for orderly development and compliance with regulations. Major trends show District service boundaries not likely to expand. Land use is changing slowly, with population growth slight and slow.
- Recent Accomplishments: New Reservoir, new booster pumps, new automated control system, new emergency generator, new well and pump and new monitoring systems
- Plans: Current projects include elevated reservoir rehabilitation, hydrologic study of system infrastructure and replacement of new water main for MVD Bridge. For near term needs and plans over \$600 thousand invested mainly in infrastructure improvements.
- Working With City: Field House preservation, permitting and reviews, main locations, water and land use practices, contamination response, emergency preparedness and response, and backflow support

In conclusion Mr. Mealy informed Council that the District exists to meet water needs and is a sound business in compliance with regulatory requirements. He stated that the District is prepared to meet water needs today and there are steps in place to meet future needs.

9:02 p.m. Mayor Sheckler called for a 10 minute break.

Mayor Sheckler questioned whether, in light of the City's consideration of an economic development plan for downtown, the District has enough delivery capability, especially not knowing what the economic development might entail. He felt that if new lines are required it could greatly impact the District.

Mr. Mealy stated this why a two-way dialogue is necessary so both agencies can share needs and expectations. He advised that if additions would be required, they would be dealt with as a "local improvement" in the impacted area.

City Manager Piasecki felt that there are two things that could effect District services. One would be the pace of development and density. This could impact the District's delivery system if the City had a very aggressive development plan.

Mr. Mealy assured Council that the District is using a hydrologic study to see where it is anticipated that needs will occur first and this is separate from the Plan. He advised Council that the District's plan does not stay stagnant for five years, but is being reviewed as the District moves forward. He assured Council that the District can revise the Plan and do amendments if necessary.

Mayor Pro Tem Thomasson thanked Mr. Mealy for his leadership in moving the District into the 21st century. He felt the District has been remarkable in responding to the needs of the community and in upgrades to the system, such as earthquake designs.

In response to questioning regarding the recent contamination detected in the water system, Mr. Mealy noted the District did enact its emergency contingency. He advised that the source was traced to a pipe that had not been in use for a year and was not properly flushed before being activated. He stated this was a lesson learned so that this type of incident will not happen again.

Water Tower Park - Revised Interlocal Agreement with Highline Water District

Parks and Recreation Director Thorell noted that in 1995, the City and Highline Water District entered into an Interlocal Agreement with a ten year term for use of the property known as Water Tower Park for City parks and recreation purposes. However, due to 2005 budget cuts, the City provided the District with a termination notice to end the Agreement which occurred March 1, 2005. She informed Council that due to the support by the neighborhood and the District to keep the park site open for public use, she has met with Highline Water district management to discuss how this could be achieved. She noted that the District was very open to working with the City in order to keep the Park open. She called Council's attention to the proposed new two year Interlocal that identifies both the District and City responsibilities. She also informed Council that 24 neighborhood families have volunteered to collectively work with the City and the District to help with park maintenance. She noted that it is hoped that after two years the City will be in a better financial position to fully maintain the Park.

Upon questioning by Council, Parks and Recreation Director Thorell stated there is a termination clause in the 2 year agreement. Furthermore, City staff will perform safety evaluations of equipment which will not require a financial burden on the City.

MOTION was made by Councilmember White, seconded by Mayor Pro Tem Thomasson, to approve the draft Interlocal Agreement between Highline Water District and the City of Des Moines for use of the North Hill Tank Site as a City Park and authorize the City Manager to sign the agreement substantially in the form as submitted.

Upon questioning, City Manager Piasecki advised that this agreement will not change the City's insurance obligations.

Mayor Pro Tem Thomasson requested that the recitals in the agreement should reflect that the previous agreement has been terminated.

VOTE ON MOTION: Motion passed unanimously.

NEXT MEETING DATE

Mayor Sheckler announced that the next regular meeting will be April 14, 2005.

ADJOURNMENT

At 9:50 p.m. **MOTION** was made Councilmember White, seconded by Mayor Pro Tem Thomasson, and passed unanimously to adjourn.

Respectfully submitted,
Denis Staab, City Clerk