

**PRELIMINARY**  
**REGULAR MEETING DES MOINES CITY COUNCIL**

MINUTES

April 22, 2004

At 7:25 p.m., City Manager Piasecki announced that Council would remain in Executive Session until 7:40 p.m.

The regular meeting of the Des Moines City Council was called to order at 7:42 p.m. by Mayor Sheckler in the City Council Chambers, 21630 11<sup>th</sup> Avenue South.

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

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Gary Petersen, Dan Sherman, Maggie Steenrod, and Susan White. Absent: Councilmember Richard Benjamin. Also present were City Manager Tony Piasecki, Assistant City Manager Corbitt Loch, City Attorney Linda Marousek, Community Development Director Judith Kilgore, Park and Recreation Director Patrice Thorell, Deputy City Clerk Angela Chaufy.

**MOTION** was made by Councilmember Petersen, seconded by Councilmember Thomasson and passed unanimously to excuse Councilmember Benjamin from attendance.

BOARD & COMMITTEE REPORTS

Suburban Cities Association

Councilmember Sherman reported that he had attended the Suburban Cities Association meeting. The group discussed various solutions for handling garbage as King County had revised their fee structure for solid waste disposal facilities.

Historic Preservation Planning

Councilmember White reported that she and Park and Recreation Director Thorell had toured Tibbetts Manor and Pickering Farm to study Issaquah's use of historical facilities for rentals, retreats, meetings, and tourist attractions. She said that she was excited to consider the potential of the Des Moines Beach Park in this context.

Wooton Park Clean-Up Project

Councilmember White informed Council that approximately fifteen volunteers had worked to clean Wooton Park. She thanked all who participated.

Public Safety and Transportation Committee

Mayor Pro Tem Thomasson announced that the Committee had completed its review of speed limits. He asked that the subject be placed on a future agenda.

ADMINISTRATION REPORTS

Redondo Boat Launch

City Manager Piasecki announced that the Redondo Boat Launch Ribbon Cutting Ceremony was scheduled for April 30, 2004 at 11:00 a.m. He reported that the facility's breakwater had been installed and was operating as anticipated.

Activity Center Parking Lot Striping

City Manager Piasecki informed Council that the road in front of the Activity Center had been striped.

Downtown Clean-up Project

City Manager Piasecki announced that the Des Moines Boosters, in conjunction with the Parks Department, would host a downtown clean-up project on May 2, 2004 beginning at 10:00 a.m.

Congressman Adam Smith

City Manager Piasecki announced that Congressman Smith would be present at the May 27, 2004 Council meeting to discuss the status of various federal issues. He asked that Council provide him with a list of any specific topics they wished Congressman Smith to address.

Rotary Dictionary Project

City Manager Piasecki introduced Jack Kniskern.

On behalf of the Rotary Club, Mr. Kniskern informed Council of the Rotary Dictionary Project. The goal of the project is to support student learning and education by giving a dictionary to every third-grader in Des Moines. The Club presented the first dictionaries to students at Parkside Elementary School last Wednesday. Mr. Kniskern showed Council a sample dictionary and read the label inside its cover. He said that the Rotary Club expected the Dictionary Project to be a long-term project and they would be seeking community funding support. A "Dictionary By the Dozen" fund-raising campaign would soon be conducted. Upon the request of Councilmember Sherman, Mr. Kniskern read the definition for the word "government".

Mayor Sheckler thanked Mr. Kniskern for his efforts on this project.

CONSENT CALENDAR

Mayor Sheckler read the statement of recognition for National Police Week and Police Memorial Day as presented in Consent Calendar Item No. 3.

Deputy City Clerk Chaufy read the Consent Calendar as follows:

1. Motion is to approve the minutes of regular meeting of April 1, 2004, and regular and special meetings of April 8, 2004.
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 #93852 through #94021 & electronic fund transfers in the total amount of \$597,936.15

Payroll fund transfers in the total amount of \$364,712.45

3. Motion is to recognize the week of May 9, 2004 through May 15, 2004 as *National Police Week* and May 15, 2004 as *Police Memorial Day* in the City of Des Moines.

4. Motion is to authorize the City Manager to sign the 2004 LHWMP contract amendment for contract No. D32773D between the City and the Seattle-King County Department of Public Health and the 2004-2005 King County Solid Waste Division WR/R contract No. D33514D.

5. Draft Ordinance No. 03-282 ~~Title: An Ordinance of the City of Des Moines, Washington relating to fireworks, revising language in DMMC 9.40.020, 9.40.140, and 9.40.150 to clarify and refine firework definitions and exceptions in order to conform with state law.~~

~~TWO MOTIONS: First motion is to suspend Council Rule 26(b) Second motion is to approve Draft Ordinance No. 03-282.~~

Councilmember Sherman removed Item No. 5.

Mayor Sheckler corrected a sentence on page 2 of the April 8, 2004 regular meeting minutes.

MOTION was made by Councilmember White, seconded by Councilmember Thomasson and passed unanimously to approve the consent calendar as amended.

#### REMOVED CONSENT CALENDAR ITEM NO. 5

##### Draft Ordinance No. 03-282 [Assigned Ord. No. 1338] – Fireworks Definitions

In light of the Fire District Commissioners' second letter to Council requesting a ban on consumer fireworks and Council's prior discussions regarding the Fourth of July public fireworks, Councilmember Sherman said he would not support the proposed ordinance as it did not ban consumer fireworks.

MOTION was made by Councilmember Sherman and seconded by Mayor Sheckler to direct Administration to draft a similar proposed ordinance containing the changes in verbiage and specifically banning consumer fireworks.

Councilmember White voiced support for the motion based upon the recommendations of the police department.

VOTE ON MOTION: Motion failed, 3 – 3, with Mayor Pro Tem Thomasson and Councilmembers Petersen and Steenrod opposed.

MOTION was made by Mayor Pro Tem Thomasson and seconded by Councilmember Steenrod to suspend Rule 26(b) in order to enact Draft Ordinance No. 03-282 on the first reading.

VOTE ON MOTION: Motion passed, 4 – 2, with Councilmembers Sherman and White opposed.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Steenrod, and passed unanimously to enact Draft Ordinance No. 03-282, relating to fireworks and amending DMMC 9.40.020, 9.40.140 and 9.40.150 to clarify and refine firework definitions.

City Manager Piasecki read the title of the ordinance into the record.

#### PUBLIC HEARING

##### 2004 Community Development Block Grant (CDBG) Program Revision

Mayor Sheckler opened the public hearing. He confirmed that there were no citizens wishing to speak during the hearing.

Community Development Director Kilgore noted that Council had appropriated CDBG funds for the Pacific Ridge sidewalk project in 2002 and 2003. Due to the delay of the Pacific Highway South Project, the sidewalk project would not be implemented within the two-year window allowed by the CDBG Program. Therefore, Administration recommended that Council cancel the 2002 and 2003 Community Development Block Grant Pacific Ridge Sidewalk project in the total amount of \$133,570, reallocate \$16,900 to the design and construction of the Wesley Crosswalk signal, and reallocate the remaining \$116,670 to the Midway Park Project. Community Development Director Kilgore informed Council that the money had to be reallocated to existing projects.

Mayor Pro Tem Thomasson reviewed the Midway Park improvements as described in the Capital Improvement Plan. He asked if the \$65,000 currently allocated for park improvements could be reprogrammed to the Activity Center's curb, gutter, and sidewalk project.

Community Development Director Kilgore said that, per CDBG rules, the curb, gutter, and sidewalk project would be considered a new project. The money had to be given to existing CDBG projects. Community Development Director Kilgore confirmed that \$65,000 had been allocated to the Midway Park Project in 2004.

Mayor Pro Tem Thomasson said that the city should not do twice the improvements at the park just because money was available.

Park and Recreation Director Thorell informed Council that the \$65,000 would fund the installation of ADA accessible sidewalks around the play area and new fall material. The additional \$116,670 would allow the City to relocate and purchase durable equipment.

Councilmember White voiced support for Administration's recommendation as it would improve the quality of life in the Pacific Ridge area.

Mayor Sheckler called for speakers three times.

None responded.

Mayor Sheckler closed the public hearing.

**MOTION** was made by Councilmember White and seconded by Councilmember Steenrod to approve the cancellation of the 2002 and 2003 CDBG Pacific Ridge sidewalk project in the amount of \$133,570.

Councilmember Sherman voiced support for the motion. He stressed the importance of ensuring that the Pacific Ridge sidewalk project was not forgotten.

City Manager Piasecki confirmed that, when the time was right, the project would be presented to Council again.

Councilmember Steenrod said that, regardless of whether CDBG funds could be obtained for the Pacific Ridge sidewalk project, the project should be done. She asked that Council make the sidewalk project a priority.

City Manager Piasecki informed Council that real estate excise tax revenues were higher than expected and would be available to fund various projects.

Mayor Thomasson recommended that Council re-program the \$65,000 currently allocated to the Midway Park project to the Pacific Ridge sidewalk project and then allocate additional 2005 CDBG funds to the sidewalk project.

**VOTE ON MOTION:** Motion passed unanimously.

**MOTION** was made by Councilmember Steenrod, seconded Councilmember Sherman and passed unanimously to approve the reallocation of \$16,900 in CDBG funds to the 2003 Wesley Crosswalk Signal project.

**MOTION** was made by Councilmember White and seconded by Councilmember Steenrod to approve the expenditure of \$116,670 to the 2004 Midway Park project.

Upon questioning from Mayor Pro Tem Thomasson, Community Development Director Kilgore confirmed that, in the motion, the word “expenditure” should be changed to “reallocation”.

The maker and seconder of the motion accepted the correction as a friendly amendment.

Community Development Director Kilgore said that the \$65,000 could not be allocated to the Pacific Ridge sidewalk project as the money could only be allocated to an existing project.

Councilmember Steenrod stated that the Midway Park was heavily used. She said that the City needed to put time and money into providing a quality recreational area for the children.

**VOTE ON MOTION:** Motion passed, 5 – 1, with Mayor Pro Tem Thomasson opposed.

**MOTION** was made by Councilmember Steenrod, seconded by Councilmember Sherman, and passed unanimously to direct any additional funds realized from the reallocation to the Midway Park project.

#### **AGENDA REVISION**

Mayor Sheckler announced that Council would address New Business Item No. 1 next.

At 8:28 p.m., Mayor Sheckler declared a seven-minute break.

#### **NEW BUSINESS**

##### **State Historic Preservation Planning - Des Moines Beach Park**

Washington State Office of Archaeology and Historic Preservation Certified Local Government Coordinator Megan Duvall introduced the topic. She informed Council of the federal, state, and local historic preservation programs and the National, Washington State, and local historical registers. Ms. Duvall noted that, in 1995, Council adopted Ordinance No. 1124 related to the

protection of historic and archaeological resources. She said that historical resources retain a community's sense of place, reflect a community's unique heritage, symbolize the health of a community, and promote tourism. Ms. Duvall identified the following benefits of a community becoming a certified local government:

- Partnership in the national/state historic preservation program.
- Access to technical assistance by the State Office of Archaeology and Historic Preservation.
- Locally designated properties become eligible for special tax valuation.
- Small grant funds become available through the Historic Preservation Fund.
- Participation in the nomination of local properties to the National Register of Historic Places.

Ms. Duvall said that a local historic preservation program could be a catalyst for sparking investment in the City's historic properties. She introduced Julie Koler from King County's Historical Preservation Department. In response to Mayor Pro Tem Thomasson's questioning, Ms. Duvall explained that King County had grants available for historic properties but the State money was usually not used for capital improvements.

Ms. Koler informed Council that thirteen local communities had signed an interlocal agreement for landmark services with King County. The interlocal agreement was cost-effective, provided professional assistance, and made available incentive programs. The King County program provided a grant program, a loan program, and current use assessment for landmark properties. Ms. Koler explained that the King County Ordinance, which would need to be adopted by reference if an interlocal agreement for landmark services was signed, did not require the consent of the property owner. Councils in North Bend and Black Diamond had retained control by requiring City Council approval of all nomination applications. Ms. Koler urged Council to consider entering into an interlocal agreement with King County.

Councilmember Sherman noted that several owners did not want their property listed in Ordinance 1124. At that time, Council had not required them to participate.

Ms. Koler said that the County, through their ordinance, had the authority to deny the demolition of a historic property. Under the interlocal agreement, the King County Landmark Commission, with a City Council appointed member, would serve as the local commission. The City would have the option of having the design review performed locally or by the County. Ms. Koler identified the primary criteria for the listing of a property on the register to be:

- Compliant with National Register Program standards,
- Age forty years or older,
- Maintained physical integrity, and
- Association with a significant event, person, or theme.

Councilmember White said that Des Moines Beach Park was the birthplace of Des Moines.

Ms. Duvall said that historical property must meet fourteen criteria for the State listing. In response to Councilmember Petersen's questioning, Ms. Duvall explained that a property listed on the State's Historical Register could be sold to a new owner. Generally, there were no provisions which allowed an owner to remove a property from the listing.

In response to Councilmember Steenrod's questioning, Community Development Director Kilgore estimated that 30 to 50 properties were currently on Des Moines' historical property list. Additional properties were also eligible but, at the time of Ordinance No. 1124's adoption, several property owners had not consented to their property being listed.

Ms. Duvall suggested that Council conduct the process again as community education was important.

In response to Councilmember Steenrod's questioning, Ms. Koler said that King County's recommendation for the interlocal was contained in Council's packet. If property owner consent was important to the Council, then the City might choose to partner with the State rather than the County.

If Council desired to maintain the owner consent provision and still partner with King County, City Manager Piasecki noted that the City could adopt a process which required all nominations to go through Council first.

Mayor Pro Tem Thomasson stated that he did not believe an interlocal agreement with King County would provide a great financial benefit. He said that the City could potentially lose property tax through the "current use property tax" program as valuation of the properties would be reduced.

Ms. Koler urged Council to consider the cumulative impact of adopting a historic preservation program as the value was returned to a City over years through tourism and community pride.

**MOTION** was made by Councilmember Steenrod and seconded by Councilmember White to direct staff to prepare a draft ordinance regarding City of Des Moines' commitment to the preservation of Des Moines' heritage assets related to becoming a Certified Local Government through an Interlocal Agreement for Landmark Services between the City and King County relating to landmark designation and protection services.

Councilmember Sherman spoke against the motion as he felt it would violate the property rights of individuals. He said that he was more amiable to a Certified Local Government program. Councilmember Sherman stated that the property owner should be allowed to say "no" at the outset of the process.

Mayor Pro Tem Thomasson agreed with Councilmember Sherman's concern regarding owner consent. He said he would not support either the County's or the State's programs.

**VOTE ON MOTION:** Motion failed, 2 – 4, with Councilmembers Steenrod and White voting "Yes".

**MOTION** was made by Mayor Sheckler and seconded by Councilmember Sherman to direct staff to prepare a draft ordinance regarding City of Des Moines' commitment to the preservation of Des Moines' heritage assets related to becoming a Certified Local Government.

Mayor Pro Tem Thomasson spoke against the motion as it added complexity to the program but did not adopt any new rules. Limited funding would be provided for education materials only.

Ms. Duvall noted that the tax valuation incentive program would also be available.

Councilmember Steenrod expressed concern that another layer of government would be created. She questioned whether the City's existing ordinance could be altered to allow property owners to benefit from the tax valuation incentive program.

Ms. Duvall said that Council could adopt a provision that allowed property owners a similar incentive. She said that the State program would provide planning grants, interpretive grants, and a National Register nomination.

Mayor Pro Tem Thomasson noted that the Des Moines Beach Park had previously been denied a listing on the National Register as its facility had been severely compromised.

Ms. Duvall confirmed that the facility had been rejected due to integrity issues.

**VOTE ON MOTION:** Motion failed, 3 – 3, with Mayor Pro Tem Thomasson and Councilmembers Petersen and Steenrod opposed.

Councilmember Steenrod questioned whether the City could adopt an Ordinance that applied to City-owned property only.

Ms. Koler confirmed that King County would be willing to consider the proposal.

Council concurred that staff should discuss this option with King County.

Park and Recreation Director Thorell informed Council that consultants from Project Management Northwest needed to tie previous historic preservation studies concerning the Des Moines Beach Park to today. She requested funding to hire Artifacts, a preservationist company, to provide the heritage piece to the State legislature.

City Manager Piasecki noted that the money for the study had not been budgeted. He asked Council to include approximately \$10,000 for the study in the proposed budget amendments.

Councilmembers White and Sherman voiced support for the request.

Park and Recreation Director Thorell confirmed that staff would ensure there would be no duplication of work between the two consultants.

Council concurred.

## **OLD BUSINESS**

### **Council Chambers and PEG Upgrade Project**

Assistant City Manager Loch introduced the subject and introduced consultant Lon Hurd from 3H Communications. He noted that the City was also working with Puget Sound Access and the consultants for the court video arraignment system.

Mr. Hurd informed Council that three meetings with the users of the Council Chambers had been conducted to identify needs. Existing equipment, space, and wiring conduit had been reviewed. Mr. Hurd asked Council to provide input regarding the design and features of the audio/visual upgrade project.

Councilmember White requested voice-activated microphones.

Mayor Sheckler asked that the upgrade satisfy the audience's concerns regarding volume and lighting.

In response to Mayor Pro Tem Thomasson's questioning, Mr. Hurd informed Council that a document camera would include a direct feed into the video recording. Microphone options would be presented later in the process.

Councilmember Sherman asked that the wires on the dais be eliminated and a light be installed to signal whether the microphone was on or not. In regard to the character generator, he asked that digital video, DVD capability, HDTV capability, weather, time and date display capabilities be included.

Councilmember Steenrod suggested that a screen be placed behind Council so that the public could view information without straining. She also requested web access.

Mr. Heard said that the room would be designed to handle live or delayed broadcast.

Upon questioning from Mayor Pro Tem Thomasson, City Manager Piasecki said that it was staff's desire to provide infrastructure for Council to plug in their own laptop computers, if desired.

Assistant City Manager Loch said that the goal of the project was to provide the infrastructure for 21<sup>st</sup> Century technology. He anticipated the project being completed in the summer.

City Manager Piasecki noted that the HVAC project should address some of the sound quality complaints.

NEXT MEETING DATE - Regular Meeting April 29, 2004

#### ADJOURNMENT

At 10:25 p.m., **motion** was made by Councilmember Sherman, seconded by Councilmember Steenrod and passed unanimously to adjourn the meeting.

Respectfully submitted,

Angela M. Chaufy  
Deputy City Clerk

#### ACTION ITEMS FROM APRIL 22, 2004 MEETING

- Schedule a discussion regarding speed limits for a future meeting.

- Discuss the possibility of adopting an ordinance pertaining to City owned historical property only with King County.