

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

April 26, 2001

The regular meeting of the Des Moines City Council was called to order at 7:36 p.m. by Mayor Thomasson in the Council Chambers, 21630 11th Avenue South, Suite B.

PLEDGE OF ALLEGIANCE to the Flag was led by Mayor Thomasson.

ROLL CALL – Present: Mayor Scott Thomasson, Mayor Pro Tem Bob Sheckler, Councilmembers Dan Sherman and Don Wasson. Absent: Councilmembers Terry Brazil, Dave Kaplan, and Gary Towe. Also present were City Manager Bob Olander, Assistant City Manager Tony Piasecki, City Attorney Gary McLean, Community Development Director Judith Kilgore, Public Works Director Tim Heydon, Assistant City Engineer Maiya Andrews, and Deputy City Clerk Angela Chaufty.

MOTION was made by Councilmember Sherman, seconded by Mayor Pro Tem Sheckler, and passed unanimously to excuse Councilmembers Brazil, Kaplan, and Towe from the meeting.

BOARD & COMMITTEE REPORTS

Park and Recreation Summer Brochure

Councilmember Sherman said that he had received the Park and Recreation Summer Brochure. He noted that the listing of programs did not include the Waterland Fun Run. He commented that the annual run was enjoyed by many.

ADMINISTRATION REPORT

Executive Session Request

City Manager Olander asked that Council meet in executive session at the end of the meeting to discuss potential litigation.

Legislative Budget

City Manager Olander reported that the State budget had been passed out of the House Appropriations Committee without the inclusion of full Initiative 695 replacement funding. He noted that local legislative representatives had been very supportive of full replacement funding and had indicated that they would attempt to introduce amendments during the next step of the budget process.

CONSENT CALENDAR was read by Deputy City Clerk Chaufty.

1. Motion is to approve the minutes of April 5 and 12, 2001.
2. Findings: Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.080, have been recorded on a listing which has been made available to the City Council.

Motion: As of this date the Des Moines City Council, by unanimous vote, does approve for payment those vouchers and payroll transfers included in the above list and further described as follows:

Claim check # 75744 through #75901 in the total amount of \$311,670.90
Payroll fund transfers in the total amount of \$299,995.57

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

OLD BUSINESS

Draft Ordinance No. 01-007 Minimum Elementary School Lot Size - 2nd Reading

Community Development Director Kilgore noted that Council had conducted a public hearing regarding the issue on February 22, 2001. In response to Councilmember Sherman's request for additional information regarding school design, especially as it relates to lot size and recreation standards, Ms. Kilgore reported that the significant standards and regulations for design and construction of publicly funded schools did not apply to private schools. She asked for Council's direction concerning whether the City should develop and adopt such standards.

City Manager Olander noted that existing building and fire codes applied to public and private schools.

For the record, Mayor Thomasson announced that he had viewed the video of the previous public hearing. He said that it was possible to have a private school that was not related to a church. He then questioned whether a school was considered an accessory use to a church. He noted that Council could choose to identify church schools as an accessory use to churches and then require a SEPA review to address their impacts. If Council chose to do this, the regulations for church schools would be listed under the church section rather than the school section of the code book. Mayor Thomasson said that he preferred to address usage rather than lot size issues.

Upon questioning from Mayor Pro Tem Sheckler, City Manager Olander said that staff was not aware of any existing non-church affiliated private schools in the community.

Councilmember Sherman said that he did not support the option presented by Mayor Thomasson. He noted that the State required the local Health, Fire and Building Departments to confirm that school facilities were adequate for instructional purposes. He explained that public schools receiving state funding also were required to meet certain lot size requirements. Councilmember Sherman suggested adding language to the proposed ordinance that required the private school's building space utilization to be substantially in compliance with the State's standards for public schools.

Mayor Thomasson felt that Council should be primarily concerned with the impact of private schools on the surrounding neighborhoods and allow the State to regulate the instructional issues of the facilities.

City Attorney McLean said that a facility used for school purposes was different from a facility used solely for a church. He felt that the code was reasonably clear on safety issues. He noted that occupancy determined the ingress and egress standards for a facility.

Councilmember Sherman stated his belief that Council could deal with the amount and kind of space required for private school facilities. He suggested that "which includes space utilization per the Superintendent of Public Instruction standards" be added to the end of Section 1.14.a.i.A of the proposed ordinance.

Mayor Thomasson, Mayor Pro Tem Sheckler, and Councilmember Wasson did not concur with this suggestion.

MOTION was made by Mayor Pro Tem Sheckler and seconded by Councilmember Wasson to adopt Draft Ordinance No. 01-007 on its second reading.

In response to Mayor Thomasson's question, Community Development Director Kilgore explained that State approval of public and private schools required building and fire code compliance. She noted that the proposed ordinance's land use process had been written to mimic the SEPA process.

City Attorney McLean noted that Council could choose to assign the expansion or new development of a private school to a specific land use action such as Type I or Type II.

In regard to lot size, Mayor Thomasson suggested that public school regulations remain as they were while private school regulations be set at three acres or more. He felt that the language should not be limited to elementary schools.

Councilmember Sherman felt it was important to provide neighbors with an opportunity to comment on the development.

Mayor Pro Tem Sheckler **withdrew his previous motion.**

MOTION was made by Mayor Thomasson and seconded by Councilmember Sherman to direct administration to prepare a draft ordinance which included the following discussed items:

- Specify the land use review procedures,
- Apply the section to all private schools, and
- Establish a three-acre minimum lot size for private schools.

VOTE ON MOTION: Motion failed, 2-2, with Mayor Pro Tem Sheckler and Councilmember Wasson opposed.

Upon questioning, City Manager Olander confirmed that all existing private schools and identified projects were on lots greater than three acres in size.

Community Development Director Kilgore provided Council with the lot sizes of the current church schools in the City.

Based upon this information, Mayor Pro Tem Sheckler indicated that he wished to support the previous motion.

City Attorney McLean confirmed that no Councilmember objected to the previous motion being placed on the floor again.

None objected.

MOTION was made by Mayor Thomasson, seconded by Councilmember Sherman, and passed unanimously to direct administration to prepare a draft ordinance which included the following discussed items:

- Specify the land use review procedures,
- Apply the section to all private schools, and
- Establish a three-acre minimum lot size for private schools.

NEW BUSINESS

Midway Sewer District Comprehensive Plan

Public Works Director Heydon informed Council that Midway Sewer District had submitted their Draft 2000 Comprehensive Sewer System Plan to the City on March 14, 2001. He noted that RCW 57 gives the City ninety days from the time of submission to approve or reject the plan or, if necessary, extend the review period up to an additional ninety days. Mr. Heydon introduced Ken Case, Manager of Midway Sewer District. Public Works Director Heydon displayed a map of the district's boundaries and their existing sewer lines. As the Des Moines Creek Plan had indicated a problem with failed septic systems in the City, he advised that discussions regarding the addition of sewers in unsewered areas of the City should continue with the District prior to Council's approval of the document.

Mr. Case introduced Project Manager Susan Boyd from Penhallegon Associates Consulting Engineers, Inc.

Ms. Boyd informed Council that the planning process for the Draft Comprehensive Plan included revisiting all aspects of the previous plan and insuring compliance with current regulatory requirements. She stated that the goals of the Plan were to determine the long and short-term system requirements, to build a computerized mapping system, and to develop a working tool for future decisionmaking. Ms. Boyd identified the following goals and policies of the District:

- Provide safe, efficient, and reliable service.
- Evaluate future needs.
- Utilize current analysis techniques.
- Develop cost effective solutions.
- Develop health, safety, welfare, and environmental strategies,
- Identify recommended improvements.

Ms. Boyd displayed a map of the service area. She noted that the development of the Pacific Ridge area had been included in the Plan.

In regard to unannexed areas, Mr. Case explained that Southwest Suburban Sewer District and Midway Sewer District were in agreement regarding the annexation boundaries of each district. A three-block area in the vicinity of South 212th Street and 1st Avenue South was the only property not yet annexed by Midway Sewer District.

City Manager Olander requested that Public Works Director Heydon provide Council with a map of properties within the City that still needed to be annexed by Southwest Suburban Sewer District.

Ms. Boyd displayed a map of the land use of the Midway Sewer District. She noted that it was primarily residential in nature. She then displayed a map describing and identifying the three primary basins for existing collection systems. Ms. Boyd identified the following programs of the Plan's Six Year Improvement Program:

- Rehab/Replacement Project \$4,123,542
- Infiltration and Inflow Projects \$7,705,150
- Telemetry Improvements \$394,000
- Infiltration and Inflow Control Projects \$1,425,000
- Pump Station Projects \$2,010,000
- System Extensions through Developer extensions, ULID's, or grants.

City Manager Olander said that staff wanted to further discuss the City and Sewer District taking a more aggressive role in investigating failed septic systems, educating the public of the environmental effects of a failed system, and utilizing incentive programs to encourage residents to hook up to sewer.

Ms. Boyd noted that the last upgrade to the treatment facility had taken place in 1999. She noted that its capacity was projected to be sufficient through 2010 or 2012. She said that the Six Year Improvement Program for the treatment facility included the following:

Source Control Program	\$159,000
Headwork Improvements	\$2,770,000
Submarine Outfall	\$1,700,000
Outfall Highway Crossing	\$400,000

In closing, Ms. Boyd said that the District did not anticipate a rate increase to complete these improvements.

At 9:15 p.m., Mayor Thomasson declared a ten-minute break.

In response to Councilmember Thomasson's questioning, Mr. Case noted all properties between the Midway Sewer District and Lakehaven Sewer District boundary in Des Moines had been designated to a sewer provider. He said that improvements for the treatment plant were planned to upgrade equipment and to build in redundancy but not to increase capacity.

Mayor Thomasson felt it was important for the District to lay a foundation for future permits in their Comprehensive Plan. Mayor Thomasson asked for a briefing regarding the District's contractual requirements with the airport.

Mr. Case indicated that the airport had not yet discussed any industrial waste system outflow plans with the District. Upon questioning from Councilmember Sherman, Mr. Case said that the City and District had not had any discussions to insure that pipes were connected to the

appropriate systems. Mr. Case stated that Midway Sewer District was awaiting approval of a permit filed with the Army Corp of Engineers.

City Attorney McLean asked for the date of filing.

Mayor Thomasson asked that the Draft 2000 Comprehensive Sewer System Plan be scheduled for Council's review in May.

Approval of Professional Engineering Design Services for Kent-Des Moines Road Sidewalks and 16th Avenue South Sidewalks

Assistant City Engineer Andrews displayed maps of the Kent-Des Moines Road and 16th Avenue South sidewalk projects. She noted that the first project would provide curb, gutter and sidewalk along the north side of Kent-Des Moines road between 16th Avenue South and 24th Avenue South. The 16th Avenue South project would provide curb, gutter, sidewalk and a bike lane along one side of 16th Ave. S between South 260th Street and Pacific Highway South. She displayed proposed budgets for both projects and explained that staff recommended the transfer of \$111,000 from the Arterial Street Fund unreserved fund balance to the Kent-Des Moines Road Sidewalk Project and to award the contract for professional engineering design services for the Project to Reid Middleton, Inc. in the amount of \$258,881.19, plus a 10% contingency. For the 16th Avenue South Project, she noted staff's recommendation to the transfer \$83,320 of funds received from King County for the Project from the 2002 budget to the 2001 budget and to award the contract for professional engineering design services to KPG in the amount of \$195,742.41, plus a 10% contingency.

City Manager Olander explained that the Capital Improvement Plan would be amended at a later time.

MOTION was made by Councilmember Sherman, seconded by Mayor Pro Tem Sheckler and passed unanimously to transfer \$111,000 of the Arterial Street Fund unreserved fund balance to the Kent-Des Moines Road Sidewalk Project and to award the contract for professional engineering design services for the Kent-Des Moines Road Sidewalk Project to Reid Middleton, Inc. in the amount of \$258,881.19, plus a 10% contingency, and further to authorize the City Manager to sign said contract, substantially in the form as attached.

MOTION was made by Councilmember Sherman, seconded by Mayor Pro Tem Sheckler and passed unanimously to transfer \$83,320 of the funds received from King County for the 16th Avenue South Sidewalk Project from the 2002 budget to the 2001 budget and to award the contract for professional engineering design services for the 16th Avenue South Sidewalk Project to KPG in the amount of \$195,742.41, plus a 10% contingency, and further to authorize the City Manager to sign said contract, substantially in the form as attached.

EXECUTIVE SESSION

At 9:48 p.m., Mayor Thomasson announced that Council would recess into executive session for approximately twenty minutes to discuss potential litigation.

No formal action was taken.

NEXT MEETING DATE - Study Session May 3, 2001

ADJOURNMENT

The meeting adjourned at 10:15 p.m.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk