

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

April 28, 2005

The regular meeting 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, #B.

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

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Richard Benjamin, Gary Petersen, Dan Sherman, Maggie Steenrod and Susan White. Also in attendance were City Manager Tony Piasecki, City Attorney Linda Marousek, Chief of Police Roger Baker, Police Commander Kevin Tucker, Harbormaster Joe Dusenbury and City Clerk Denis Staab.

COMMENTS FROM THE PUBLIC

Bob Steenrod, 21845 15th Avenue South

Mr. Steenrod commented that Des Moines is one of the most beautiful cities in western Washington, yet along Marine View Drive and Pacific Highway South there are many failed businesses and empty buildings. He felt many will not risk development in a City where the zoning code makes no sense and business is not encouraged as Des Moines has a reputation as one of the hardest cities to build in, develop in or to operate a business in. He stated that the population has tripled in the last decade, yet business population has not grown in proportion forcing residents to shop outside the City. He noted that five new taxes have been imposed to further strangle a weak business community. He also noted that well meaning citizens have been deterred from running for public office. He felt this was from the Council refusing to follow the Code requiring protection for Councilmembers from civil litigation levied against them in service to the City. In conclusion, he requested that the City Council begin acting in the best interest of the City, instead of their own best interests, and to enact legislation and zoning that will encourage businesses and make the City a more pleasant place to live in.

Jerry Guite, P. O. Box 98010, Des Moines

Mr. Guite noted he is a Des Moines property owner, business owner and a B & O taxpayer. He felt Council needs to address where to make budget cuts, including staff instead of raising taxes. He requested Council pay its legal bills and every day they are not paid, the costs keep going up. He noted that the law under the State constitution is on the side of elected officials, and they can only be removed through the election process, except in the case of moral turpitude. He noted that a former recall petition was so poorly prepared that a Judge threw the recall proceedings out. He advised that Councilmember Petersen was vindicated in a State Court of Appeals and encouraged Council to pay their legal bills, now.

Donald Riecks, 21221 5th Avenue South

Mr. Riecks, as a member of the Planning Agency, voiced objection to the proposed appointment of Ed Pina to the Agency, as shown on tonight's consent calendar. He pointed out that Mr. Pina is the one that sued to remove four Councilmembers and noted that suit was thrown out of Court. He requested that this appointment be removed from the Consent Calendar as it would be a disaster to have someone who has cost the City \$200,000 or more, in unfunded legal costs, to have him on a committee that recommends actions on property in Des Moines.

BOARD & COMMITTEE REPORTS

Human Services Advisory Board

Councilmember Benjamin reported that the Board toured the King County Crisis Center last week. He advised that the Crisis Center is a contact and outreach center for folks that are in crisis situations and directs them to appropriate resources. He noted that they toured the teen suicide hotline among other facilities. He informed Council that the 211 public information resource line is scheduled to go on line next year and will help free up some non-emergency calls that are currently being handled by 911.

PRESIDING OFFICER'S REPORT

Highline Forum

Mayor Sheckler reported attending the Forum meeting held yesterday to review the NEST (New Economic Strategy Triangle) study. He advised that the partners include the Port of Seattle, cities of Des Moines, SeaTac, Tukwila and Burien. He showed the various sites, but focused on the two sites in Des Moines. He noted that it is expected that development could generate 6,000 to 9,000 new jobs with a regional economic impact of \$600 million to \$1.4 billion in new business revenues for the region. The largest site in Des Moines is the Port buy-out area, north of the Post Office, termed Des Moines #1, with potential for 1.5 million square feet of building space. The second site consists of 21.7 acres, with potential of 290 thousand feet of building space. He advised that the Des Moines #1 site is now being referred to as the "Des Moines Creek Business Park". He concluded by noting activity at this site can be expected very soon.

COUNCILMEMBER COMMENTS

Attorney Fees Settlement

Councilmember Benjamin displayed correspondence he gave to the Highline Times that he received from his attorney, that was faxed from the law firm of Kenyon Disend. He noted the firm of Kenyon Disend represents the City of Des Moines. He noted the letter offers \$10,000 for him to resign his Council position effective immediately. He called attention to the line that says "As you may know, Councilmember Richard Benjamin conveyed to City Manager Piasecki an offer to settle his claims in this matter. Mr. Benjamin offered to decline to run for his reelection upon payment of all attorney fees for which he is responsible." Councilmember Benjamin stated that never was there an offer made of not running for office to City Manager Piasecki. However, he noted that this offer was conveyed to Councilmembers who stand by the City Manager. He noted that the Highline Times stated that he offered to resign in order to get his legal fees paid. He also called attention back to the correspondence, item 2. "Mr. Benjamin will tender his resignation effective immediately upon voucher approval by the eligible members of the City Council of the \$10,000 payment referenced above, and Mr. Benjamin will agree in the Settlement Agreement not to run for reelection;" Councilmember Benjamin noted this is an attempt to use taxpayer money to coerce him into not running and in effect extort his Council position. He felt this would be breaking his contract with the citizens who elected him to uphold his office to the best of his ability. He felt that the Highline Times has undertaken a smear campaign to make the situation other than what it is.

Business in Des Moines

Councilmember Sherman reminded everyone that the Council is spending a lot of time on economic development for the City. He noted that these efforts will take some time. He cited a long list of businesses in Des Moines that citizens could be supporting, such as dentists, doctors, other health care providers, butchers, bakery, hair salons, restaurants, pubs, gas stations, flower shops, cleaners, etc.

Legal Matters - Attorney Fees

Councilmember Sherman noted that Council is not in a position to openly discuss a lot of legal matters. He reminded everyone that before these legal fees had expanded to what they are today, a voucher had been prepared to pay for legal fees with no strings attached. He pointed out that the payment was turned down by the parties that were to receive it. He also noted that an appeals Court determined that the City does not owe fees in regards to the law suit concerning the legality of a Council meeting held in March 13, 2002. He advised that all these legal matters will be handled through legal avenues.

Legal Matters

Councilmember White felt that it is unfortunate that these matters have taken up so much time in the last three years. She felt it is important to focus on economic development and move forward.

Washington Trust for Historic Preservation

Councilmember White reporting attending a recent Board meeting. She was very encouraged about the enthusiasm expressed over the City's redevelopment of the Beach Park. She pointed out that the recent Wine Festival held at the Beach Park is an example of some of the wonderful things that the Beach Park can bring to the community.

Legal Fee Claims

Mayor Pro Tem Thomasson noted that there are three primary issues and they are very complicated and certainly are not an issue of a popularity contest. He noted that the members of the Council that are allowed to deliberate on the issues are looking at what is fair, reasonable and how the taxpayer's money may or not be spent. He advised that there are legal and moral issues that are being worked through.

Councilmember Benjamin's Comments

Councilmember Steenrod noted that she was not present during the conversation between Councilmember Benjamin and the City Manager, and has not read the newspaper articles. She advised that she cringes when Des Moines gets negative press. She stated that the attorney's letter bothered her to see money and any mention that someone step down from their office. She noted that the Council has been really working hard to pull together and have been making headway to set aside the history and bad start in 2001. She felt the Council has taken the high road to act in a business like manner and putting the best interests of the City first and put personal feelings aside. She further stated that this is not a typical law suit and Councilmembers hands are tied as they are not allowed to discuss law suits. She noted that since Councilmembers that are a part of the law suit are not allowed to attend the executive sessions, they cannot defend themselves to the other Councilmembers. She felt the bottom line is, does the City support its employees and stand up to its word. She noted she was given advice from the City Manager and City Attorney that the City would reimburse her for legal fees as she was named in a law suite while acting in her roll as a Councilmember. She noted this has been dragging on for three years and questioned why it cannot come up for a vote before Council as to whether or not to pay these outstanding legal fees.

Councilmember Benjamin expressed support for this to come before Council for a vote.

Mayor Sheckler advised that he will check to see if this would be an appropriate agenda item, although he will have to explore any legal ramifications. He further cautioned all Councilmembers on how they discuss legal matters openly.

Bus Shelter Artwork

Councilmember Steenrod displayed four murals that were created by students at Des Moines Elementary and St. Philomena schools to express "Welcome to Des Moines". She advised that the murals will be installed on bus shelters on Pacific Highway South around the end of May, beginning of June.

State Legislature

Councilmember Sherman advised that the State Legislature has concluded their session. He stated that Des Moines will receive, under the City Financial Assistance Program, \$100,000 to help with the Sales Tax Equalization law and, under the new gas tax law will receive \$61,539 for July 2005-July 2006 and each year after that will get \$123,078. He note that there is a one year delay for getting in the comprehensive plan and the City can still apply for State loans and grants, as long as the comp plan is in by the end of this year. He also noted that there are funds available to pay for municipal judges if they are elected. He noted that Council may wish to consider this if there are substantial funds forthcoming.

Potential for Des Moines Leadership Summit

Mayor Sheckler reported attending an informal meeting with the Chamber of Commerce and Des Moines Business Boosters. He informed Council that there was some discussion of inviting other organizations and agencies such as Highline College, civic clubs, the Legacy Foundation, churches, etc. to get together periodically and determine how to share resources to do some great things in the City. He advised that he has agreed to initiate a project to start a Leadership Summit. He will keep everyone appraised as to when the first meeting may be held and noted that the public will be welcome to attend.

ADMINISTRATION REPORTS

Marine View Drive Bridge Project

City Manager Piasecki reminded everyone that that the Project is expected to begin on May 9th. He advised that everything will be done to keep traffic flowing as well as it possibly can.

Planning, Building and Public Works Director Recruitment

City Manager Piasecki noted that the recruitment for the position is going well and has been narrowed down to five finalists. He is in the process of putting together an interview panel that will include citizens and 3 Councilmembers. He anticipated interviews will be conducted on May 12th and 13th.

B & O Tax

City Manager Piasecki advised that the first B & O tax payments are due from City businesses this week. He noted that a contractor has been hired to take care of this new program and payments should be made to their Post Office Box in Seahurst. He reported that the confusion over whether businesses can make payments at City Hall has been straightened out, and business may make payments here in person. He pointed out that non-profit entities are exempt from paying the B & O tax.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the regular meeting minutes of April 7, 2005 and the special and regular meeting minutes of April 14, 2005.

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 #98920 through #99096 & electronic fund transfers in the total amount of \$636,173.11

Payroll fund transfers in the total amount of \$357,671.02

~~3. Motion is to confirm Mayor Sheckler's appointment to the Planning Agency of Eduardo Pina to a vacant four year term to expire on December 31, 2008.~~ [NOTE: Item removed by Councilmember Benjamin.]

~~4. Motion is to approve the Housing Fraud Investigation Interlocal Agreement between the City of Des Moines and the King County Housing Authority and to authorize the City Manager to sign the agreement in the form substantially as submitted.~~ [NOTE: Item removed by Councilmember Steenrod.]

5. Draft Resolution No. 05-071 [ASSIGNED RESOLUTION NO. 990] – Title: A Resolution of the City Council of the City of Des Moines, Washington, amending Rule 10 of the City Council Rules of Procedure regarding City Council Study Sessions; amending section 1 of Resolution No. 525 as amended by Resolution No. 659, section 2 of Resolution No. 754 and section 3 of Resolution No. 961; and providing for a public comment period during City Council study sessions.

MOTION is to approve Draft Resolution No. 05-071.

Councilmember Benjamin requested that Consent Item #3 be removed.

Councilmember Steenrod requested Item #4 be removed.

MOTION was made by Councilmember Sherman, seconded by Mayor Pro Tem Thomasson, to approve the remaining Consent Calendar items. Motion passed unanimously.

REMOVED CONSENT CALENDAR ITEMS

Mayor's Appointment to the Planning Agency - Eduardo Pina

Councilmember Benjamin stated that Mr. Pina has cost the City by the filing of law suits and expressed the opinion that he is a poor choice. He stated that Mr. Pina is an "attack dog" for the majority of Councilmembers. He advised that he will not support the appointment.

Mayor Sheckler advised that Mr. Pina is the only individual who applied for the position since it was posted back in December 2004 and no one else has come forward. He stated this is the first he has heard any pros or cons about Mr. Pina's appointment.

Councilmember Sherman advised that he served on the Planning Agency with Mr. Pina 12 years ago. He stated that Mr. Pina was very knowledgeable and interested in the Agency's business. He further noted Mr. Pina is a fair and knowledgeable person and he is comfortable having him serve on the Agency again.

MOTION was made by Councilmember Sherman, seconded by Mayor Pro Tem Thomasson, to confirm Mayor Sheckler's appointment to the Planning Agency of Eduardo Pina to a vacant four year term to expire on December 31, 2008.

Councilmember Benjamin stated that Mr. Pina has cost the City over \$300,000 in trying to drive people from elective office. He believes this is a “political” appointment.

Councilmember Steenrod suggested that out of deference to 3 Councilmembers who were a target of the recall and successfully defended themselves, that the Mayor extend the nomination period a little longer for this appointment. She noted that if no one else applies then she will accept this nomination.

Councilmember Petersen questioned how this position was advertised.

City Clerk Staab advised that the appointment was advertised in the Des Moines News, City’s cable channel, and posted at City Hall, the Marina, both Library Branches, and the Redondo store/post office twice since December and Mr. Pina’s application was the only one received.

Mayor Pro Tem Thomasson noted that Mr. Pina has served on the Planning Agency in the past for six years. He further noted that Mr. Pina has served on the Highline School Board for 12 years and he is known by, and supported by, the community in the past. He pointed out that he served as Des Moines’ Mayor and he is very well aware of how hard it is to find qualified citizens to volunteer to serve on appointive committees. He felt Mr. Pina has the qualifications to serve and he will support this appointment.

VOTE ON MOTION: Motion passed 4 to 3 with Councilmembers Benjamin, Petersen and Steenrod opposed.

Housing Fraud Investigation Interlocal Agreement with King County Housing Authority

Councilmember Steenrod questioned exactly what the Housing Specialist will be doing with the Des Moines Police Department.

Police Commander Tucker explained that the department discovered that a significant percentage of criminal activity was occurring in Section 8 Housing. King County’s Section 8 Housing Fraud Investigator has the authority to deal with individuals under Section 8 vouchers to make sure they are not committing fraud under various scenarios. The issue that came up was that Des Moines was not able to share police reports or crime data with the Section 8 Housing investigator. It was determined that an Interlocal Agreement, specific to Des Moines, would enable us to more quickly identify trends and share information relating to housing fraud and associated criminal activities. He advised Council that this is a great partnership and will not cost the City any money.

Mayor Pro Tem Thomasson expressed concern over the City’s liability for this individual as a limited commission officer for Des Moines and having full access to the Police record system. He questioned what is the City’s exposure to claims and lawsuits by a person that may be evicted because of information we have in our records.

Commander Tucker informed Council that the Housing Fraud Investigator must work under the Federal Housing Authority rules and works closely with United States Federal agents and fully understands Public Disclosure laws. There are very strict regulations concerning releasing information.

City Attorney Marousek advised Council that this Housing Fraud Investigator will have the same obligations and duties that are imposed on any other police officer, limited commission or special commission. She noted they have an obligation under the Criminal Records Privacy Act to not disclose certain amounts of information, but as a limited commissioned officer they have a right to

see that information and the Des Moines Police Department has the right to share the criminal history record information with another commissioned Police officer.

Councilmember Steenrod suggested that this be limited to a trial one year term, with a status report to Council at the end of term to determine whether to extend.

MOTION was made by Councilmember Sherman, seconded by Councilmember White, to approve the Housing Fraud Investigation Interlocal Agreement between the City of Des Moines and the King County Housing Authority and that the City Manager be authorized to sign the agreement in the form substantially as submitted. [ED NOTE: See two Friendly Amendments.]

Mayor Pro Tem Thomasson questioned section 4.3 of the Interlocal, as to whether the County is fully insuring the individual and holding Des Moines harmless.

City Attorney Marousek responded that the County is acting on Des Moines' behalf, and the way it is written is in Des Moines' favor. She pointed out that Section 6.8 addresses indemnity.

Mayor Pro Tem Thomasson felt that if they are "wearing" the limited Des Moines officer commission, then he feels Des Moines will be liable. He noted he is also concerned over the individual accessing records that perhaps they shouldn't. He advised that unless or until, this Interlocal has been reviewed by the City's insurance carrier he is not ready to support the motion.

City Attorney Marousek noted that Police Officers are generally immune from liability for acts in the course of their official capacity. She noted that the Fraud Investigator would fall into this category.

Councilmember Benjamin stated that he is interested in this proposal, but feels more in depth discussion needs to be held. He suggested that this either be sent to a Council Committee for more study or be placed on another agenda.

FRIENDLY AMENDMENT: Councilmember Sherman requested approval of the Interlocal be limited to a one year term. This was acceptable to the seconder of the motion.

Councilmember Sherman noted that he is satisfied with the City Attorney's comments regarding liability issues. He noted that there have been some significant problems in housing and if Council is serious about cleaning up criminal activity it should be acted upon.

Councilmember White expressed agreement with Councilmember Sherman.

Councilmember Petersen expressed concern about the liability issues and would prefer the City's insurance carrier review the Interlocal and express their opinion before this item is approved.

Councilmember Steenrod stated she would prefer to have a written statement from the City's insurance provider before the Interlocal is acted on.

FRIENDLY AMENDMENT: Councilmember Sherman suggested additional language be added that the Interlocal will not be in effect, until receipt of a letter from the City's insurer that this is acceptable.

City Attorney Marousek informed Council that Washington Cities Insurance Authority (WCIA) will be more than willing to provide a written response.

VOTE ON MOTION: Motion passed unanimously.

City Manager Piasecki advised Council that once the correspondence is received from WCIA he will distribute a copy to all Councilmembers.

8:48 Mayor Sheckler announced that Council will take a 10 minute break prior to holding an Executive Session.

Executive Session

City Attorney Marousek announced that the City Council will move into an Executive Session to hold an executive session for the purpose of planning or adopting strategies or positions as part of an ongoing collective bargaining process as provided in RCW 42.30.140(4)(b). The Executive Session is expected to last approximately 10 minutes.

All Councilmembers and City Manager Piasecki were present for the Executive Session in the City Hall Conference room.

No formal action was taken and the Executive Session adjourned at 9:18 p.m.

Agenda Revision

Mayor Sheckler advised that since there are a number of members of King County Fire District #26 and the Federal Way Fire District he will take Item #3 under New Business next.

NEW BUSINESS

Potential Merger Between King County Fire District No. 26 and Federal Way Fire District

Fire District #26 Chief Polhamus introduced members of his Board of Commissioners and staff members, the President of the King County Fire Commissioners Association, and Federal Way Fire District Chief Al Church and his staff members, who were present.

Fire Chief Polhamus thanked Council for passing a recent Ordinance that will ban fireworks in Des Moines beginning next year. He noted that makes a total of 18 cities in King County that have now banned fireworks.

Chiefs Polhamus and Church proceeded to brief Council on the proposed merger of the two fire districts noting the following:

- Merging the 2 fire districts requires a ballot measure for voter approval. Des Moines area to merge into Federal Way so the citizens in Des Moines will vote, Federal Way will not.
- Key elements of the plan are:
 - Increase minimum number of firefighters on duty 24 hours a day at the Des Moines station from 3 to 5.
 - Increase types of service available to Des Moines by providing hazardous material response, confined space rescue & a 24 hour on-duty Battalion Chief.
 - Provide Marine rescue service to Federal Way.
 - Reduce overhead costs by combining business offices and administrative functions, and eliminating some positions through attrition.
 - Reduce vehicle cost by selling or not replacing duplicated apparatus
 - Merging would not raise the existing tax rate.
- If merger approved it would create a new board of 8 commissioners. During next six years the board would reduce back to five.
- Emergency and non-emergency services to Des Moines will stay the same or be increased.

- Public information and education activities will be located at the Des Moines station, along with a Fire Prevention office to process fire code permits and building plans.
- Emergency resources for multiple or large incidents increase.
- Maintain or increase interaction with both cities building departments.
- Increase representation in State and County government.
- Plan to have on ballot for September 20, 2005, and if approved merger, will take effect January 2006.

Upon questioning about a name, Chief Polhamus noted that both Boards have approved "South King County Fire and Rescue".

Mayor Pro Tem Thomasson expressed concern that Des Moines' would lose representation if Commissioners are elected at large so he would prefer to see them elected by represented areas.

Fire Chief Polhamus noted that extensive legal research has been done regarding commissioner elections. He noted that State statutes on districting get very complicated, and he would be happy to furnish Council with the material on the subject to review.

City Manager Piasecki noted that being elected at large is the same way Des Moines' Councilmembers are elected and it is possible they could all come from one particular area and yet must represent the entire City. He noted his only concern would be how City staff interacts with the Fire District staff. He advised that Des Moines works with the Fire Marshall almost daily in numerous areas and we have enjoyed a very good working relationship. He would want to sit down with both Fire Chiefs to make sure good procedures are laid out to make sure such a merger would be seamless.

Chief Polhamus pointed out that the Federal Way department has a large fire prevention office and therefore he feels services to Des Moines would be enhanced due to the increase in expertise available in-house.

In conclusion, Chief Polhamus advised that he and Chief Church would be happy to meet and answer any questions Councilmembers may have on an individual basis and will address Council as a whole again, if needed, prior to the ballot issue going to the voters.

OLD BUSINESS

Draft Resolution No. 05-022 Fireworks Over Des Moines

Harbormaster Dusenbury noted this is continued discussion on this item which began at the April 8th Council meeting. He advised that the changes Council requested have been incorporated in the draft resolution. He pointed out the following:

- Organizers will be permitted to have food vendors at the event subject to the City's vendor licensing code, but City staff will not participate in recruiting or organizing vendors.
- Legacy Foundation will provide a concert prior to the event, and will pay all expenses associated with the concert.
- City cost to participate is estimated to be \$7,600, and the resolution limits the City's liability to \$2,500, with the organizers being responsible for any amount above that.

Harbormaster Dusenbury introduced the organizers of the event, Cliff Hana and Brooks Powell.

Mr. Hana advised that this will be the fifth year he has produced the Fireworks Over Des Moines and in the past it was brought up that he would be responsible if someone was hurt. He stated that

he has a problem with that as he considers himself a volunteer to get donations from the community. He stated that he wants the resolution to be changed so that he is not held responsible for any liability.

City Manager Piasecki advised that the City must contract with legitimate a organization or individual to be responsible.

Mr. Hana pointed out that he only collects donations and gives them to the Legacy Foundation. There is no profit being made as he does this as a community service. He noted that the event is getting bigger and he feels that the City should get more involved.

City Attorney Marousek noted the main difference from last year's resolution is that this year the City is asking Mr. Hana to enter into a signed contract.

Mr. Hana noted that the fireworks company that is putting on the display carries liability insurance that protects him, Powell Homes, the Legacy Foundation and the City of Des Moines.

Mayor Pro Tem Thomasson advised that he expressed concern in the past over the City becoming financially responsible for this event and he will do whatever he can to make sure this doesn't happen in the near future. He questioned whether the Legacy Foundation could perhaps take over the event. He questioned who would have been liable if someone had been injured by other fireworks being used at last year's event.

City Manager Piasecki advised that the insurance that the fireworks vendor had would have insured only their actions in putting on the show. As far as other incidents that might happen that were not a result of the fireworks show, they would have been the responsibility of Mr. Hana.

Mr. Bob Houston, Board Member of the Legacy Foundation, noted that the Foundation is not prepared to take over this type of event, and only serve as a conduit for the funds that are raised. He noted that Washington Cities Insurance Authority (WCIA) does offer insurance for this type of event at a very reasonable costs.

Mr. Hana advised that he has obtained insurance through WCIA in the past, but last year they turned him down and he has not been able to find any other insurance provider.

Councilmember White thanked Mr. Hana for providing the 4th of July fireworks display in the past. She felt that it is important to make sure that he is not held financially responsible for the event.

Councilmember Steenrod questioned whether Fire District #26 would be willing to sponsor the event and provide the insurance.

Fire District #26 Chief Polhamus informed Council that he is not sure that the District could legally undertake such an event under the State statutes that authorized Fire Districts to conduct business.

Mr. Powell pointed that no money is made from this event and the whole budget this year is \$18,000, with \$15,000 for the show and \$3,000 for banners. He noted this is all from donations. He felt that the legal requirements from the City are so onerous that he has told Mr. Hana not to do this. He felt that the City of Des Moines should be the insurer of the event.

Mayor Sheckler determined that the draft resolution needs further revisions and remanded it back to staff to address some of the issues raised this evening.

REMAINING NEW BUSINESS ITEMS

Due to the lateness of the meeting Mayor Sheckler announced that the remaining agenda items: Draft Ordinance No. 04-228 Criminal Code Update - 1st Reading and Draft Ordinance No. 05-060 Authorizing a Traffic School - 1st Reading, will be moved to the May 5th Study Session.

NEXT MEETING DATE

Mayor Sheckler noted the next meeting is a study session on May 5, 2005.

ADJOURNMENT

At 10:25 p.m. **MOTION** was made by Councilmember White, seconded by Councilmember Steenrod, to adjourn. Motion passed 6 to 1 with Mayor Pro Tem Thomasson opposed.

Respectfully submitted,

Denis Staab
City Clerk

ACTION ITEMS FROM 4/28/05 MEETING

- Three Councilmembers requested that “Potential Merger of Fire District #26 and the Federal Way Fire District” be scheduled for another agenda to allow more questioning.