

AGENDA
REGULAR MEETING DES MOINES CITY COUNCIL
April 29, 2004 - 7:30 p.m.

CALL TO ORDER - Mayor Sheckler

PLEDGE OF ALLEGIANCE

ROLL CALL

all present

CORRESPONDENCE

COMMENTS FROM THE PUBLIC: At this time you are invited to comment on items that you wish to bring to Council's attention. Please sign in prior to the meeting and limit your comments to three minutes or less.

none

BOARD & COMMITTEE REPORTS

PRESIDING OFFICER'S REPORT

ADMINISTRATION REPORTS

CONSENT CALENDAR*

1. Motion is to recognize the week of May 9 through 15, 2004, as "Homes for the Aging Week" in Des Moines.

*NOTE: Items on the Consent Calendar are either routine or have been previously discussed.
Any item may be removed by a Councilmember.

*Passed
7-0*

OLD BUSINESS

*needs one more rewrite
cont to S/13*

1. Draft Ordinance No. 03-172 Sanborn Street Vacation - 2nd Reading

SUMMARY: The purpose of this item is to consider the second reading of the ordinance proposing vacation of portions of public right-of-way in the City of Des Moines; more specifically, that portion of South 208th Street between 11th Avenue South and 12th Avenue South, together with a portion of an abutting unopened alley. Council considered this street vacation ordinance on first reading on Sept. 11, 2003, and passed the ordinance to a second reading, directing that certain changes be made for the second reading.

*moved
to
agenda
A+B*

NEW BUSINESS

1. Draft Ordinance No. 04-073 2004 Budget Amendments - 1st Reading

SUMMARY: The purpose of this agenda item is to request Council's approval of the draft ordinance amending the 2004 adopted budget by authorizing appropriations as will be detailed by staff. These amendments will add appropriations to cover expenditures incurred for studies and projects that have been carried over into 2004, grants that have been awarded and approved by Council that were not included in the adopted 2004 budget and, authorizations approved by Council or proposed for Council's approval.

continued

2. Intergovernmental Relations - Policy and Positions

continued
by
motion

SUMMARY: The purpose of this agenda item is to allow the City Council to review the City's current Intergovernmental Relations Policies and Positions and make any modifications, additions or deletions that are deemed necessary.

3. Draft Ordinance No. 03-022 Procedure for Gift/Donation to City - 1st Reading

passed
to
2d reading

SUMMARY: This draft ordinance would establish special purpose accounts to be designated the "Donations to Des Moines Accounts" specifying the purpose of the accounts and how said accounts shall be administered.

NEXT MEETING DATE - Study Session May 6, 2004

ADJOURNMENT

AGENDA ITEM

SUBJECT: Sanborn Street Vacation

File SV 2003-001 – Street Vacation:
Portion of South 208th Street between 11th Avenue
South and 12th Avenue South, Together with a
Portion of an Abutting Unopened Alley

ATTACHMENTS:

1. Revised Draft Ordinance No. 03-172
2. Council Minutes Excerpt 9/11/03
3. 3/8/04 Letter from Attorney Eric Stahlfeld
4. Council Agenda Item 9/11/03 Packet
and Attachments

AGENDA OF: April 29, 2004

DEPT. OF ORIGIN: Public Works

DATE SUBMITTED: April 23, 2004

CLEARANCES:

☒ Public Works

☒ Legal

APPROVED BY CITY MANAGER
FOR SUBMITTAL:

Purpose and Recommendation:

The purpose of this item is to consider the second reading of the ordinance proposing vacation of portions of public right-of-way in the City of Des Moines; more specifically, that portion of South 208th Street between 11th Avenue South and 12th Avenue South, together with a portion of an abutting unopened alley. Council considered this street vacation ordinance on first reading on September 11, 2003, and passed the ordinance to second reading, directing that certain changes be made for second reading.

Recommended Motion:

Motion: "I move to enact Draft Ordinance No. 03-172, 'An Ordinance of the City of Des Moines, Washington, vacating a portion of City right-of-way in an area generally described as a portion of public right-of-way known as So. 208th Street, between 11th Avenue So. and 12th Avenue South, together with an abutting unopened alley, in the City of Des Moines, subject to the applicant's compliance with requirements set forth herein.' "

Background:

When the Council considered this draft street vacation ordinance on first reading, Council requested more precise legal descriptions of the right-of-way to be vacated, and of the utility easements to be retained.

Discussion:

1. **Legal description of the right-of way to be vacated.** Public Works staff have drafted a more precise legal description of the right-of way to be vacated, based on the original plat and the original plat names, and also incorporating the common name usage. This redrafted legal description is consistent with the legal description provided by the applicant's attorney.

2. **Legal description of utility locations.** Both the utilities and the applicant have been reluctant to incur the expense of obtaining the survey required to provide exact legal descriptions of the locations of the water pipes and telecommunications line. Public Works staff have now been advised that both utilities have visited the site and have begun the process of preparing the required legal descriptions of the locations and dimensions of their facilities, but the required surveys have not been submitted to the City. To protect both the utilities and the applicant, the following language is inserted into the ordinance:
 - The City retains the right to grant easements that are twenty feet in width for each pipe or line, to protect existing facilities, only. Section 3(3).
 - The utilities, because they have the most information about their facilities, are assigned the duty to provide the survey information concerning their facilities.
 - The applicant must provide the survey information if the utilities do not.
 - Regardless of who provides the survey information, it must be provided within ninety days of enactment of the ordinance.
 - To protect the utilities' necessary public facilities, and to motivate the applicant to encourage the utilities to obtain and provide the survey information in a timely manner, the street vacation ordinance is declared to be void if the survey information is not provided within ninety days.
3. **Easements to be granted by the City.** Pursuant to RCW 35.79.030, the City of Des Moines will retain the right to grant the requested utility easements in respect to the land vacated by this ordinance for the requested public utilities easements, only. Section 4. It is suggested that the City retain the right to grant these easements in order to ensure that they are duly executed in order to protect the public's interest in utility services.
4. **Easement language.** The applicant's attorney and Qwest have agreed to modifications in the easement to be granted to Qwest. The City will insert the changed language into the easement granted to Qwest.

Alternatives:

1. Council could choose not to vacate any portion of this public right-of-way.
2. Council could change the suggested procedure for obtaining and granting appropriate utility easements.

Financial Impact:

By vacating this portion of public right-of-way that is currently unopened for transportation purposes, the property could be placed onto the tax rolls, thus allowing the City to collect property taxes and increase revenue.

Recommendation/Conclusion:

Staff recommends that City Council vacate the portion of South 208th Street, together with a portion of an abutting unopened alley, per the staff recommendations in this Agenda Item.

Concurrence:

Both Public Works and Legal concur that placing this currently unopened for transportation purposes public right-of-way onto the tax rolls is the prudent choice.

CITY ATTORNEY'S FIRST DRAFT 06/27/03
CITY ATTORNEY'S SECOND DRAFT 04/23/04

DRAFT ORDINANCE NO. 03-172

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, vacating a portion of City right-of-way in an area generally described as a portion of public right-of-way commonly known as So. 208th Street, between 11th Avenue So. and 12th Avenue South, together with an abutting unopened alley, in the City of Des Moines, subject to the applicant's compliance with requirements set forth herein.

WHEREAS, the City Council of the City of Des Moines adopted Resolution No. 957, declaring its intent to consider vacation of a public right-of-way which now constitutes a portion of public right-of-way commonly known as So. 208th Street, between 11th Avenue So. and 12th Avenue South, together with an abutting unopened alley, in the City of Des Moines, and

WHEREAS, notice of the public hearing was given in accordance with law and the public hearing was held before the City Council of the City of Des Moines on ((August 14,)) September 11, 2003, and all persons wishing to be heard were heard, and

WHEREAS, based on the evidence presented, the City Council makes the following findings of fact:

(1) The public right-of-way which is the subject of this ordinance consists of a portion of public right-of-way commonly known as So. 208th Street, between 11th Avenue So. and 12th Avenue South, together with an abutting unopened alley; and

(2) The public right-of-way which is the subject of this ordinance is unimproved for transportation purposes, has never been opened for transportation purposes, and appears to be subject to vacation by operation of law under the Laws of 1889-90; and

(3) The public right-of-way which is the subject of this ordinance is necessary for present and future use by public utilities, under appropriate easements; and

(4) The public right-of-way which is the subject of this ordinance is surplus to the present and future needs of the

ATTACHMENT 1

citizens of the City of Des Moines for transportation purposes, and it is in the public interest to vacate this right-of-way; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. Findings adopted. The recitals set forth above are adopted as the City Council's findings of fact.

Sec. 2. Right-of-way vacation. Subject to the requirements set forth in this ordinance, the public right-of-way legally described as follows:

~~A portion of public right of way known as So-
208th Street, between 11th Avenue So. and 12th
Avenue South, together with an abutting unopened
alley, in the City of Des Moines;~~

The entire area of South 208th Street (previously
identified as North Street in The Grove Addition to
the Town of Des Moines) from the centerline of
Twelfth Street east to the eastern boundary of The
Grove Addition to the Town of Des Moines, together
with the portion of the abutting alley between
Blocks 67 and 68 of the Grove Addition to the Town
of Des Moines, according to the plat thereof
recorded in Volume 4 of Plats, Page 83, records of
King County, Washington.

is vacated and the property within the right-of-way so vacated shall belong to the respective abutting property owners.

Sec. 3. Conditions of right-of-way vacation. The right-of-way subject to vacation under this ordinance shall be subject to the following conditions:

(1) The abutting property owners shall not be required to pay the City of Des Moines on compensation for vacation of this Class C right-of-way, pursuant to DMMC 12.12.050(2)(b).

(2) The abutting property owners recognize that the City's sensitive areas map as referenced in DMMC 18.86.050

indicates the presence of an important stream on the property; that the City's code presently requires a 35-foot buffer on each side of an important stream; but that actual restrictions on the use of the property, if any, will be determined under the applicable ordinances at the time the abutting property owners actually apply to develop the property.

(3) The abutting property owners recognize that the City of Des Moines retains an easement or the right to exercise and grant easements in respect to the land vacated by this ordinance for the construction, repair, and maintenance of public utilities and services, and that the City of Des Moines will grant utility easements through the right-of-way subject to vacation under this ordinance to protect existing facilities in locations and dimensions not to exceed twenty (20) feet in width for each water pipe or telecommunications line, consistent with DMMC 17.36.130, which locations and dimensions must be provided by ((as requested by)) Highline Water District and Qwest, or by the applicant abutting property owner if the locations and dimensions are not provided by Highline Water District and Qwest.

(4) Should the benefitted/abutting property owners fail to satisfy the conditions set forth in the previous subsections within 90 days of passage of this ordinance, then this ordinance shall be deemed void and of no legal effect and the underlying right-of-way vacation shall be deemed denied.

Sec. 4. Easement. Pursuant to RCW 35.79.030 the City of Des Moines shall retain an easement or the right to exercise and grant easements in respect to the land vacated by this ordinance for the construction, repair, and maintenance of public utilities and services only as identified in section 3(3) herein.

Sec. 5. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Ordinance No. _____
Page 4 of ____

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

Sec. 6. Effective date. This ordinance shall take effect and be in full force thirty (30) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this ____th day of _____, 2004 and signed in authentication thereof this ____th day of _____, 2004.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published: _____

DRAFTORD/03-172

EXCERPT

REGULAR MEETING DES MOINES CITY COUNCIL MINUTES

September 11, 2003

CONTINUED PUBLIC HEARING

Draft Ordinance No. 03-172 - Sanborn Street Vacation - 1st Reading

Mayor Steenrod introduced the subject and read the rules for conducting the public hearing from Council's Rules of Procedure.

Recuse - Councilmember Sherman announced that he is recusing himself from participation on this issue and left the Council Chambers.

Public Works Director Heydon advised that the vacation is for a portion of South 208th Street between 11th and 12th Avenues South and showed the location on a view foil. He noted that due to the steep terrain as the land falls off to the east from Des Moines Memorial Drive down to 12th Avenue South, it is not expected that this right-of-way will ever be used for City transportation purposes. Also there is no indication that this has ever been used for transportation. However, he pointed out that this subject property is an important utility corridor for Highline Water District with three existing water mains of 10", 12" and 20", and it is critical to keep these utility easements. He noted that Qwest may also need a utility easement. In conclusion, he recommends that the vacation be granted, while retaining the necessary utility easements.

PUBLIC SPEAKERS

Eric Stahlfeld, 145 SW 155th, #101, Burien, Attorney Representing the Applicant, Scott Sanborn

Mr. Stahlfeld felt that the issue is how to deal with Qwest. He advised that his client has tried for several weeks to get them to tell him where their utility line is. He noted that Mr. Sanborn is quite familiar with the property and feels that Qwest does not have any utility lines there. He stated that Mr. Sanborn is very willing to allow utility easements, the problem is Qwest has not responded appropriately for requests to locate the easement. He noted that the draft ordinance states that the City will give an easement to the utilities, but he felt it would be more appropriate for Mr. Sanborn to grant the easements. He distributed a draft ordinance that he prepared that has language that within 90 days, Mr. Sanborn must give easements to the Water District and to Qwest that are mutually agreeable. He noted that Section 3, paragraph 4 contains language that if the Water District and Qwest locate the facilities, and Mr. Sanborn fails to satisfy conditions as set forth above, then the ordinance is of no effect. Mr. Stahlfeld noted that this will accomplish two things; one Mr. Sanborn gets the vacation and two, if Qwest identifies where its lines are, then Mr. Sanborn will give an easement to Qwest.

Mr. Stahlfeld noted that a question was raised about the legal description. He noted that if it is a question of what area is to be vacated, he noted that there are two property owners, but he only represents Mr. Sanborn, the property owner on the north. That was what the original request was for, only the north half. He noted that his client has been at this process for close to 9 months and does not feel it would be fair to ask his client to wait any significant additional time to determine a new legal description if the south half is to be vacated also.

As there were no additional speakers, Mayor Steenrod inquired if there any statements that need rebuttal.

City Attorney Marousek informed Council that State Statute specially gives the City the right to retain the power to grant easements. Her advice to Council is that the City retain the power and the hammer to grant the easements to the utilities, rather than Mr. Stahlfeld and his client.

Mayor Steenrod requested whether Administration wishes to introduce any further material as to the subjects raised by the speaker.

City Manager Piasecki replied that staff has provided all the information to Council and recommends that Council adopt the ordinance as the City Attorney drafted it.

Mayor Steenrod inquired whether Council had questions of the speaker or Administration.

Councilmember Thomasson expressed concern that the City be very explicit about what it is vacating so that title companies and land owners really know what the Council did. He noticed that the information in Council's packets is between 11th and 12th, and on Qwest maps they refer to a 12th Street South, which is what the applicant referred to as 11th. The Assessor's map talks about 12th Avenue South, which is the alley, and the Qwest maps refer to a 12th Place South. Should Council approve this vacation, he wants a very explicit legal description based on the original plat and the original plat names, perhaps using the common name usage. He questioned whether what is identified in Council's packets as 11th, really is 11th.

Public Works Director Heydon agreed that the original plat names are different. He advised that he had hoped that the attorney for the requestor of this vacation would provide that information, but he has not.

Councilmember Thomasson noted that the request is for just the north half of South 208th, which creates a very confusing right-of-way situation. He noted that the map that Qwest provided, show that conduits come to the north/south street and then turn south. So if the vacation was actually to the east line of the

north/south right-of-way, Qwest would not be involved, only Highline Water District.

Public Works Director Heydon concurred with Councilmember Thomasson's interpretation of the Qwest map.

Upon questioning by Councilmember Thomasson, Public Works Director Heydon stated that he has not gotten any indication from Highline Water District exactly where their 3 pipes are located.

Upon questioning by Councilmember Thomasson as to what is the applicant's intention is if the 30 foot vacation is granted and added on to the 25 foot lot that Mr. Sanborn already owns, Mr. Stahlfeld stated that he plans to build, but is not sure that he has any specific plans at this time.

Councilmember Thomasson noted that the requested Street Vacation is within the City of Des Moines, but it will attach to property that is in the City of SeaTac. He questioned, if the applicant builds on the property, how would the two cities interact.

Community Development Director Kilgore advised it would depend upon the address. This would depend upon where the front yard is located.

City Attorney Marousek advised that this issue has been discussed. She informed Council that, if the land is developed, it would be a decision of the municipalities. She noted that the practice of the cities is to consult, but the decision would be of the municipality with the appropriate jurisdiction.

Upon questioning by Councilmember Thomasson, Community Development Director noted that for SeaTac to annex the area in question, it would have to go through a formal annexation process.

Councilmember Thomasson stated that cities can exchange right-of-way without going through the BRB. He felt it might be better to do this before the right-of-way is vacated and then let SeaTac do the vacation.

As there were no further questions, Mayor Steenrod closed the public hearing.

MOTION was made by Councilmember White, seconded by Councilmember Sheckler, to suspend Council Rule 26(b) in order to enact Draft Ordinance No. 03-172 on first reading.

Councilmember Thomasson proposed that the draft ordinance be passed on to a second reading so the easement issues, the legal description and other things of that nature, can be resolved.

MOTION WITHDRAWN: The maker and the seconder of the motion withdrew the motion.

MOTION was made by Councilmember Thomasson, seconded by Mayor Pro Tem Benjamin, to pass Draft Ordinance No. 03-172 on to a second reading on a date to be selected by staff based on getting the information on water main and telecommunication locations. Motion passed unanimously.

LAW OFFICES OF
ERIC R. STAHLFELD
145 S.W. 155TH STREET, SUITE 101
SEATTLE, WASHINGTON 98166
(206) 248-8016

March 8, 2004

Linda Marousek, Esq.
City Attorney
City of Des Moines
21630 11th Avenue S, Suite C
Des Moines, WA 98198-6398

RECEIVED

Lisa Anderl, Esq.
Associate General Counsel, Qwest
1600 7th Avenue, Room 3206
Seattle, WA 98191-0001

MAR 10 2004

DES MOINES LEGAL DEPARTMENT
DES MOINES, WASHINGTON

Re: Scot Sanborn Street Vacation

Dear Ms. Marousek:

Qwest has agreed to modify the proposed Right-of-Way easement to accommodate changes Scot Sanborn requested. Specifically, the following italicized language should be added to the easement:

Grantor hereby covenants that no excavation, building, structure or obstruction will be constructed, erected, built or permitted on said easement area and no change will be made by grading or otherwise to the surface or subsurface of the easement area or to the ground immediately adjacent to the easement area; *provided, however, that Grantor may fill and grade the area as necessary in connection with the construction of a street, so long as such filling and grading does not interfere with Grantee's rights and facilities and that Grantor maintains a minimum depth for buried or underground facilities of no less than 24" below the surface. Nor shall the facilities be covered in a manner that interferes with Grantee's ability to access those facilities. Grantor further covenants that it will not otherwise interfere with the rights granted to Grantee herein.*

With this change I believe the matter should be set on the Council's calendar for final consideration and passage. I understand that Scot has agreed to some changes with Highline Water District, the specifics of which I am not aware, but Scot has indicated that he is not particularly concerned with any issue with respect to that easement. I continue to believe that it is more appropriate for my client to grant the easements, but

ATTACHMENT 3

Linda Marousek, Esq.
March 8, 2004

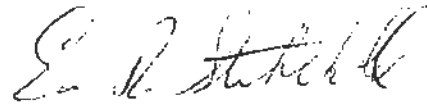
Page 2

as you have indicated the City is unwilling to consider that option, the matter should be returned to the Council for a final decision.

I would appreciate you letting me know when the Council will place this on its agenda.

If you have any questions, please feel free to call me at (206) 248-8016.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Eric R. Stahlfeld", with a stylized flourish at the end.

Eric R. Stahlfeld

cc: client

AGENDA ITEM

SUBJECT: Draft Ordinance No. 03-172

File SV 2003-001 – Street Vacation:
Portion of South 208th Street between 11th
Avenue South and 12th Avenue South,
together with a portion of an abutting
unopened alley

ATTACHMENTS:

1. Draft Ordinance No. 03-172
2. Vicinity Map
3. Street/Alley Vacation Check List
4. 12/3/02 letter from Highline Water District
5. 3/3/03 letter from applicant
6. 6/17/03 letter from Qwest
7. 7/30/03 letter from Qwest

AGENDA OF: September 11, 2003

DEPT. OF ORIGIN: Public Works

DATE SUBMITTED: August 5, 2003

CLEARANCES:

[] Finance

[X] Public Works

[X] Legal

APPROVED BY CITY MANAGER
FOR SUBMITTAL:

Purpose and Recommendation:

The purpose of this item is to hold a public hearing to consider the vacation of portions of public right-of-way in the City of Des Moines; more specifically, that portion of South 208th Street between 11th Avenue South and 12th Avenue South, together with a portion of an abutting unopened alley.

Recommended Motion:

First Motion: "I move to suspend Rule 26(b) in order to enact Draft Ordinance No.03-172 on first reading."

Second Motion: "I move to enact Draft Ordinance No. 03-172, vacating that portion of South 208th Street between 11th Avenue South and 12th Avenue South, together with a portion of an abutting unopened alley; while retaining the necessary utility easements."

Background:

The applicant for street vacation, Scot Sanborn, originally planned to file a lawsuit against the City to obtain vacation of an unopened right-of-way under the Laws of 1889. This particular public right-of-way was platted on January 17, 1890, as part of The Grove Addition; and is

ATTACHMENT 4

Staff recommends that City Council vacate the portion of South 208th Street, together with a portion of an abutting unopened alley, per the staff recommendations on Page 2 of the Street/Alley Vacation Check List (Attachment 3).

Concurrence:

Both Public Works and Legal concur that placing this currently unopened for transportation purposes public right-of-way onto the tax rolls is the prudent choice.

p:\users\linda\doc\Agenda\2002

CITY ATTORNEY'S FIRST DRAFT 06/27/03
CITY ATTORNEY'S SECOND DRAFT 04/23/04

DRAFT ORDINANCE NO. 03-172

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, vacating a portion of City right-of-way in an area generally described as a portion of public right-of-way known as So. 208th Street, between 11th Avenue So. and 12th Avenue South, together with an abutting unopened alley, in the City of Des Moines, subject to the applicant's compliance with requirements set forth herein.

WHEREAS, the City Council of the City of Des Moines adopted Resolution No. 957, declaring its intent to consider vacation of a public right-of-way which now constitutes a portion of public right-of-way known as So. 208th Street, between 11th Avenue So. and 12th Avenue South, together with an abutting unopened alley, in the City of Des Moines, and

WHEREAS, notice of the public hearing was given in accordance with law and the public hearing was held before the City Council of the City of Des Moines on ((August 14,)) September 11, 2003, and all persons wishing to be heard were heard, and

WHEREAS, based on the evidence presented, the City Council makes the following findings of fact:

(1) The public right-of-way which is the subject of this ordinance consists of a portion of public right-of-way known as So. 208th Street, between 11th Avenue So. and 12th Avenue South, together with an abutting unopened alley; and

(2) The public right-of-way which is the subject of this ordinance is unimproved for transportation purposes, has never been opened for transportation purposes, and appears to be subject to vacation by operation of law under the Laws of 1889-90; and

(3) The public right-of-way which is the subject of this ordinance is necessary for present and future use by public utilities, under appropriate easements; and

(4) The public right-of-way which is the subject of this ordinance is surplus to the present and future needs of the

Ordinance No. ____
Page 3 of ____

vacation under this ordinance as requested by Highline Water District and Qwest.

(4) Should the benefitted/abutting property owners fail to satisfy the conditions set forth in the previous subsections within 90 days of passage of this ordinance, then this ordinance shall be deemed void and of no legal effect and the underlying right-of-way vacation shall be deemed denied.

Sec. 4. Easement. Pursuant to RCW 35.79.030 the City of Des Moines shall retain an easement or the right to exercise and grant easements in respect to the land vacated by this ordinance for the construction, repair, and maintenance of public utilities and services.

Sec. 5. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

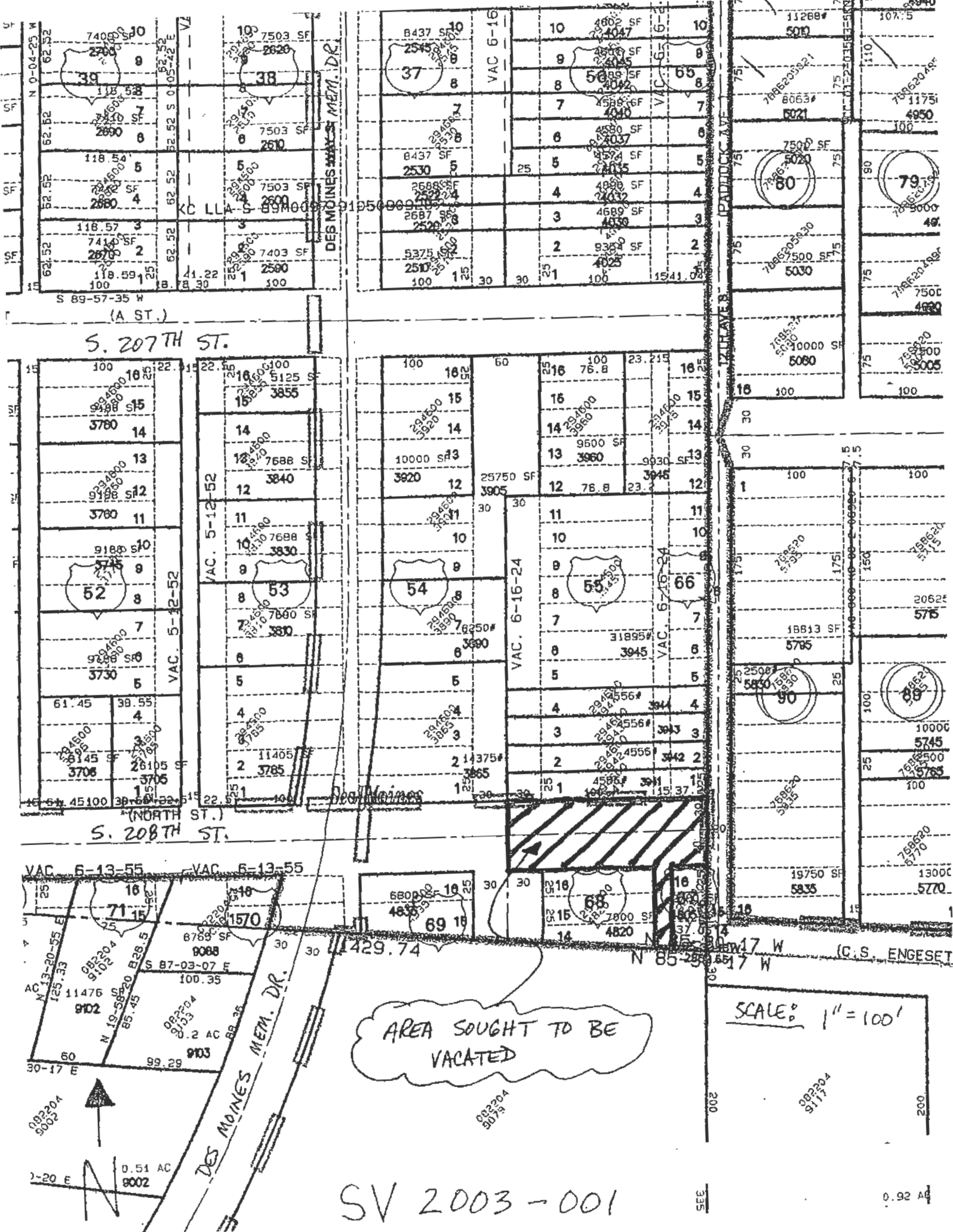
Sec. 6. Effective date. This ordinance shall take effect and be in full force thirty (30) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this ____th day of _____, 2003 and signed in authentication thereof this ____th day of _____, 2003.

M A Y O R

APPROVED AS TO FORM:

City Attorney



STREET/ALLEY VACATION CHECK LIST – SV2003-001 7/30/03

Name of Petitioner(s) Scot Sanborn

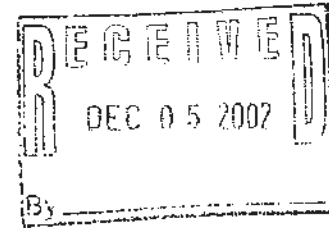
Right-of-way to be vacated: **Street** S. 208th St. (between 11th Avenue S. and 12th Avenue S.)

- | | | |
|----|--|--|
| 1. | Name of Plat and date of addition under which the right-of-way was dedicated: | The Grove Addition 01/17/1890 |
| 2. | What percent of the adjacent ownerships have petitioned in favor of the vacation? | 100%; 2 out of 2 |
| 3. | Was the street/alley in a plat filed before March 12, 1904, thus making it eligible for vacation by operation of law (Sect. 32, Ch. 19, Laws of 1889-90) if it was not opened before March 12, 1904? | Yes |
| 4. | Is the right-of-way currently used for public access by vehicular traffic? Or pedestrian traffic? | No - Unopened Right of Way |
| 5. | Is the right-of-way the only access to other parcel ownerships? | No |
| 6. | What impact will vacating the right-of-way have on the overall traffic circulation in the area? | None |
| 7. | Does the right-of-way provide access to any shorelines, streams or other recreational areas? | Yes – Northern Tributary to Des Moines Creek |
| 8. | Is the right-of-way proposed for vacation adjacent to another agency (city, county)? | Yes – City of SeaTac |
| 9. | Which utilities currently have facilities in the right-of-way? | Water District # 75 (Highline) and Phone (Qwest) |



Serving the Southwest Metropolitan Area since 1946

December 3, 2003



Mr. Scott J. Romano
Traffic Engineer Technician
City of Des Moines
21650 11th Ave. S.
Des Moines, WA 98198-6317

Re: Vacation of S. 208th Street

Dear Mr. Romano:

The District is writing in response to the City's request as to whether the District would like to retain an easement 30 feet north of S. 208th Street between 12th Ave. S. and Des Moines Memorial Way S. The District requests that it be granted an easement for this area (see attached map). This would allow the District to adequately operate and maintain several critical water mains in this area.

In addition, the District is requesting that our standard easement language be included. I have attached a copy of our standard easement language for your use.

If you have any questions or need additional information, please contact me at (206) 824-0375, ext. 102.

Very Truly Yours,

Thomas D. Keown, P.E.
Construction/Operations Manager

TDK:maf
Enclosure

Cc: Peggy S. Bosley, General Manager
Tim Heydon, City of Des Moines

Individual Acknowledgement

STATE OF WASHINGTON)
)SS
COUNTY OF KING)

On this ____ day of _____, _____, before me the undersigned, a Notary Public, personally appeared _____, to me known to be the individual or individuals described in and who executed the within and foregoing instrument, and acknowledged that it was signed as a free and voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.

Signature of Notary

Print or stamp name of Notary

Notary Public for the State of

residing at _____

My appointment expires: _____

LAW OFFICES OF
ERIC R. STAHLFELD
145 S.W. 155TH STREET, SUITE 101
SEATTLE, WASHINGTON 98166
(206) 248-8016

March 3, 2003

Linda Marousek, Esq.
City Attorney
City of Des Moines
21630 11th Avenue S, Suite C
Des Moines, WA 98198-6398

RECEIVED

MAR 04 2003

DES MOINES LEGAL DEPARTMENT
DES MOINES, WASHINGTON

Re: Scot Sanborn Street Vacation

Dear Ms. Marousek:

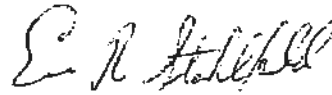
Mr. Sanborn is aware that the City represents that the City's sensitive areas map as referenced in DMMC 18.86.050 indicates the presence of an important stream on his property. Mr. Sanborn is also aware that the City's code presently requires a 35-foot buffer around important streams.

As we have discussed, Mr. Sanborn believes that restrictions on the use of his property, if any, should be determined at the time he actually applies to develop the property.

I understand that with the acknowledgments in this letter the City staff agree to support Mr. Sanborn when he files a request to vacate the street through the administrative review process.

If you have any questions, please feel free to call me at (206) 248-8016.

Very truly yours,

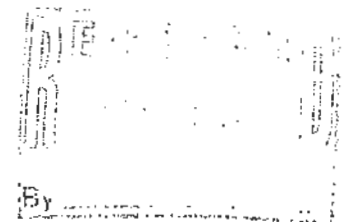


Eric R. Stahlfeld

cc: client

June 17, 2003

TO: Scott J. Romano
Traffic Engineering Technician
City of Des Moines
21650 11th Ave S
Des Moines, WA 98198-6317



FROM: Garry Mohr
Qwest Engineering
23315 66th Ave S Rm. 115
Kent, WA 98032
PH. 253-372-5361
Fax: 253-372-5176

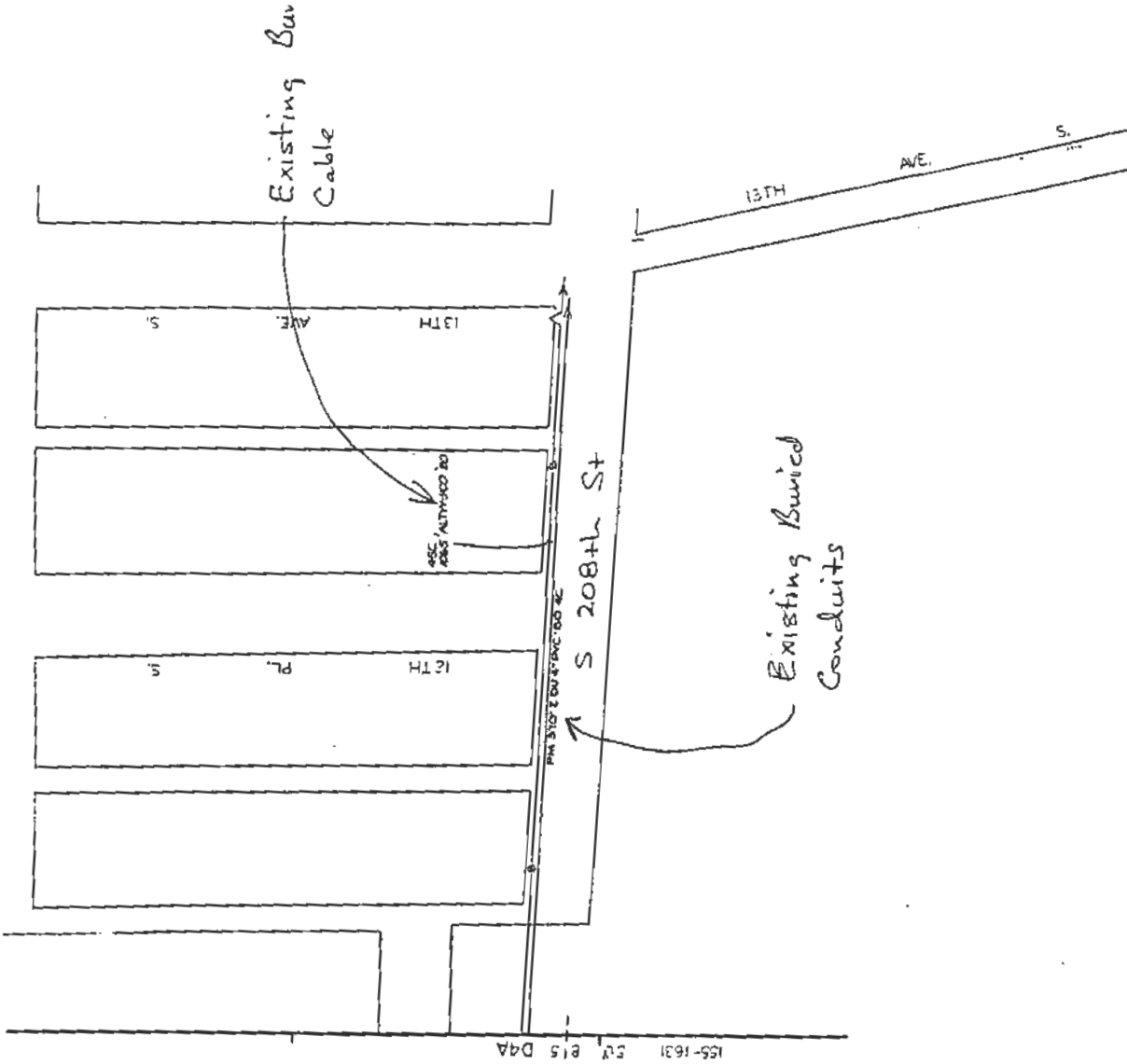
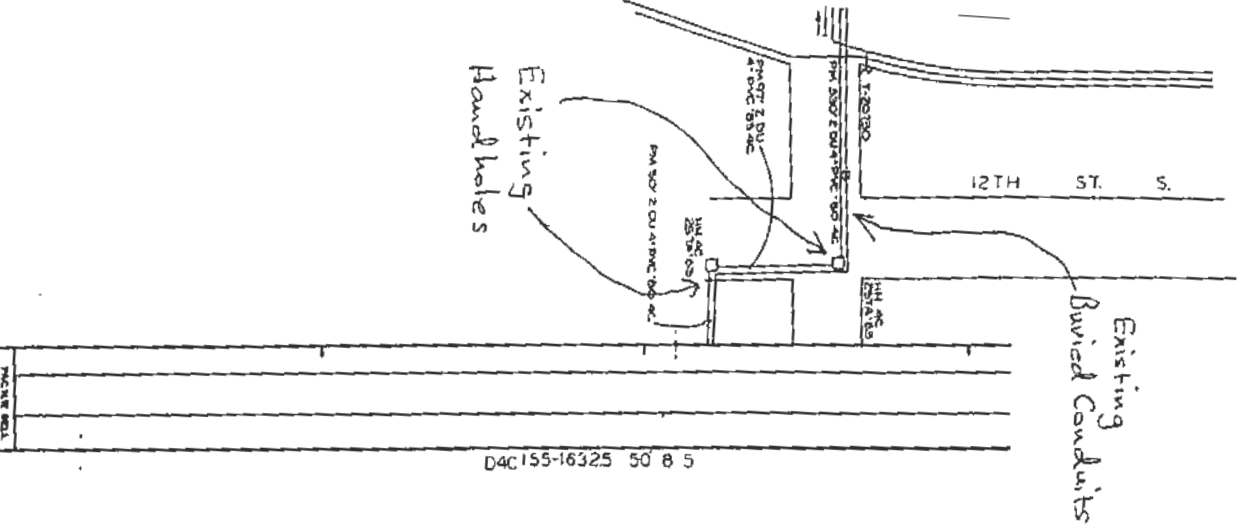
Scott,

In response to your proposed street vacation on S 208th St, street petition (SV 2003-001). Qwest presently has 2 buried 4" conduits and a buried cable through the proposed street vacation (see attached prints). If the proposed street vacation were to take place, Qwest would require a easement thru it to cover the existing facilities and provision for reinforcement. Qwest would have to charge to move the facilities, if that were required.

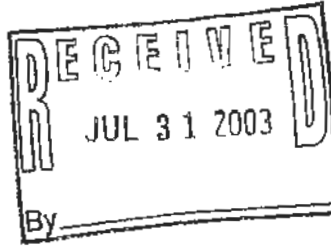
If you have any questions, please feel free to call me.

Sincerely,

PROJECT	DES MOINES
SCALE	1"=50'
DATE	155-1631
BY	D4A



July 30, 2003



City of Des Moines
Department of Public Works
21650 11th Avenue South
Des Moines, WA 98198-6317
Attn: Scott Romano

Re: Qwest Easement associated with Vacation file #SV 2003-001

Dear Mr. Romano:

Attached you will find documents that make up the Qwest easement package. Because Qwest has facilities spread throughout the area petitioned for vacation, we will require an easement covering this entire area.

Please refer any questions to me on (206) 346-7458.

Sincerely,

A handwritten signature in cursive script that reads "Don L. Dauphiny".

Don L. Dauphiny
Right-of-Way Consultant for Qwest
Attachments

RETURN TO: Qwest R.O.W.
1200 12th NW
Issaquah, WA 98027

RECORDING INFORMATION ABOVE

R/W # _____

EASEMENT

The undersigned Grantor(s) _____ for
and in consideration of _____ Dollars (\$ _____)
and other good and valuable consideration, the receipt whereof is hereby acknowledged,
do hereby grant and convey unto Qwest Corporation, a Colorado Corporation, hereafter
referred to as "Grantee", whose address is 1801 California St., Suite 5100, Denver, CO
80202, its successors, assigns, lessees, licensees, and agents a perpetual easement to
construct, reconstruct, modify, change, add to, operate, maintain, and remove such
telecommunications facilities, electrical facilities and gas facilities, and appurtenances,
from time to time, as Grantee may require upon, over, under and across the following
described land situated in the County of _____, State
of _____, which the Grantor owns or in which the Grantor has
any interest, to wit:

LOT _____ BLK _____
SECTION _____ TOWNSHIP _____ RANGE _____
TAX PARCEL # _____
SEE EXHIBIT(S) A & B ATTACHED HERETO AND BY THIS REFERENCE
MADE A PART HEREOF.

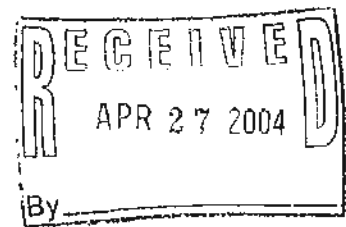
Grantor further conveys to Grantee the following incidental rights:

- (1) A temporary right-of-way to be used during all periods of construction

Page 2 of 2

R/W # _____
Exchange _____
1/4 Section _____
Section _____
County _____
Township _____
Range _____

EXHIBIT "A"
LEGAL DESCRIPTION OF
QWEST EASEMENT



HIGHLINE WATER DISTRICT

Easement for Water Pipeline

The Grantor, City of Des Moines, does hereby grant to HIGHLINE WATER DISTRICT, King County, Washington, a municipal corporation, Grantee, its successors and assigns, a permanent easement and right-of-way over, under, and across the following-described property and situated in the City of Des Moines, King County, Washington, to-wit:

LEGAL DESCRIPTION OF TOTAL PROPERTY:

See Exhibit "A"

LEGAL DESCRIPTION OF EASEMENT

See Exhibit "B" & "C"

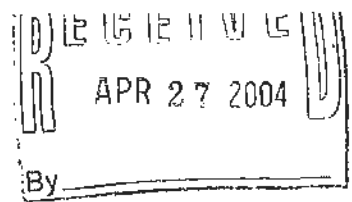
for the construction, operation, maintenance, repair and/or replacement of a water pipeline and appurtenances thereto, together with all rights of ingress and egress to and from said easement for all purposes necessary and related thereto;

Grantee and its agents, designees or assigns shall have the right, without prior institution of any suit or proceeding at law, and with a three (3) day prior notice to Grantor, at such time as Grantee deems necessary to enter upon said property, by foot or vehicle, for the installation, repair, reconstruction or maintenance of water facilities and appurtenances without incurring any legal obligation or liability therefore, provided that such shall be accomplished in a manner that existing private improvements shall not be disturbed or destroyed, or in the event that they are disturbed or destroyed they will be replaced or repaired, as nearly as is practicable, to as good a condition as they were immediately before the property was entered upon by the Grantee.

Grantor hereby agrees that no building, wall rockery, trees or structure of any kind, except pre-existing, shall be erected or planted, nor shall any fill material be placed within the boundaries of said easement area. No excavation shall be made within three feet of said water service facilities, and the surface level of the ground within the easement area shall be maintained at the elevation as currently existing. In the event that this provision is violated, the Grantee shall have the right to require removal of any such structure and same shall be accomplished within a reasonable period of time and at Grantor's expense.

Failure of Grantee to so exercise its right to require removal shall not constitute waiver of this right.

Grantor additionally grants to the Grantee, its agents, designees or assigns the use of such additional area immediately adjacent to said easement area as shall be required for the construction, re-construction, maintenance and operation of said water service facilities. The use of such additional area shall be held to a reasonable minimum and be returned to its condition existing immediately before the property was entered upon by Grantee or its agents.



IN WITNESS WHEREOF, the Grantor(s) has (have) executed these presents this ____ day
of _____, 2004.

Individual Acknowledgement

STATE OF WASHINGTON)
)SS
COUNTY OF KING)

On this ____ day of _____, 20__, before me the undersigned, a Notary Public,
personally appeared _____, to me known to be the individual or individuals
described in and who executed the within and foregoing instrument, and acknowledged
that it was signed as a free and voluntary act and deed for the uses and purposes therein
mentioned.

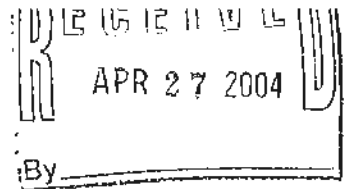
IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year
first above written.

Signature of Notary

Print or stamp name of Notary

Notary Public for the State of Washington,
Residing at _____

My appointment expires: _____



Corporate Acknowledgement

STATE OF WASHINGTON)
)SS
COUNTY OF KING)

On this _____ day of _____, 20 ____, before me the undersigned, a Notary Public, personally appeared _____, to me known to be the _____ of _____, the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.

Signature of Notary

Print or stamp name of Notary

Notary Public for the State of Washington,

Residing at _____

My appointment expires: _____

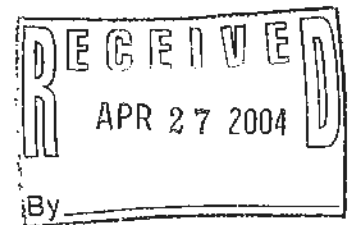
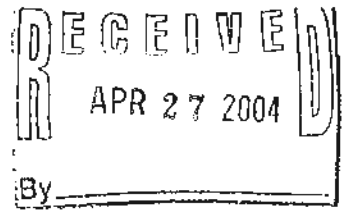


EXHIBIT "A"

LEGAL DESCRIPTION OF TOTAL PROPERTY:

Plat of The Grove Addition to the Town of Des Moines as recorded in volume 4 of plats page 83, records of King County, Washington.

EXHIBIT "B"



LEGAL DESCRIPTION OF EASEMENT

PERMANENT EASEMENT:

That portion of North Street (also known as S. 208th Street) as shown on the Plat of The Grove Addition to the Town of Des Moines, as recorded in volume 4 of plats page 83, records of King County, Washington, lying east of the easterly margin of Twelfth Street and the east line of said plat. Being a portion of a 60 foot wide strip of land dedicated for public use within said plat.

All shown on the map attached labeled EXHIBIT C, which by this reference is made a part hereof.

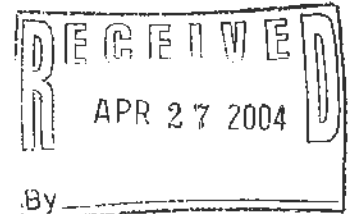
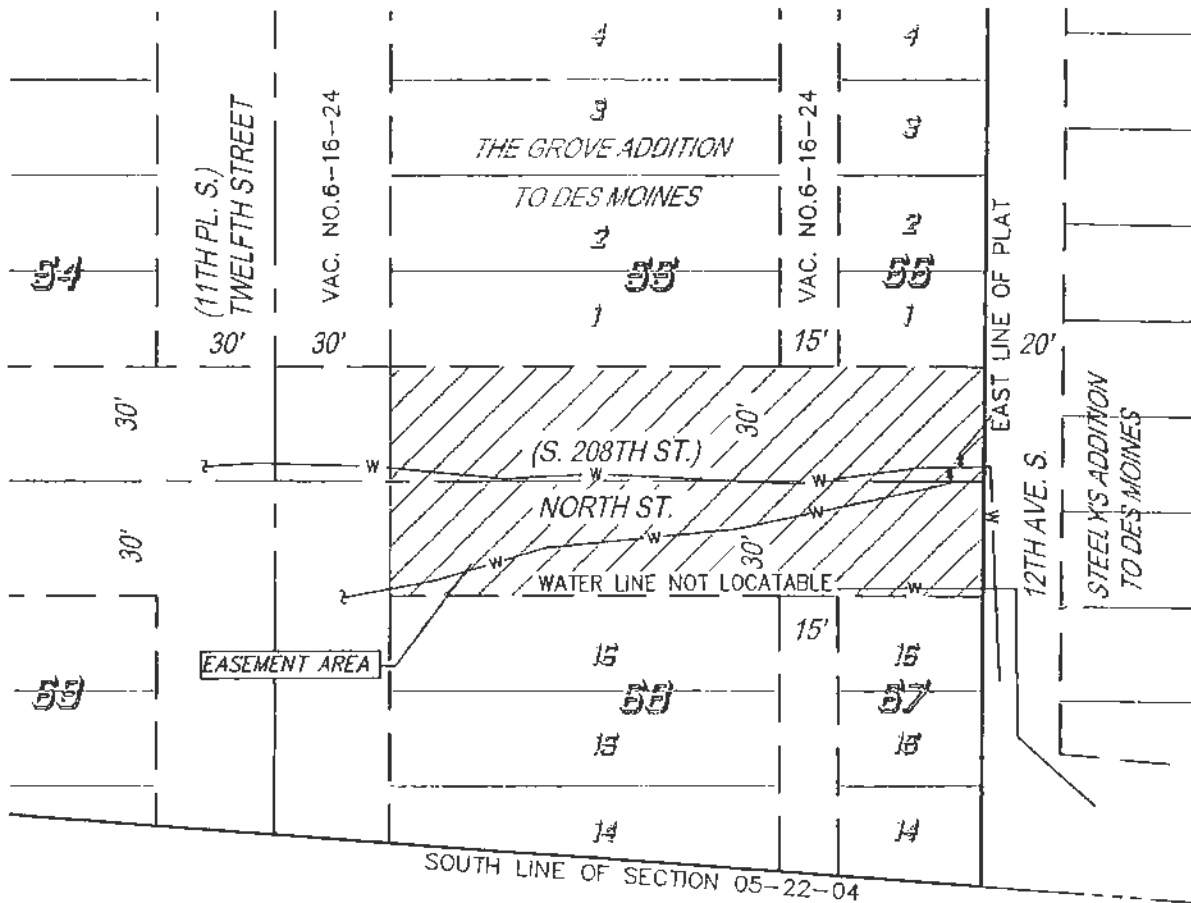
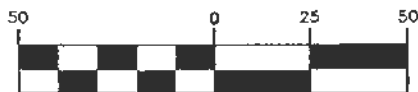


EXHIBIT "C"

By _____

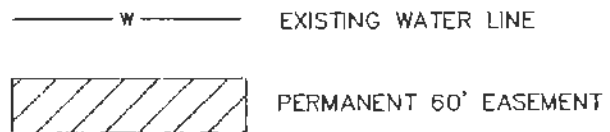


GRAPHIC SCALE



(IN FEET)

1 inch = 50 ft.



Engineering

Planning

Surveying

Penhallegon Associates Consulting Engineers, Inc.

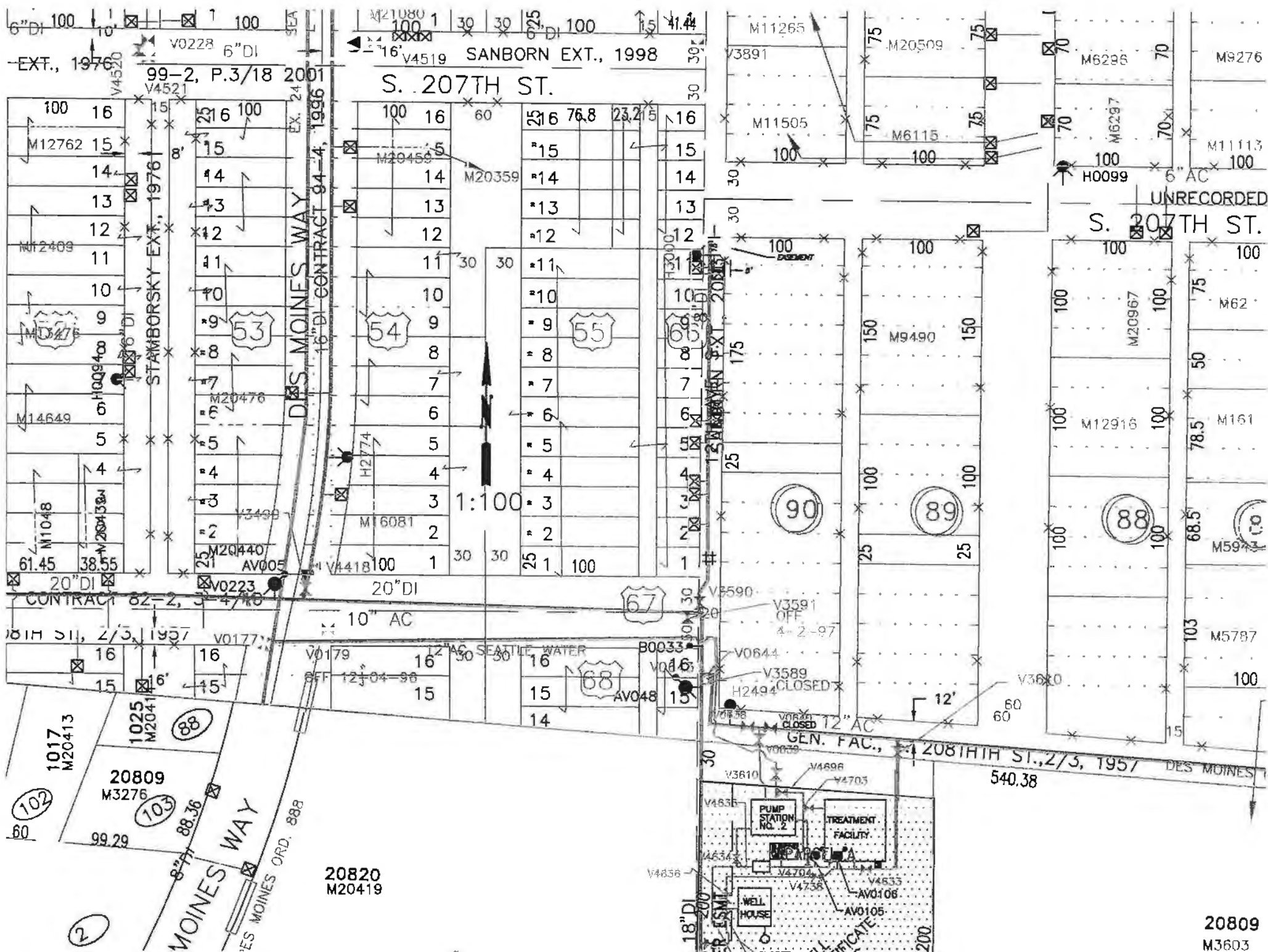
750 Sixth Street South
PH: (425) 827-2014

Kirkland, WA 98033
1-800-945-8408

www.paceengrs.com
FAX: (425) 827-5043

Kirkland • Seattle

SCALE: 1"=50' FILE: \04130-EXB.DWG CAD: DAB DATE: 04/23/04 PROJ. NO.: 04130.10



20809
M3603

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Gift/Donation Ordinance

ATTACHMENTS: 1. Draft Ordinance No. 03-022
2. RCW 35.21.100.

FOR AGENDA OF: April 29, 2004

DEPT. OF ORIGIN: Finance

DATE SUBMITTED: April 27, 2004

CLEARANCES:

[X] Finance

[X] Legal

APPROVED BY CITY MANAGER

FOR SUBMITTAL:

PURPOSE AND RECOMMENDATION

The purpose of this ordinance is to authorize the acceptance of donations by the City and to establish special accounts to receive and administer said donations.

MOTION: "I move to pass Draft Ordinance No. 03-022, authorizing the acceptance of donations, and establishing accounts to administer the receipt of donations and future expenditures, to a second reading for enactment on the next available consent calendar."

BACKGROUND

The City Council directed staff to establish a procedure for the City's acceptance of voluntary donations for the purposes to be determined by the contributor, and for the administration of said accounts.

DISCUSSION

RCW 35.21.100 permits cities to accept gifts and donations by ordinance.

CITY ATTORNEY'S FIRST DRAFT 04/27/04

DRAFT ORDINANCE NO. 03-022

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON authorizing acceptance of donations of money or property to the City; establishing special accounts for the purpose of tracking such donations, and specifying how said accounts shall be administered.

WHEREAS, citizens from time to time may wish to make donations to the City of Des Moines, and

WHEREAS, state law set forth at RCW 35.21.100 authorizes a city by ordinance to accept any money or property donated, devised, or bequeathed to it and to carry out the terms of the donation, devise, or bequest, if within the powers granted by law; or if no terms or conditions are attached to the donation, devise, or bequest, to expend or use it for any municipal purpose, and

WHEREAS, the establishment by ordinance of special purpose accounts for the purpose of tracking such donations would add more visible accountability to the acceptance and expenditure of such donations, and

WHEREAS, the Des Moines City Council, by motion passed at its January 13, 2003 meeting, directed staff to prepare an ordinance establishing a procedure for the City's acceptance of voluntary donations, and for the establishment and administration of accounts related to such donations; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. The City of Des Moines may accept any money or property donated, devised, or bequeathed to it, and carry out the terms of the donation, devise, or bequest, if within the City's powers granted by law. If no terms or conditions are attached to the donation, devise, or bequest, the City of Des Moines may expend or use it for any municipal purpose.

Sec. 2. The City Manager is hereby authorized to approve on behalf of the City all monetary donations to the City of Des Moines. All monetary donations approved by the City shall be deposited into the appropriate account as established in this

ordinance. The City Manager, at his discretion, is authorized to refuse any monetary donation.

Sec. 3. The City Council shall approve all non-monetary donations with value of \$20,000.00 or more, and all donations of real property, to the City of Des Moines. The City Manager is hereby authorized to approve on behalf of the City non-monetary donations with a current value of less than \$20,000.00 and greater than \$5,000.00, other than real property, to the City of Des Moines. Department directors are hereby authorized to approve non-monetary donations with a current value of less than \$5,000.00, supporting budgeted projects, to the City of Des Moines. A department director approving a non-monetary donation will be required to detail all related future costs associated with the acceptance of the donation and to submit the list of related future costs to the Finance Department. The City Council, City Manager, and department directors may, at their discretion, refuse any non-monetary donation.

Sec. 4. In the event a donor has indicated a desire as to the use by the City of a donation, such donation shall, to the extent the desired use is within the City's powers granted by law, be assigned to a project consistent with the donor's desired use.

Sec. 5. There are hereby established special accounts, to be designated "Contributions and Donations from Private Sources." The purpose of these accounts is to provide for the deposit of monetary donations, and for accounting for non-monetary donations to the City.

Sec. 6. The Finance Department shall have the responsibility for the financial administration of the "Contributions and Donations from Private Sources" accounts. The Finance Director may establish rules and regulations for the administration of the accounts.

Sec. 6. Any donations accepted prior to the adoption of this ordinance may be transferred to the "Contributions and Donations from Private Sources" accounts for tracking purposes.

Ordinance No. ____
Page 3 of ____

Sec. 7. Sections 1 through 6 of this ordinance shall be codified as a new chapter in Title 3 DMMC.

Sec. 8. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

Sec. 9. Effective date. This ordinance shall take effect and be in full force thirty (30) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this ____ day of ____, 2004 and signed in authentication thereof this ____ day of ____, 2004.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published: _____

RCW 35.21.100

Donations -- Authority to accept and use.

Every city and town by ordinance may accept any money or property donated, devised, or bequeathed to it and carry out the terms of the donation, devise, or bequest, if within the powers granted by law. If no terms or conditions are attached to the donation, devise, or bequest, the city or town may expend or use it for any municipal purpose.

[1965 c 7 § 35.21.100. Prior: 1941 c 80 § 1; Rem. Supp. 1941 § 9213-8.]

AGENDA ITEM**BUSINESS OF THE CITY COUNCIL**
City of Des Moines, WA

SUBJECT: 2004 Budget Amendments

FOR AGENDA OF: April 29, 2004

ATTACHMENTS:

Draft Ordinance No. 04-073

Attachment 1 – 2004 Budget Amendments

DEPT. OF ORIGIN: Finance

DATE SUBMITTED: April 21, 2004

CLEARANCES:

☐ Finance pl 4/21/04☐ Legal _____APPROVED BY CITY MANAGER
FOR SUBMITTAL: [Signature]**Purpose and Recommendation**

The purpose of this agenda item is to request Council's approval of Draft Ordinance No. 04-073 amending the 2004 adopted budget by authorizing appropriations as described in Attachment 1. Attachment 1 provides a listing of 2004 operating and capital improvement budget amendments.

Suggested Motions:

1. "I move to suspend Council Rule 26(b) to consider Draft Ordinance No. 04-073 on first reading."
2. "I move to adopt Draft Ordinance No. 04-073 relating to municipal finance, amending the 2004 budget adopted in Ordinance No. 1333."

Background

The 2004 budget was adopted in Ordinance No. 1333. Budget amendments are required only when the appropriation level in a fund is being changed. Staff also recommends that a budget amendment be required when the source for a proposed expenditure is from a fund's ending fund balance.

Discussion

The 2004 budget was adopted prior to yearend 2003. Estimates were used to project beginning and ending fund balances. Assumptions were made that certain studies and projects would be complete at yearend and, therefore, the 2004 budget excluded those expenditures. This 2004 budget amendment would add appropriations to cover the expenditures incurred for these studies and projects that have been carried over into 2004. In addition, certain grants have been awarded and approved by the City Council that were not included in the 2004 adopted budget. Other 2004 budget amendments either include authorizations previously approved by the City Council or proposed for the City Council's approval with this 2004 budget amendment ordinance.

The beginning and ending fund balances for the Capital Improvement Funds: Arterial Street Fund, Municipal Capital Improvement Fund, Marina Depreciation and Improvement Fund, and the Surface Water Management Capital Fund have been adjusted to actual on a modified accrual basis or budget basis.

Adopting the 2004 budget amendment at this time provides staff with budget amounts that can be easily measured against actual results on a more current basis utilizing the system generated financial reports.

The state auditor recommends budget amendments be adopted on a timelier basis.

Recommendation

Staff recommends that Council approve Draft Ordinance No. 04-073. Per RCW 35A.33.120, adoption of a budget amendment ordinance requires an affirmative vote of one more than the majority of all members of the City Council (5 votes).

DRAFT ORDINANCE NO. 04-073

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to municipal finance, amending the 2004 budget adopted in Ordinance No. 1333 by authorizing certain expenditures in the amounts specified in this ordinance.

WHEREAS, the City Council finds that current revenue and expenditure reports for the City differ from forecasts used to create the 2004 budget, enacted by Ordinance No. 1333, and further finds that such differences justify certain adjustments regarding obligations incurred and expenditures of proceeds for fiscal year 2004, all as described as follows:

Fund	Description	Expenditure Adjustments	Revenue Adjustments
001-General Fund	Oddfellow Lodge Rent Increase	2,400	-
001-General Fund	Land Use Permitting Process Efficiency Study	15,000	-
001-General Fund	Bldg Code Reference Manuals for Ltd Term Inspector	5,000	-
001-General Fund	DOE Coordinated Prevention Grant	44,273	33,205
001-General Fund	Growth Management Grant	30,000	30,000
001-General Fund	DOE Grant Re-Write Shoreline Master Plan	78,278	78,278
001-General Fund	Park Maintenance Efficiency Study	15,000	-
001-General Fund	Beach Park Historic Report	10,000	-
001-General Fund	Economic Development Strategy	25,000	-
001-General Fund	Zoning Code Review	75,000	-
001-General Fund	Transfer-In from Street Fund	-	100,000
001-General Fund	Ending Fund Balance	(58,468)	-
101-Street Fund	Transfer-In from Arterial Street Fund/Pacific Ridge Street Lights	15,590	15,590
101-Street Fund	Transfer-Out to General Fund	100,000	-
101-Street Fund	Ending Fund Balance	(100,000)	-
102-Arterial Street Fund	Reallocate CDBG/Wesley Homes Pedestrian Signal	16,900	16,900
102-Arterial Street Fund	Tsf-Out to Street Fund/Pacific Ridge Street Lights	15,590	-
102-Arterial Street Fund	Carry Forward 10th Ave Culvert Tsf-Out to SWM Capital Fund	142,550	-
102-Arterial Street Fund	Bus Shelters (Qty 2)	38,000	-
102-Arterial Street Fund	Beginning Fund Balance	-	(285,629)
102-Arterial Street Fund	Ending Fund Balance	(481,769)	-
106-Facility Repair & Repl Fund	Transfer-In from MCI Fund/Sun Home Lodge Flooring & Field House Flooring/Fixtures	11,060	11,060
310-Municipal Capital Impv Fund	Reallocate CDBG/Midway Park	116,670	116,670
310-Municipal Capital Impv Fund	Tsf-In from Computer Eqp Repl Fund/CH N Wing Remodel/Server Room	-	-
310-Municipal Capital Impv Fund	Air Conditioning	5,000	5,000
310-Municipal Capital Impv Fund	CDBG Sr. Ctr Land Acq Balance	-	32,947
310-Municipal Capital Impv Fund	Tsf-Out to Facility Repair & Repl Fund/Sun Home Lodge Flooring/Field House Flooring/Fixtures	11,060	-
310-Municipal Capital Impv Fund	Des Moines Beach Park Renovations	(5,201)	-
310-Municipal Capital Impv Fund	Field House Renovation Project	(5,859)	-
310-Municipal Capital Impv Fund	Carry Forward SJU Sports Park PH 1B 2003 Balance	7,988	-
310-Municipal Capital Impv Fund	Carry Forward Field House Imprv 2003 Balance	9,068	-
310-Municipal Capital Impv Fund	Beginning Fund Balance	-	37,762
310-Municipal Capital Impv Fund	Ending Fund Balance	53,655	-
404-Marina Depr & Imprv Fund	IAC Grant/Redondo Landscape Arbors	16,325	16,325
404-Marina Depr & Imprv Fund	Redondo Parking Lot Soil Removal	27,510	-
404-Marina Depr & Imprv Fund	Beginning Fund Balance	-	(362,424)
404-Marina Depr & Imprv Fund	Ending Fund Balance	(389,934)	-
450-SWM Operations Fund	Efficiency & Rate Study	39,889	-
450-SWM Operations Fund	Ending Fund Balance	(39,889)	-
451-SWM Capital Fund	Carry Forward Tsf from Arterial Street Fund	-	142,550
451-SWM Capital Fund	DM Creek Basin Projects - Design Completion	28,000	-
451-SWM Capital Fund	Carry Forward Balance to Complete 10th Ave Culvert Repl Project	70,000	-
451-SWM Capital Fund	Beginning Fund Balance	-	(59,904)
451-SWM Capital Fund	Ending Fund Balance	(15,354)	-
501-Eqp Rental Repl Fund	Upgrade Chief's Vehicle	7,511	7,511
511-Computer Eqp Repl Fund	Tsf-Out to MCI/Server Room Air Conditioning	5,000	-
511-Computer Eqp Repl Fund	Capital Outlay/Server Room Air Conditioning	(5,000)	-
520-Self Insurance Fund	AWC Worker Comp Retro Rating Program Service Fee	12,413	-
520-Self Insurance Fund	Replace Blower-Remediation Ground Water Monitoring	7,000	-
520-Self Insurance Fund	Ending Fund Balance	(19,413)	-
TOTAL ADJUSTMENTS		(64,159)	(64,159)

WHEREAS, the City Council finds that the 2004 budget amendments to the City's budget are in the public interest; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. Findings. Each and every of the findings expressed in the recitals to this ordinance are hereby adopted and incorporated by reference.

Sec. 2. Amendment to 2004 Budget. The 2004 budget, originally approved as Ordinance No. 1333, enacted on December 22, 2003, is amended as reflected in Appendix "A", which is incorporated herein by this reference.

Sec. 3. Ratification and Confirmation. All acts taken by City officers and staff prior to the enactment of this ordinance that are consistent with and in furtherance of the purpose or intent of this ordinance are hereby ratified and confirmed by the City Council.

Sec. 4. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance deems control.

Sec 5. Effective date. This ordinance shall take effect and be in full force five (5) days after its passage, approval and publication according to law.

PASSED BY the City Council of the City of Des Moines this _____ day of _____, 2004 and signed in authentication thereof this _____ day of _____, 2004.

Draft Ordinance No. 04-073
Page 3 of 3

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published: _____, 2004
DRAFTORD/04-073

DRAFT ORDINANCE 04-073
APPENDIX A 2004 AMENDED BUDGET

	Expenditure	Ending Fund Balance	Total	Revenue	Beginning Fund Balance	Total
ANNUAL APPROPRIATION FUNDS:						
001 General Fund	14,335,580	963,583	15,299,163	14,221,734	1,077,429	15,299,163
101 Street Fund	1,118,308	248,233	1,366,541	877,590	488,951	1,366,541
104 Revenue Stabilization Fund	-	1,283,503	1,283,503	19,000	1,264,503	1,283,503
105 Airport Defense Fund	143,364	2,420	145,784	2,150	143,634	145,784
106 Facility Repair and Replacement Fund	70,060	167,950	238,010	78,793	159,217	238,010
107 Police Drug Seizure Fund	32,790	9,530	42,320	30,150	12,170	42,320
110 Mt. Rainier Pool Contributors Fund	182,000	3,050	185,050	185,050	-	185,050
211 1995 GO Bond - Police Facility	579,938	14,307	594,245	579,938	14,307	594,245
212 LID Fund	25,446	596	26,042	7,000	19,042	26,042
216 1997 GO Bond - City Hall Remodel	130,748	33,256	164,004	130,748	33,256	164,004
218 1998 GO Park Land Acquisition	167,922	3	167,925	167,922	3	167,925
220 Debt Service Fund	2,050,442	-	2,050,442	2,050,442	-	2,050,442
401 Marina Revenue Fund	2,815,749	570,448	3,386,197	2,881,451	504,746	3,386,197
403 Marina Repair and Replacement Fund	-	301,006	301,006	4,500	296,506	301,006
450 Surface Water Management Operations Fund	1,393,064	65,688	1,458,752	1,268,821	189,931	1,458,752
500 Equipment Rental Operations Fund	362,730	101,196	463,926	318,205	145,721	463,926
501 Equipment Rental Replacement Fund	411,271	917,307	1,328,578	377,911	950,667	1,328,578
510 Computer Equipment Operations Fund	171,202	8,619	179,821	163,450	16,371	179,821
511 Computer Equipment Replacement Fund	82,800	77,401	160,201	98,644	61,557	160,201
520 Self-Insurance Fund	386,407	84,136	470,543	403,273	67,270	470,543
530 Unemployment Insurance Fund	20,000	273,129	293,129	25,000	268,129	293,129
SUB-TOTAL	24,479,821	5,125,361	29,605,182	23,881,772	5,713,410	29,605,182
CONTINUING APPROPRIATION FUNDS (MEMO ONLY):						
102 Arterial Street Fund	15,340,381	543,987	15,884,368	12,504,262	3,380,106	15,884,368
310 Municipal Capital Improvement Fund	1,983,182	322,895	2,306,077	1,660,453	645,624	2,306,077
404 Marina Depreciation and Improvement Fund	3,286,577	1,371,147	4,657,724	709,672	3,948,052	4,657,724
451 Surface Water Management Capital Fund	6,195,317	723,917	6,919,234	6,335,450	583,784	6,919,234
SUB-TOTAL	26,805,457	2,961,946	29,767,403	21,209,837	8,557,566	29,767,403
TOTAL	51,285,278	8,087,307	59,372,585	45,101,609	14,270,976	59,372,585

City of Des Moines								
2004 Budget Amendments								
		EXPENDITURE				SOURCE		
Description	Approved by Council	Fund	Acct	Acct Title	Amount	Acct	Amount	Acct Title
OPERATING BUDGET:								
Oddfellow Lodge Rent Increase	1/8/04	General Fund	001.300.028.518.30.45.05	Rentals & Leases	2,400.00	001.700.042.508.80.00.00	(2,400.00)	Ending Fund Balance
Building Code Reference Manuals for Ltd Term Bldg Inspector		General Fund	001.500.034.532.22.31.05	Code Books	5,000.00	001.700.042.508.80.00.00	(5,000.00)	Ending Fund Balance
Land Use Permitting Processes Efficiency Study	2003 Budget	General Fund	001.600.038.558.60.41.10	Professional Services	15,000.00	001.700.042.508.80.00.00	(15,000.00)	Ending Fund Balance
DOE Coordinated Prevention Grant	2/12/04	General Fund	001.610.002.558.20.41.15	Professional Services	33,205.00	001.000.000.334.03.10.02	33,205.00	DOE Coordinated Prevention Grant
DOE Coordinated Prevention Grant	2/12/04	General Fund	001.610.002.558.20.41.15	Professional Services	11,068.00	001.700.042.508.80.00.00	(11,068.00)	Ending Fund Balance
Growth Management Grant Update for Design Guidelines	12/11/03	General Fund	001.610.002.558.20.41.16	Professional Services	30,000.00	001.000.000.334.04.20.00	30,000.00	Washington State Department of Community, Trade, & Economic Development Grant
DOE Grant/Re-Write Shoreline Master Plan		General Fund	001.610.002.558.20.41.17	Professional Services	78,278.00	001.000.000.334.03.10.01	78,278.00	DOE/Shoreline Master Plan Grant
Park Maintenance Efficiency Study	2003 Budget	General Fund	001.635.045.576.31.41.10	Professional Services	15,000.00	001.700.042.508.80.00.00	(15,000.00)	Ending Fund Balance
Beach Park Historic Report	4/22/04	General Fund	001.630.045.576.10.41.00	Professional Services	10,000.00	001.700.042.508.80.00.00	(10,000.00)	Ending Fund Balance
Economic Development Strategy - Add'l Allocation	4/8/04	General Fund	001.550.038.558.20.41.00	Professional Services	25,000.00	001.700.042.508.80.00.00	(25,000.00)	Ending Fund Balance
Zoning Code Review		General Fund	001.600.038.558.80.41.00	Professional Services	75,000.00	001.700.042.508.80.00.00	(75,000.00)	Ending Fund Balance
Transfer from Street Fund to General Fund to Increase GF Ending Fund Balance		General Fund	001.700.042.508.80.00.00	Ending Fund Balance	100,000.00	001.000.000.397.00.00.03	100,000.00	Transfer-In/Fund 101 (Street Fund)
Pacific Ridge Street Lights Installation	8/14/03	Street Fund	101.200.002.595.63.63.00	Street Lighting Imprv	15,590.00	101.000.003.397.00.00.00	15,590.00	Transfer-In/Fund 102 (Arterial Street Fund)
Transfer from Street Fund to General Fund to Increase GF Ending Fund Balance		Street Fund	101.970.002.597.43.46.03	Transfer-Out/Gen Fd	100,000.00	101.980.002.508.80.00.00	(100,000.00)	Ending Fund Balance
Sun Home Lodge Flooring	4/8/04	Facility Repair & Repl Fund	106.000.000.594.50.62.01	Improvements	5,201.00	106.000.000.397.00.00.05	5,201.00	Transfer-In/Fund 310 (MCI)
Field House Flooring/Fixtures	4/8/04	Facility Repair & Repl Fund	106.000.000.594.50.62.01	Improvements	5,859.00	106.000.000.397.00.00.05	5,859.00	Transfer-In/Fund 310 (MCI)
SWM Efficiency Study Carryfwd of 2003 Unspent funds (\$45,000)	2003 Budget	SWM Operating Fund	450.100.000.538.31.41.00	Professional Services	39,889.00	450.000.000.508.80.00.00	(39,889.00)	Ending Fund Balance
Reimbursement for Upgrade to Chiefs Vehicle		Equipment Rental Replacement Fund	501.000.000.594.21.64.00	Vehicle Repl - Law Enforcement	7,511.00	501.000.000.369.90.00.00	7,511.00	Other Miscellaneous Revenue
Server Room Air Conditioning	2004 Budget	Computer Equipment Replacement Fund	511.000.000.597.43.00.00	Transfer-Out/MCI	5,000.00	511.000.000.594.18.64.00	(5,000.00)	Capital Outlay
AWC Worker Compensation Retro Rating Program Service Fee		Self-Insurance Fund	520.000.046.514.76.46.00	AWC WC Retro Prog	12,413.00	520.000.046.508.80.00.00	(12,413.00)	Ending Fund Balance

City of Des Moines								
2004 Budget Amendments								
Description	Approved by Council	Fund	EXPENDITURE			SOURCE		
			Acct	Acct Title	Amount	Acct	Amount	Acct Title
Replace Blower-Remediation for Contaminated Groundwater Monitoring		Self-Insurance Fund	520.015.046.514.70.41.00	Professional Services	7,000.00	520.000.046.506.80.00.00	(7,000.00)	Ending Fund Balance

City of Des Moines								
2004 Budget Amendments								
Description	Approved by Council	Fund	EXPENDITURE			SOURCE		
			Acct	Acct Title	Amount	Acct	Amount	Acct Title
CIP BUDGET:								
Transfer-Out/Street Light Installation	8/14/03	Arterial Street Fund	102.100.003.597.00.00.00	Transfer-Out/Street Fd	15,590.00	102.899.004.508.80.00.00	(15,590.00)	Ending Fund Balance/2003 Arterial Mtc Program
Carry Forward Transfer to SWM Capital Fund for Tenth Ave Culvert Replacement Project		Arterial Street Fund	102.127.003.597.00.00.00	10th Ave S Culvert Repl	142,550.00	102.899.004.508.80.00.00	(142,550.00)	Ending Fund Balance
Reallocate CDBG Funds to Wesley Homes Pedestrian Signal	4/22/04	Arterial Street Fund	102.321.003.595.64.63.00	Wesley Homes Pedestrian Signal Bus	16,900.00	102.000.000.333.14.21.05	16,900.00	CDBG/Wesley Homes Ped Signal
Bus Shelters (Qty 2)	4/1/04	Arterial Street Fund	102.324.003.595.70.62.00	Shelters/Construction	38,000.00	102.899.004.508.80.00.00	(38,000.00)	Ending Fund Balance
Adjust Beginning & Ending Fund Balances		Arterial Street Fund	102.899.004.508.80.00.00	Ending Fund Balance	(285,629.00)	102.000.000.308.70.00.00	(285,629.00)	Beginning Fund Balance
Reallocate CDBG Funds to Midway Park	4/22/04	Municipal Capital Imprv Fund	310.700.000.594.76.63.00	Midway Park Improvements	116,670.00	310.000.000.333.14.21.81	116,670.00	CDBG/Midway Park Imprv
Transfer Appropriation from Computer Capital Repl Fund for Server Room Air Conditioning		Municipal Capital Imprv Fund	310.700.000.594.76.64.32	CH North Wing Facility Upgrade Project	5,000.00	310.000.000.397.10.22.00	5,000.00	Transfer-In/Fund 511 (Computer Eqp Repl)
Transfer Funding to Facility Repair & Repl Fund for Sun Home Lodge Flooring	4/8/04	Municipal Capital Imprv Fund	310.800.000.597.00.00.05	Transfer-Out/Fd 106 (Facility Repair & Repl Fund)	5,201.00	310.000.000.596.76.64.31	(5,201.00)	Des Moines Beach Park Renovation Project
Transfer Funding to Facility Repair & Repl Fund for Field House Flooring/Fixtures	4/8/04	Municipal Capital Imprv Fund	310.800.000.597.00.00.05	Transfer-Out/Fd 108 (Facility Repair & Repl Fund)	5,859.00	310.700.000.594.76.64.02	(5,859.00)	Field House Renovation Project
Adjust Beginning & Ending Fund Balances		Municipal Capital Imprv Fund	310.850.000.508.80.00.00	Ending Fund Balance	37,762.00	310.000.000.308.70.00.00	37,762.00	Beginning Fund Balance
Balance of 2003 CDBG Funds for Sr. Center Land Acquisition		Municipal Capital Imprv Fund	310.850.000.508.80.00.00	Ending Fund Balance	32,947.00	310.000.000.333.14.21.81	32,947.00	CDBG-Sr. Ctr. Land Acquisition
Carry Forward SJU Sports Park Phase 1B 2003 Balance		Municipal Capital Imprv Fund	310.046.200.595.00.63.00	SJU PH 1B-Construction	7,988.00	310.850.000.508.80.00.00	(7,988.00)	Ending Fund Balance
Carry Forward Field House Improvements 2003 Balance		Municipal Capital Imprv Fund	310.700.000.594.76.64.02	Field House Improvements	9,066.00	310.850.000.508.80.00.00	(9,066.00)	Ending Fund Balance
Adjust Beginning & Ending Fund Balances		Marina Depr & Imprv Fund	404.000.000.508.80.00.00	Ending Fund Balance	(362,424.00)	404.000.000.308.70.00.00	(362,424.00)	Beginning Fund Balance
Redondo Landscape Arbors	3/4/04	Marina Depr & Imprv Fund	404.421.000.594.79.63.00	Redondo Improvements	16,325.00	404.000.000.334.02.70.01	16,325.00	IAC Grant
Redondo Parking Lot Soil Removal	3/4/04	Marina Depr & Imprv Fund	404.421.000.594.79.63.00	Redondo Improvements	11,690.00	404.000.019.508.80.00.00	(11,690.00)	Fund Balance/Comcast Tidelands Lease
Redondo Parking Lot Soil Removal	3/4/04	Marina Depr & Imprv Fund	404.421.000.594.79.63.00	Redondo Improvements	15,820.00	404.000.019.508.80.00.00	(15,820.00)	Fund Balance/Marina 2002 Bond Proceeds
Adjust Beginning & Ending Fund Balances		SWM Capital Fund	451.000.000.508.80.00.00	Ending Fund Balance	(59,904.00)	451.000.000.308.70.00.00	(59,904.00)	Beginning Fund Balance
Des Moines Creek Restoration Project - Design Completion	3/11/04	SWM Capital Fund	451.000.000.595.40.63.12	DM Creek Basin Projects	28,000.00	451.000.000.508.80.00.00	(28,000.00)	Ending Fund Balance
Carry Forward Transfer from Arterial Street Fund for Tenth Ave Culvert Replacement Project		SWM Capital Fund	451.000.000.508.80.00.00	Ending Fund Balance	142,550.00	451.000.000.397.00.00.00	142,550.00	Transfer-In/Fund 102 (Arterial Street Fund)

City of Des Moines								
2004 Budget Amendments								
Description	Approved by Council	Fund	EXPENDITURE			SOURCE		
			Acct	Acct Title	Amount	Acct	Amount	Acct Title
Carry Forward Balance to Complete - Tenth Ave Culvert Replacement Project		SWM Capital Fund	451.000.000.595.40.63.01	Tenth Ave Arch Culvert	70,000.00	451.000.000.508.60.00.00	(70,000.00)	Ending Fund Balance

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: 2004 Budget Amendments

ATTACHMENTS:

Draft Ordinance No. 04-073

Attachment 1 – 2004 Budget Amendments

FOR AGENDA OF: April 29, 2004

DEPT. OF ORIGIN: Finance

DATE SUBMITTED: April 21, 2004

CLEARANCES:

☐ Finance pl

☐ Legal CJM

APPROVED BY CITY MANAGER
FOR SUBMITTAL: [Signature]

Purpose and Recommendation

The purpose of this agenda item is to request Council's approval of Draft Ordinance No. 04-073 amending the 2004 adopted budget by authorizing appropriations as described in Attachment 1. Attachment 1 provides a listing of 2004 operating and capital improvement budget amendments.

Suggested Motions:

1. "I move to suspend Council Rule 26(b) to consider Draft Ordinance No. 04-073 on first reading."
2. "I move to adopt Draft Ordinance No. 04-073 relating to municipal finance, amending the 2004 budget adopted in Ordinance No. 1333."

Background

The 2004 budget was adopted in Ordinance No. 1333. Budget amendments are required only when the appropriation level in a fund is being changed. Staff also recommends that a budget amendment be required when the source for a proposed expenditure is from a fund's ending fund balance.

Discussion

The 2004 budget was adopted prior to yearend 2003. Estimates were used to project beginning and ending fund balances. Assumptions were made that certain studies and projects would be complete at yearend and, therefore, the 2004 budget excluded those expenditures. This 2004 budget amendment would add appropriations to cover the expenditures incurred for these studies and projects that have been carried over into 2004. In addition, certain grants have been awarded and approved by the City Council that were not included in the 2004 adopted budget. Other 2004 budget amendments either include authorizations previously approved by the City Council or proposed for the City Council's approval with this 2004 budget amendment ordinance.

The beginning and ending fund balances for the Capital Improvement Funds: Arterial Street Fund, Municipal Capital Improvement Fund, Marina Depreciation and Improvement Fund, and the Surface Water Management Capital Fund have been adjusted to actual on a modified accrual basis or budget basis.

Adopting the 2004 budget amendment at this time provides staff with budget amounts that can be easily measured against actual results on a more current basis utilizing the system generated financial reports.

The state auditor recommends budget amendments be adopted on a timelier basis.

Recommendation

Staff recommends that Council approve Draft Ordinance No. 04-073. Per RCW 35A.33.120, adoption of a budget amendment ordinance requires an affirmative vote of one more than the majority of all members of the City Council (5 votes).

DRAFT ORDINANCE NO. 04-073

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to municipal finance, amending the 2004 budget adopted in Ordinance No. 1333 by authorizing certain expenditures in the amounts specified in this ordinance.

WHEREAS, the City Council finds that current revenue and expenditure reports for the City differ from forecasts used to create the 2004 budget, enacted by Ordinance No. 1333, and further finds that such differences justify certain adjustments regarding obligations incurred and expenditures of proceeds for fiscal year 2004, all as described as follows:

Fund	Description	Expenditure Adjustments	Revenue Adjustments
001-General Fund	Oddfellow Lodge Rent Increase	2,400	-
001-General Fund	Land Use Permitting Process Efficiency Study	15,000	-
001-General Fund	Bldg Code Reference Manuals for Ltd Term Inspector	5,000	-
001-General Fund	DOE Coordinated Prevention Grant	44,273	33,205
001-General Fund	Growth Management Grant	30,000	30,000
001-General Fund	DOE Grant Re-Write Shoreline Master Plan	78,278	78,278
001-General Fund	Park Maintenance Efficiency Study	15,000	-
001-General Fund	Transfer-In from Street Fund	-	100,000
001-General Fund	Ending Fund Balance	51,532	-
101-Street Fund	Transfer-In from Arterial Street Fund/Pacific Ridge Street Lights	15,590	15,590
101-Street Fund	Transfer-Out to General Fund	100,000	-
101-Street Fund	Ending Fund Balance	(100,000)	-
102-Arterial Street Fund	Reallocate CDBG/Wesley Homes Pedestrian Signal	16,900	16,900
102-Arterial Street Fund	Tsf-Out to Street Fund/Pacific Ridge Street Lights	15,590	-
102-Arterial Street Fund	Carry Forward 10th Ave Culvert Tsf-Out to SWM Capital Fund	142,550	-
102-Arterial Street Fund	Bus Shelters (Qty 2)	38,000	-
102-Arterial Street Fund	Beginning Fund Balance	-	(285,629)
102-Arterial Street Fund	Ending Fund Balance	(481,769)	-
108-Facility Repair & Repl Fund	Transfer-In from MCI Fund/Sun Home Lodge Flooring & Field House	-	-
108-Facility Repair & Repl Fund	Flooring/Fixtures	11,060	11,060
310-Municipal Capital Impv Fund	Reallocate CDBG/Midway Park	116,670	116,670
310-Municipal Capital Impv Fund	Tsf-In from Computer Eqp Repl Fund/CH N Wing Remodel/Server Room	-	-
310-Municipal Capital Impv Fund	Air Conditioning	5,000	5,000
310-Municipal Capital Impv Fund	CDBG Sr. Cit Land Acq Balance	-	32,947
310-Municipal Capital Impv Fund	Tsf-Out to Facility Repair & Repl Fund/Sun Home Lodge Flooring/Field	-	-
310-Municipal Capital Impv Fund	House Flooring/Fixtures	11,060	-
310-Municipal Capital Impv Fund	Des Moines Beach Park Renovations	(5,201)	-
310-Municipal Capital Impv Fund	Field House Renovation Project	(5,859)	-
310-Municipal Capital Impv Fund	Carry Forward SJU Sports Park PH 1B 2003 Balance	7,988	-
310-Municipal Capital Impv Fund	Carry Forward Field House Impv 2003 Balance	9,066	-
310-Municipal Capital Impv Fund	Beginning Fund Balance	-	37,762
310-Municipal Capital Impv Fund	Ending Fund Balance	53,655	-
404-Marina Depr & Impv Fund	IAC Grant/Redondo Landscape Arbors	16,325	16,325
404-Marina Depr & Impv Fund	Redondo Parking Lot Soil Removal	27,510	-
404-Marina Depr & Impv Fund	Beginning Fund Balance	-	(362,424)
404-Marina Depr & Impv Fund	Ending Fund Balance	(389,934)	-
450-SWM Operations Fund	Efficiency & Rate Study	39,889	-
450-SWM Operations Fund	Ending Fund Balance	(39,889)	-
451-SWM Capital Fund	Carry Forward Tsf from Arterial Street Fund	-	142,550
451-SWM Capital Fund	DM Creek Basin Projects - Design Completion	28,000	-
451-SWM Capital Fund	Carry Forward Balance to Complete 10th Ave Culvert Repl Project	70,000	-
451-SWM Capital Fund	Beginning Fund Balance	-	(59,904)
451-SWM Capital Fund	Ending Fund Balance	(15,354)	-
501-Eqp Rental Repl Fund	Upgrade Chief's Vehicle	7,511	7,511
511-Computer Eqp Repl Fund	Tsf-Out to MCI/Server Room Air Conditioning	5,000	-
511-Computer Eqp Repl Fund	Capital Outlay/Server Room Air Conditioning	(5,000)	-
520-Self Insurance Fund	AWC Worker Comp Retro Rating Program Service Fee	12,413	-
520-Self Insurance Fund	Replace Blower-Remediation Ground Water Monitoring	7,000	-
520-Self Insurance Fund	Ending Fund Balance	(19,413)	-
TOTAL ADJUSTMENTS		(64,159)	(64,159)

WHEREAS, the City Council finds that the 2004 budget amendments to the City's budget are in the public interest; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. Findings. Each and every of the findings expressed in the recitals to this ordinance are hereby adopted and incorporated by reference.

Sec. 2. Amendment to 2004 Budget. The 2004 budget, originally approved as Ordinance No. 1333, enacted on December 22, 2003, is amended as reflected in Appendix "A", which is incorporated herein by this reference.

Sec. 3. Ratification and Confirmation. All acts taken by City officers and staff prior to the enactment of this ordinance that are consistent with and in furtherance of the purpose or intent of this ordinance are hereby ratified and confirmed by the City Council.

Sec. 4. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance deems control.

Sec 5. Effective date. This ordinance shall take effect and be in full force five (5) days after its passage, approval and publication according to law.

PASSED BY the City Council of the City of Des Moines this ____ day of ____, 2004 and signed in authentication thereof this ____ day of ____, 2004.

M A Y O R

APPROVED AS TO FORM:

Draft Ordinance No. 04-073
Page 3 of 3

City Attorney

ATTEST:

City Clerk

Published: _____, 2004
DRAFTORD/04-073

DRAFT ORDINANCE 04-073
APPENDIX A 2004 AMENDED BUDGET

	Expenditure	Ending Fund Balance	Total	Revenue	Beginning Fund Balance	Total
ANNUAL APPROPRIATION FUNDS:						
001 General Fund	14,225,580	1,073,583	15,299,163	14,221,734	1,077,429	15,299,163
101 Street Fund	1,118,308	248,233	1,366,541	877,590	488,951	1,366,541
104 Revenue Stabilization Fund	-	1,283,503	1,283,503	19,000	1,264,503	1,283,503
105 Airport Defense Fund	143,364	2,420	145,784	2,150	143,634	145,784
106 Facility Repair and Replacement Fund	70,060	167,950	238,010	78,793	159,217	238,010
107 Police Drug Seizure Fund	32,790	9,530	42,320	30,150	12,170	42,320
110 Mt. Rainier Pool Contributors Fund	182,000	3,050	185,050	185,050	-	185,050
211 1995 GO Bond - Police Facility	579,938	14,307	594,245	579,938	14,307	594,245
212 LID Fund	25,446	586	26,042	7,000	19,042	26,042
216 1997 GO Bond - City Hall Remodel	130,748	33,256	164,004	130,748	33,256	164,004
218 1998 GO Park Land Acquisition	167,922	3	167,925	167,922	3	167,925
220 Debt Service Fund	2,050,442	-	2,050,442	2,050,442	-	2,050,442
401 Marina Revenue Fund	2,815,749	570,448	3,386,197	2,881,451	504,746	3,386,197
403 Marina Repair and Replacement Fund	-	301,006	301,006	4,500	296,506	301,006
450 Surface Water Management Operations Fund	1,393,064	65,688	1,458,752	1,268,821	189,931	1,458,752
500 Equipment Rental Operations Fund	362,730	101,198	463,926	318,205	145,721	463,926
501 Equipment Rental Replacement Fund	411,271	917,307	1,328,578	377,911	950,667	1,328,578
510 Computer Equipment Operations Fund	171,202	8,619	179,821	163,450	16,371	179,821
511 Computer Equipment Replacement Fund	82,800	77,401	160,201	98,644	61,557	160,201
520 Self-Insurance Fund	386,407	84,136	470,543	403,273	67,270	470,543
530 Unemployment Insurance Fund	20,000	273,129	293,129	25,000	268,129	293,129
SUB-TOTAL	24,369,821	5,235,361	29,605,182	23,891,772	5,713,410	29,605,182
CONTINUING APPROPRIATION FUNDS (MEMO ONLY):						
102 Arterial Street Fund	15,340,381	543,987	15,884,368	12,504,262	3,380,106	15,884,368
310 Municipal Capital Improvement Fund	1,983,182	322,895	2,306,077	1,660,453	645,624	2,306,077
404 Marina Depreciation and Improvement Fund	3,286,577	1,371,147	4,657,724	709,672	3,948,052	4,657,724
451 Surface Water Management Capital Fund	6,195,317	723,917	6,919,234	6,335,450	583,784	6,919,234
SUB-TOTAL	26,805,457	2,961,946	29,767,403	21,209,837	8,557,566	29,767,403
TOTAL	51,175,278	8,197,307	59,372,585	45,101,609	14,270,976	59,372,585

City of Des Moines								
2004 Budget Amendments								
Description	Approved by Council	Fund	Acct	EXPENDITURE Acct Title	Amount	Acct	SOURCE Amount	Acct Title
OPERATING BUDGET:								
Oddfellow Lodge Rent Increase	1/8/04	General Fund	001.300.028.518.30.45.05	Rentals & Leases	2,400.00	001.700.042.508.80.00.00	(2,400.00)	Ending Fund Balance
Building Code Reference Manuals for Ltd Term Bldg Inspector		General Fund	001.500.034.532.22.31.05	Code Books	5,000.00	001.700.042.508.80.00.00	(5,000.00)	Ending Fund Balance
Land Use Permitting Processes Efficiency Study	2003 Budget	General Fund	001.600.038.558.20.41.10	Professional Services	15,000.00	001.700.042.508.80.00.00	(15,000.00)	Ending Fund Balance
DOE Coordinated Prevention Grant	2/12/04	General Fund	001.810.002.558.20.41.15	Professional Services	33,205.00	001.000.000.334.03.10.02	33,205.00	DOE Coordinated Prevention Grant
DOE Coordinated Prevention Grant	2/12/04	General Fund	001.810.002.558.20.41.15	Professional Services	11,068.00	001.700.042.508.80.00.00	(11,068.00)	Ending Fund Balance
Growth Management Grant Update for Design Guidelines	12/11/03	General Fund	001.810.002.558.20.41.18	Professional Services	30,000.00	001.000.000.334.04.20.00	30,000.00	Washington State Department of Community, Trade, & Economic Development Grant
DOE Grant/Re-Write Shoreline Master Plan		General Fund	001.810.002.558.20.41.17	Professional Services	78,278.00	001.000.000.334.03.10.01	78,278.00	DOE/Shoreline Master Plan Grant
Park Maintenance Efficiency Study	2003 Budget	General Fund	001.635.045.578.01.41.10	Professional Services	15,000.00	001.700.042.508.80.00.00	(15,000.00)	Ending Fund Balance
Transfer from Street Fund to General Fund to Increase GF Ending Fund Balance		General Fund	001.700.042.508.80.00.00	Ending Fund Balance	100,000.00	001.000.000.397.00.00.03	100,000.00	Transfer-In/Fund 101 (Street Fund)
Pacific Ridge Street Lights Installation	8/14/03	Street Fund	101.200.002.588.83.83.00	Street Lighting Improv	15,590.00	101.000.003.397.00.00.00	15,590.00	Transfer-In/Fund 102 (Arterial Street Fund)
Transfer from Street Fund to General Fund to Increase GF Ending Fund Balance		Street Fund	101.970.002.597.43.40.03	Transfer-Out/Gen Fd	100,000.00	101.980.002.508.80.00.00	(100,000.00)	Ending Fund Balance
Sun Home Lodge Flooring	4/8/04	Facility Repair & Repl Fund	108.000.000.594.50.62.01	Improvements	5,201.00	106.000.000.397.00.00.05	5,201.00	Transfer-In/Fund 310 (MCI)
Field House Flooring/Fixtures	4/8/04	Facility Repair & Repl Fund	108.000.000.694.50.62.01	Improvements	5,859.00	106.000.000.397.00.00.05	5,859.00	Transfer-In/Fund 310 (MCI)
SWM Efficiency Study Carryfwd of 2003 Unspent funds (\$45,000)	2003 Budget	SWM Operating Fund	450.100.000.638.31.41.00	Professional Services	39,889.00	450.000.000.508.80.00.00	(39,889.00)	Ending Fund Balance
Reimbursement for Upgrade to Chief's Vehicle		Equipment Rental Replacement Fund	501.000.000.594.21.64.00	Vehicle Repl - Law Enforcement	7,511.00	501.000.000.369.90.00.00	7,511.00	Other Miscellaneous Revenue
Server Room Air Conditioning	2004 Budget	Computer Equipment Replacement Fund	511.000.000.597.43.00.00	Transfer-Out/MCI	5,000.00	511.000.000.594.18.64.00	(5,000.00)	Capital Outlay
AWC Worker Compensation Retro Rating Program Service Fee		Self-Insurance Fund	520.000.046.514.76.46.00	AWC WC Retro Prog	12,413.00	520.000.046.508.80.00.00	(12,413.00)	Ending Fund Balance
Replace Blower-Remediation for Contaminated Groundwater Monitoring		Self-Insurance Fund	520.015.046.514.70.41.00	Professional Services	7,000.00	520.000.046.508.80.00.00	(7,000.00)	Ending Fund Balance

City of Des Moines								
2004 Budget Amendments								
Description	Approved by Council	Fund	Acct	EXPENDITURE Acct Title	Amount	Acct	SOURCE Amount	Acct Title
CIP BUDGET:								
Transfer-Out/Street Light Installation	8/14/03	Arterial Street Fund	102.100.003.597.00.00.00	Transfer-Out/Street Ld	15,590.00	102.899.004.508.80.00.03	(15,590.00)	Ending Fund Balance/2003 Arterial Mtc Program
Carry Forward Transfer to SWM Capital Fund for Tenth Ave Culvert Replacement Project		Arterial Street Fund	102.127.003.597.00.00.00	10th Ave S Culvert Repl	142,550.00	102.899.004.508.80.00.00	(142,550.00)	Ending Fund Balance
Reallocate CDBG Funds to Wesley Homes Pedestrian Signal	4/22/04	Arterial Street Fund	102.321.003.595.64.63.00	Wesley Homes Pedestrian Signal	16,900.00	102.000.000.333.14.21.05	16,900.00	CDBG/Wesley Homes Ped Signal
Bus Shelters (Qty 2)	4/1/04	Arterial Street Fund	102.321.003.595.70.62.00	Shelters/Construction	38,000.00	102.899.004.508.80.00.00	(38,000.00)	Ending Fund Balance
Adjust Beginning & Ending Fund Balances		Arterial Street Fund	102.899.004.508.80.00.00	Ending Fund Balance	(285,629.00)	102.000.000.308.70.00.00	(285,629.00)	Beginning Fund Balance
Reallocate CDBG Funds to Midway Park	4/22/04	Municipal Capital Imprv Fund	310.700.000.594.76.63.00	Midway Park Improvements	116,670.00	310.000.000.333.14.21.81	116,670.00	CDBG/Midway Park Imprv
Transfer Appropriation from Computer Capital Repl Fund for Server Room Air Conditioning		Municipal Capital Imprv Fund	310.700.000.594.76.64.32	CH North Wing Facility Upgrade Project	5,000.00	310.000.000.397.10.22.00	5,000.00	Transfer-In/Fund 511 (Computer Eqp Repl)
Transfer Funding to Facility Repair & Repl Fund for Sun Home Lodge Flooring	4/8/04	Municipal Capital Imprv Fund	310.800.000.597.00.00.05	Transfer-Out/Fd 100 (Facility Repair & Repl Fund)	5,201.00	310.000.000.598.76.64.31	(5,201.00)	Des Moines Beach Park Renovation Project
Transfer Funding to Facility Repair & Repl Fund for Field House Flooring/Fixtures	4/8/04	Municipal Capital Imprv Fund	310.800.000.597.00.00.05	Transfer-Out/Fd 100 (Facility Repair & Repl Fund)	5,859.00	310.700.000.594.76.64.02	(5,859.00)	Field House Renovation Project
Adjust Beginning & Ending Fund Balances		Municipal Capital Imprv Fund	310.850.000.508.80.00.00	Ending Fund Balance	37,762.00	310.000.000.308.70.00.00	37,762.00	Beginning Fund Balance
Balance of 2003 CDBG Funds for Sr. Center Land Acquisition		Municipal Capital Imprv Fund	310.850.000.508.80.00.00	Ending Fund Balance	32,947.00	310.000.000.333.14.21.81	32,947.00	CDBG-Sr. Ctr. Land Acquisition
Carry Forward SJU Sports Park Phase 1B 2003 Balance		Municipal Capital Imprv Fund	310.045.200.595.00.83.00	SJU PH 1B Construction	7,988.00	310.850.000.508.80.00.00	(7,988.00)	Ending Fund Balance
Carry Forward Field House Improvements 2003 Balance		Municipal Capital Imprv Fund	310.700.000.594.76.64.02	Field House Improvements	9,066.00	310.850.000.508.80.00.00	(9,066.00)	Ending Fund Balance
Adjust Beginning & Ending Fund Balances		Marina Depr & Imprv Fund	404.000.000.308.70.00.00	Ending Fund Balance	(362,424.00)	404.000.000.308.70.00.00	(362,424.00)	Beginning Fund Balance
Redondo Landscape Arbors	3/4/04	Marina Depr & Imprv Fund	404.421.000.594.79.63.00	Redondo Improvements	16,325.00	404.000.000.334.02.70.01	16,325.00	IAC Grant
Redondo Parking Lot Soil Removal	3/4/04	Marina Depr & Imprv Fund	404.421.000.594.79.63.00	Redondo Improvements	11,690.00	404.000.019.508.80.00.00	(11,690.00)	Fund Balance/Comcast Tidelands Lease
Redondo Parking Lot Soil Removal	3/4/04	Marina Depr & Imprv Fund	404.421.000.594.79.63.00	Redondo Improvements	15,820.00	404.000.019.508.80.00.00	(15,820.00)	Fund Balance/Marina 2002 Bond Proceeds
Adjust Beginning & Ending Fund Balances		SWM Capital Fund	451.000.000.508.80.00.00	Ending Fund Balance	(59,904.00)	451.000.000.308.70.00.00	(59,904.00)	Beginning Fund Balance
Des Moines Creek Restoration Project - Design Completion	3/11/04	SWM Capital Fund	451.000.000.595.40.63.12	DM Creek Basin Projects	28,000.00	451.000.000.508.80.00.00	(28,000.00)	Ending Fund Balance
Carry Forward Transfer from Arterial Street Fund for Tenth Ave Culvert Replacement Project		SWM Capital Fund	451.000.000.508.80.00.00	Ending Fund Balance	142,550.00	451.000.000.397.00.00.00	142,550.00	Transfer-In/Fund 102 (Arterial Street Fund)

City of Des Moines								
2004 Budget Amendments								
Description	Approved by Council	Fund	EXPENDITURE			SOURCE		
			Acct	Acct Title	Amount	Acct	Amount	Acct Title
Carry Forward Balance to Complete - Tenth Ave Culvert Replacement Project		SWM Capital Fund	451.000.000.595.40.63.01	Tenth Ave Arch Culvert	70,000.00	451.000.000.508.80.00.00	(70,000.00)	Ending Fund Balance

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Recognition of "Homes for the
Aging Week" in Des Moines, May 9-15, 2004

ATTACHMENTS:
- Certificate of Recognition

FOR AGENDA OF: April 29, 2004

DEPT. OF ORIGIN: Senior Services

DATE SUBMITTED: April 5, 2004

CLEARANCES:

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APPROVED BY CITY MANAGER

FOR SUBMITTAL: 

RECOMMENDED ACTION

It is suggested that the City Council approve the following motion on the Consent Calendar:

"MOTION is to recognize the week of May 9 through 15, 2004, as *Homes for the Aging Week* in Des Moines."

SUMMARY STATEMENT

At the request of the Des Moines Senior Services Advisory Committee, Senior Services Manager, Sue Padden, has requested that the Council recognize the *Homes for the Aging Week* on behalf of the nursing homes and senior housing communities in the City of Des Moines.



City of Des Moines

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DES MOINES, WASHINGTON 98198-6398
(206) 878-4595 T.D.D.: (206) 824-6024 FAX: (206) 870-6540



RECOGNITION

WHEREAS, May 9-15, 2004, has been designated as *Homes for the Aging Week*; and

WHEREAS, Wesley Homes, Judson Park and the Masonic Home has selected *Touching lives - A Celebration of Age* as the Theme for *Homes for the Aging Week*; and

WHEREAS, the City of Des Moines recognizes the many residents, volunteers and employees of nursing homes and senior housing communities, and appreciates their generous contributions to our community; and

WHEREAS, the members of the Washington Association of Homes and Services for the Aging, and Wesley Homes, Judson Park and Masonic Homes are dedicated to the development of care and services for elderly persons, to help the elderly live as independently as possible.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DES MOINES, hereby recognizes the week of May 9 though 15, 2004 to be

HOMES FOR THE AGING WEEK

and urges citizens of Des Moines to honor and celebrate this special event.

Dated: April 29, 2004

CITY SEAL

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT:
Intergovernmental Relations Policies
and Positions

ATTACHMENTS:
2002 Intergovernmental Relations Policies
and Positions

FOR AGENDA OF: April 29, 2004

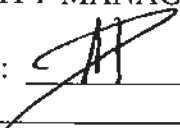
DEPT. OF ORIGIN: Administration

DATE SUBMITTED: February 23, 2004

CLEARANCES:

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APPROVED BY CITY MANAGER

FOR SUBMITTAL: 

Purpose and Recommendation

The purpose of this agenda item is to allow the City Council to review the City's current Intergovernmental Relations Policies and Positions and make any modifications, additions, or deletions that are deemed necessary.

Suggested Motion

"I move to adopt the Intergovernmental Relations Policies and Positions as amended by the City Council."

Background

The City Council first adopted a set of intergovernmental relations policies and positions in 1998, to let the public and our state and national legislative delegations know the official positions of the City of Des Moines on a variety of issues and subjects. Having adopted positions also allows staff to accurately relate the City's positions when discussing issues with other elected officials, in particular our state senator and representatives. Since these positions were first adopted, the City Council has, from time to time, amended and updated them. The last review of these positions was in February 2002, with formal adoption at the April 25, 2002, City Council meeting.

This item was on the agenda for the March 4, 2004 meeting, but discussion was postponed. Administration offered to compile all edits desired by Councilmembers as a means of facilitating Council review and discussion. To date, no specific amendments have been submitted to staff. Mayor

- (4) Provide Dial-a-Ride service to the citizens of Des Moines.
- (5) Continue to fund the Access transit program.
- (6) Institute the planned rapid transit route along Pacific Highway S. to and from the Tukwila Sounder rail station.
- e. The City will participate in the WRIA9 water quality improvement process. Any new sources of revenue from Des Moines residents to support projects should be subject to City Council review and authorization.
- f. The City of Des Moines supports other suburban cities in their negotiations to have King County fund infrastructure improvements in unincorporated areas prior to annexation. New unincorporated developments should provide urban level improvements such as adequate right-of-way, curb, gutter, underground utilities, etc.
- g. The City strongly supports retention of full local authority to operate municipal courts.
- h. The City opposes re-initiation and expansion of fill mining operations on Maury Island.
- i. The City supports 24-hour booking at the Regional Detention Center in Kent.
- j. King County should respect previous agreements regarding regional governance.

2. State of Washington

- a. The City supports additional funding for local criminal justice needs and training.
- b. Des Moines supports added funding to meet local and regional transportation needs.
- c. Any electric utility deregulation should not result in increases for local rate payers and should provide for consumer aggregation options for bulk purchases. (This policy also applies at the federal level.)
- d. The City supports tort reform that reduces municipal liability and exposures.

- e. The City opposes legislation that preempts local zoning control.
- f. Des Moines supports legislation that treats City leases of DNR aquatic lands equal to Port leases.
- g. The City opposes personnel and labor relations legislation which diminishes its management rights or mandates additional unfunded programs and benefits. (This policy also applies at the federal level.) Des Moines supports legislation providing civil immunity from reference checks.
- h. The City supports continued improvements to high speed passenger rail travel from Portland to Vancouver, B.C. to reduce dependence on planes and automobiles.
- i. The City supports legislation which would abolish the 1889-1890 right-of-way vacation by operation of law statutes.
- j. The City supports legislation returning to Des Moines at no cost and with no conditions any portions of the SR-509 right-of-way not used for traffic improvements.
- k. The City opposes any legislation which directly or indirectly aids in the expansion of Sea-Tac International Airport. (This policy also applies at regional and federal levels.)
- l. The City opposes any legislation which reduces the authority of cities to annex territory.
- m. The City opposes legislation which reduces the authority of cities to assume special purpose districts.
- n. The City supports legislation that requires either sponsors of essential public facilities or jurisdictions in which EPF's are located to fully mitigate environmental, social, and economic impacts of the EPF in neighboring impacted jurisdictions.
- o. The City opposes legislation that would reduce municipal control over city streets and rights-of-way.
- p. The City supports legislation to provide cities with permanent full replacement revenues to offset State funding lost due to I-695.
- q. The City supports legislation to elect Port commissioners by district.

- r. The City opposes mandatory requirements for affordable housing and housing growth targets.
 - s. The City supports legislation clarifying the right of cities to exercise use and zoning powers with respect to gambling activities, including the power to adopt moratoria, interim zoning controls, and prohibit gambling activities.
 - t. The City supports legislation or regulation requiring the covering of loads for vehicles hauling dirt, rock, sand, and gravel.
 - u. The City supports legislation to increase the local share of municipal court fines and forfeits.
 - v. The City supports legislation to allocate surplus LEOFF I pension funds to local government to assist in meeting LEOFF I medical and long term care obligations.
 - w. The City supports legislation to remove the requirement that cities update their Shoreline Management Plans every two years and replace it with a more realistic 3-4-5 year schedule. In addition, Des Moines supports full state funding for the SMA updates.
 - x. The City supports legislation establishing a state process for siting a major supplemental airport and other essential public facilities of a regional nature.
 - y. The City supports legislation to extend the deadline for GMA critical areas updates to 2004-2007.
 - z. The City supports legislation and legal appeals that overrule recent Washington Utilities and Transportation Commission decisions regarding city rights-of-way and Puget Sound Energy. Cities should not be required to purchase private easements for utilities and current rules regarding utility relocates and undergrounding should be maintained.
3. Federal
- a. Utility deregulation – see Policy B.2.c.
 - b. Airport – see Policy B.2.k.
 - c. Personnel – see Policy B.2.g.
 - d. The City supports continued Block Grant funding.

4. Interjurisdictional and Regional

- a. For purposes of the EIS review, the City supports the extension of SR-509 along the preferred alternative route C-2 to I-5 in the vicinity of S. 210th-S. 211th. Phase I should guarantee completion of the route from I-5 to SR509. The project must also include the planned south access route.
- b. The City supports completion of the higher speed south access route from the SR-509 extension to the south end of the airport to be funded by the Port of Seattle.
- c. The City supports the construction of the 28th-24th arterial as a separate business access roadway and opposes any interim use of this route for airport south access.
- d. The City supports efforts to reduce King County jail costs and/or to provide lower cost jail services in Yakima, Okanogan, or other counties.
- e. The City supports straightening the Kent-Des Moines boundary on Highway 99 south of Kent-Des Moines Road so that Highway 99 would be the dividing boundary between the two cities.
- f. The City generally supports local, state, and regional efforts to proactively improve salmon habitat to avoid imposition of more restrictive and less flexible federal standards.
- g. The City supports and encourages local water districts to engage in regional and local efforts to ensure adequate future water through conservation and development of new supplies.
- h. The City supports completion of Sound Transit RTA routing to S. 200th in Phase I. Phase II should be routed along I-5 adjacent to Des Moines with minimal disruption to Pacific Ridge.
- i. The City supports retention of local control over its roads.

Adopted by the
Des Moines City Council
April 25, 2002

