

PRELIMINARY
REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

April 29, 2004

The regular meeting of the Des Moines City Council was called to order at 7:38 p.m. by Mayor Sheckler in the City Council Chambers, 21630 11th Avenue South.

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

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Richard Benjamin, Gary Petersen, Dan Sherman, Maggie Steenrod, and Susan White. Also present were City Manager Tony Piasecki, Assistant City Manager Corbitt Loch, City Attorney Linda Marousek, Public Works Director Tim Heydon, Finance Director Paula Henderson, and Deputy City Clerk Angela Chaufy.

CORRESPONDENCE

Sanborn Street Vacation Correspondence

City Manager Piasecki confirmed that copies of the fax from Qwest and the e-mail from Tom Keown of Highline Water District regarding Old Business, Item No. 1 had been distributed to Council.

BOARD & COMMITTEE REPORTS

Mount Rainier High School Ceremony Honoring Ben Colgan

Councilmember Steenrod informed Council that she had attended a ceremony at Mount Rainier High School honoring U.S. Army Lieutenant Ben Colgan who was killed in action in Iraq last November. She read an e-mail from his widow, Jill Colgan, thanking all who participated in the event.

Dollars for Scholars

Councilmember Steenrod announced that the Des Moines Legacy Foundation and Rotary Club would be sponsoring a Sports Night fundraiser for the Dollars for Scholars program on May 15, 2004. She encouraged everyone to attend. Councilmember Steenrod noted that the Dollars for Scholars scholarship application deadline was April 30, 2004.

Covered Bus Shelters

Councilmember Steenrod informed Council that King County Councilmember Julia Patterson had indicated that the County was willing to provide financial assistance to the City for the purpose of installing covered bus shelters at various bus stops. Citizens wishing to provide input regarding specific locations for the shelters should contact Councilmember Steenrod at (206)991-3487.

City Manager Piasecki said that the public could also contact him or the Public Works Director at (206) 878-4595 with recommendations.

Economic Development Committee

Councilmember White reported that the Economic Development Committee would meet next week. The committee was developing an economic development revitalization plan. Councilmember White said that she was distressed as she understood that the proposed budget amendments would be pulled from the agenda as some Councilmembers might be using certain leverage concerning legal fees before certain items were addressed. Councilmember White said that she was uncomfortable with this approach and hoped that Council could move beyond this and do things for the good of the community. Councilmember White said that the budget amendments were essential to moving forward with economic development.

PRESIDING OFFICER'S REPORT

Mount Rainier High School Ceremony Honoring Ben Colgan

Mayor Sheckler thanked Councilmember Steenrod for attending the Mount Rainier High School Ceremony honoring Ben Colgan. He noted that he was unable to attend the event.

Mount Rainier High School Foreign Exchange Students

Mayor Sheckler informed Council that he had presented certificates granting honorary Des Moines' citizenship to fourteen foreign exchange students from France on April 26, 2004.

ADMINISTRATION REPORTS

Redondo Boat Launch Ribbon-Cutting Ceremony

City Manager Piasecki announced that the Redondo Boat Launch Ribbon Cutting Ceremony was scheduled for April 30, 2004 at 11:00 a.m.

Downtown Clean-up Project

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

Initiative 864 – 25% Property Tax Reduction

City Manager Piasecki noted that Association of Washington Cities had sent information to Council regarding Initiative 864, a measure to reduce property tax by 25%. If adopted, the measure would result in approximately \$700,000 lost revenue for the City. AWC provided a fact sheet on I-864, a copy of the initiative, an estimate of property tax losses to individual cities, and a fact sheet on Public Disclosure Commission guidelines for ballot proposition activities. If any Councilmembers had not received the information, City Manager Piasecki asked them to contact him.

Stormwater Detention Treatment Plant Project

City Manager Piasecki noted that the stormwater detention treatment facility project to the west of Midway Crossing included the installation of a detention pond, the restoration of vegetation, and the planting of 42 douglas fir trees.

Public Works Director Heydon displayed an aerial photo of the site prior to the start of the project and the landscape plan for the finished project. Work should be completed during the summer. In response to Councilmember Benjamin's questioning, Public Works Director

Heydon confirmed that staff could provide tree landscaping on the southend of the project if Council desired.

CONSENT CALENDAR

MOTION was made by Mayor Sheckler to recognize the week of May 9 through 15, 2004, as "Homes for the Aging Week" in Des Moines.

Mayor Sheckler read the recognition statement into the record. He introduced the following individuals:

Jane Ipsen, Executive Director of Masonic Retirement Center
Russ Akiyama, Executive Director of Judson Park Retirement Community and
Natalie Wilcox-McCann, Resident Services Director

Mayor Sheckler noted that Wesley Homes Executive Director Kevin Anderson was not able to attend the meeting.

Motion was seconded by Mayor Pro Tem Thomasson and passed unanimously.

OLD BUSINESS

Draft Ordinance No. 03-172 – Sanborn Street Vacation

Mayor Sheckler introduced the subject.

Councilmember Sherman recused himself from the discussion and left the chambers.

City Attorney Marousek reported that the public hearing for this item was closed. Per Council's direction, the format of the legal description of the total property had been re-written and the legal descriptions for the easements were consistent with plat records. Qwest and Highline Water District had each requested an easement. If Council wished to grant Qwest's request, she would suggest a modification of the proposed ordinance to be consistent with that. City Attorney Marousek noted that the applicant and Highline Water District still disputed the appropriate width of the water district's easement. She noted that applicant Scott Sanborn and his attorney, Eric Stahlfeld, were available to respond to questions from Council.

In response to Mayor Pro Tem Thomasson's questioning, Public Works Director Heydon confirmed that the Highline Water District easement should extend to the center of 12th Avenue South. The legal description for the City's vacation and Highline Water District's easement would be identical, except for the alley.

City Attorney Marousek confirmed that, if approved, the north half of the street would revert to the north property owner and the south half of the street would be transferred to the south property owner. When determining the width of the vacation, she encouraged Council to consider Highline Water District's e-mail as well as comments from Mr. Stahlfeld. City Attorney Marousek reported that the applicant had no objection to Qwest's requested easement language or to the survey. It was her understanding, however, that the applicant objected to encumbering the entire north thirty feet with a water line easement. Mr. Stahlfeld had indicated that his client would not object to the south ten feet of the north thirty feet being encumbered

with a water line easement. City Attorney Marousek noted that a twenty-inch water pipe runs down the center of the right-of-way. Repair of the pipe would require large equipment in the area. If Council wished to include Qwest and Highline Water District's request, City Attorney Marousek suggested the following modifications to the proposed ordinance:

Add Section 3.3.a – To protect existing telecommunications facilities in locations and dimensions not to exceed twenty feet in width for each telecommunication line which locations and dimensions have been provided by Qwest.

Add Section 3.3.b – Add appropriate water line language.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Steenrod and passed unanimously to move this item to the next meeting's agenda and to modify the proposed ordinance in order to establish the easement requested by the phone company and the full sixty-foot easement requested by the water district.

At 8:05 p.m., Councilmember Sherman returned to the chambers.

NEW BUSINESS

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

MOTION was made by Councilmember Steenrod and seconded by Councilmember White to postpone the item to a future date to be determined by the Mayor and City Manager.

Councilmember Sherman questioned whether any items required immediate approval.

City Manager Piasecki asked Council to authorize the replacement of the blower immediately. The budget amendment could be presented to Council at a later date.

Councilmember Thomasson questioned whether Council would consider approving the initial list of budget amendments previously distributed to Council.

City Manager Piasecki explained that the amended list included expenditure adjustments for an economic development strategy, the Zoning Code re-write, and the Beach Park Historic Report.

At 8:10 p.m., Mayor Sheckler declared a five-minute break.

As maker and seconder of the motion, Councilmembers Steenrod and White confirmed that they would not rescind their motion.

VOTE ON MOTION: Motion passed, 5 – 2, with Mayor Pro Tem Thomasson and Councilmember Sherman opposed.

Intergovernmental Relations Policies and Positions

MOTION was made by Councilmember White and seconded by Councilmember Steenrod to postpone the item to a future date to be determined by the Mayor and City Manager.

Mayor Pro Tem Thomasson said that he would like to discuss the issue so that staff could bring back a revised document to Council. He noted that Item Nos. B.1.a, B.1.d, and B.2.z were no longer issues before Council.

Should discussion of the item be postponed, Mayor Sheckler asked Council to contact the City Manager with a list of any items they wished to discuss.

VOTE ON MOTION: Motion passed, 5 – 2, with Mayor Pro Tem Thomasson and Councilmember Sherman opposed.

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

Finance Director Henderson introduced the subject. She noted that RCW 35.21.100 requires a City to have an ordinance in place prior to accepting donations.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember White, and passed unanimously 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.

EXECUTIVE SESSION

At 8:25 p.m., it was announced that Council would hold an Executive Session for approximately 45 minutes to discuss with legal counsel representing the City litigation or potential litigation to which the City was or was likely to become a party, and about which public knowledge regarding the discussion was likely to result in an adverse legal or financial consequence to the City.

No formal action was taken.

At 9:47 p.m., the Council reconvened in open session.

NEXT MEETING DATE - Regular Meeting, May 6, 2004 [*Editor's Note: The May 6, 2004 Council meeting was later cancelled. The next regular meeting would be May 13, 2004.*]

ADJOURNMENT

At 9:48 p.m., **motion** was made by Councilmember **Sherman**, seconded by Councilmember **Steenrod** and passed unanimously to adjourn the meeting.

Respectfully submitted,

Angela M. Chaufy
Deputy City Clerk

ACTION ITEMS FROM APRIL 29, 2004 MEETING

- Modify Draft Ordinance No. 03-172 per Council's direction.
- Reschedule discussion of Draft Ordinance No. 04-073
- Reschedule discussion regarding intergovernmental Relations Policies and Policies.

