

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

May 9, 2002

7:30 p.m. City Manager Piasecki announced that the City Council is currently in Executive Session, which is expected to last another 15 minutes.

The regular meeting of the Des Moines City Council was called to order at 7:46 p.m. by Mayor Wasson in the City Council Chambers, 21630 11th Avenue South, Suite B.

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

ROLL CALL - Present: Mayor Don Wasson, Mayor Pro Tem Richard Benjamin, Councilmembers Gary Petersen, Bob Sheckler, Maggie Steenrod, Scott Thomasson and Susan White. Also present were City Manager Tony Piasecki, Assistant City Attorney Linda Marousek, Finance Director Scott McCarty, Harbormaster Joe Dusenbury and City Clerk Denis Staab.

BRIEFING

Highline Community College Strategic Plan

Dr. Priscilla Bell, President of Highline Community College, introduced Highline Board of Trustee Member Michael Allen. Mr. Allen informed Council that the 80 acre College is celebrating 40 years of helping students build self-esteem, careers and better communities. He noted that the College is one of 34 accredited community and technical colleges in the State. He advised that 3 new buildings are planned in the upcoming years.

Dr. Bell briefed Council on the College's 2001 Strategic Plan highlighting the following:

- Vision: "Highline Community College is valued as the educational crossroads where dreams are shaped, communities created and excellence achieved."
- Strategic Initiative 1: Achieve excellence in teaching and learning.
- Strategic Initiative 2: Enhance a college climate that values diversity and global perspectives.
- Strategic Initiative 3: Strengthen and expand the presence and role of the college within the communities it serves.
- Strategic Initiative 4: Continue to foster a college climate that nourishes the well being and productivity of the college community.

In conclusion, Mr. Allen invited Councilmembers to contact him for a personal tour of the College campus.

COMMENTS FROM THE PUBLIC

Arlene Knight, 22222 Dock Avenue South

Ms. Knight thanked Council for delaying action on the Waterland Festival to allow time for condo residents to meet with the Chamber to resolve issues. She urged Council to adopt a policy directing the Chamber to meet with impacted residents every year prior to coming before Council. She noted that the Chamber has agreed to meet with the residents after the Festival to review impacts.

Molly Nordhaus, 815 South 216th

Mrs. Nordhaus spoke in opposition to the newspaper, television and recent mailings regarding a proposed conveyor belt. She stated that she and her husband want the City to continue the fight against the 3rd runway.

Mathew Renner, 24142 17th Avenue South

Mr. Renner stated that he does not believe that the budget impacts from I-695 were as harmful as government is making them out to be. He cautioned Council to budget carefully.

Mark Proulx, 26202 14th Avenue South

Mr. Proulx addressed the towing issue in regards to Councilmember Petersen and a potential conflict of interest. He felt that there is an appearance of impropriety and requested the City request competitive bids for towing to minimize liability exposure in regards to towing operations.

Jeanine James, 21836 Marine View Drive S

Ms. James informed Council that she is visually impaired and spoke to the lack of enforcement of speed limits and the lack of visibility for pedestrians in the downtown area. She requested the City look into using pedestrian flags to allow citizens to safely cross downtown streets.

Florence McMullin, 914 South 248th

Ms. McMullin expressed concerns regarding the amount of dollars that the City expends during the Waterland Festival. She questioned whether the Chamber is paying a fair amount of the costs for law enforcement, parks and public works employees time spent on clean-up and security for the Festival. He also questioned whether citizens would have to pay an entrance fee to visit the arts and craft booths.

Cliff Hanna, 28600 5th Place South

Mr. Hanna noted that this 4th of July will be the 2nd annual "Fireworks Over Des Moines". He advised that 4,000 to 5,000 people watched the display last year. He requested donations from the business community and citizens to help finance the event that is a volunteer effort.

Gene Achziger, 28608 Soundview Drive

Mr. Achziger stated that the City is looking at a 1.5 million dollar hole in the budget and therefore urged that the Chamber pay full costs of the Waterland Festival as the City can no longer afford to subsidize the event with taxpayer dollars.

Al Furney, 24718 Marine View Drive S

Mr. Furney advised that he wished to correct the record in regards to Councilmember Petersen's statement during the April 11, 2002 Council meeting, regarding refraining from towing issues only. He noted that a subsequent order of the King County Court read "enjoined from participation during any provisions of RCW 42.23".

Brenda Siegrist, 20731 7th Place South

Ms. Siegrist spoke against what she termed as unfairly attacking certain members of the City Council in a newsletter she received recently from "Concerned Citizens". She felt this type of activity is a waste of Council time. She commended the Council for the wonderful work that has been accomplished this year.

Gordon Gray, 9510 Lakeshore Blvd. NE, Seattle

Mr. Gray informed Council that he is the manager of the Pine Terrace Trailer Village at 21814 Pacific Highway South. He noted that a portion of the Trailer Village is part of the condemnation ordinance on the consent calendar tonight. He advised that he supports the Pacific Highway South Project, but felt his property has been unrealistically appraised. He stated that he has hired his own appraiser, but the City has not responded to this.

Brad Bryan, 21811 12th Avenue South

Mr. Bryan implored the Council to use fiscal responsibility and not subsidize the Waterland Festival. He felt the budget has already been undermined by the cost of firing the former City Manager as it will cost over \$100 thousand which could have been used for street repairs.

BOARD & COMMITTEE REPORTS

Conveyor Belt

Councilmember Sheckler acknowledged numerous e-mails regarding the proposed conveyor belt and construction of the 3rd runway. He reviewed a memo distributed to Council regarding a status report on the Wescot Conveyor Belt Permit Application detailing the history of the proposed project, with highlights as follows:

- 1997 Wescot submitted a proposal to amend the Greater Des Moines Comp Plan
- March 1999 Council held a Public Hearing on the Comp Plan amendments
- May 1999 Council unanimously rejected the Plan amendments
- Wescot filed two appeals of the Council's action
- January 2000 a settlement of both appeals was reached with provision that Wescot could request reconsideration of Comp Plan amendments within 36 months and not be required to file additional environmental studies unless conditions had changed. Settlement Agreement specifically states that it does not commit the City to approve or disapprove the conveyor belt.
- February 5, 2002 Wescot wrote to the Council stating it did not believe that Comp Plan amendments were necessary & requested City process the application as a permit application.
- February 21, 2002 City Council Meeting, Council would not commit to pre-judging the issues & if Wescot chose to go to the permitting process, then it was Wescot's decision. Council took no action & reached no decision
- Following the February 21st Council meeting, City staff held a pre-application meeting with Wescot
- March 20, 2002 Director of Community Development wrote Wescot advising that its application would not be process because Wescot did not have permission of the property owner (City of Des Moines) to apply for a permit to build a conveyor belt in the City's Park.
- March 28, 2002 City Council Meeting, Acting City Manager informed Council the attorney for Wescot wrote requesting that the City sign the application permits. No member of the Council made a motion to authorize the Acting City Manager to sign the application as owner, or to direct staff to accept the applications without the City's signature. The City Attorney advised that this meant the applications for the conveyor belt project were deemed incomplete, and the project could not move forward.
- April 19, 2002 Wescot filed an appeal to the Des Moines Hearing Examiner.

In conclusion, Councilmember Sheckler noted that the decision is essentially out of Council's hands. Because there are at least a couple of ways that the Council could be required in the future to make a quasi-judicial decision concerning the conveyor belt, the City Attorney's office strongly recommends that the Council not take any action as a Council, and should not adopt any formal position either in opposition to or in support of the conveyor belt.

Waterland Festival Financial Breakdown

Councilmember Sheckler advised that staff has prepared a cost breakdown by department for expenses incurred during Waterland. The conclusion was cost in total for 2001 amounted to \$42,843, the Chamber reimbursed \$3,380, so total cost to the City was \$39,463.

Municipal Facilities Committee

Councilmember Steenrod reported that the Committee toured potential sites to temporarily house the Senior Center programs in one location. The sites have been narrowed to two, the City's annex next door to the Post Office, and the Public Works Facilities at the corner of 24th Avenue South and South 223rd Street. She advised this would be a short term solution until more funds are available. She noted that the Committee is continuing to review the Marina Master Plan in regards to costs. She also noted that they are talking with Argosy Cruises in regards to potential other ways to raise revenues through commercial ventures at the Marina.

City Council Retreat

Mayor Pro Tem Benjamin commented that the working retreat held by Council the last week end in April was refreshing in that Council worked together with common concerns and direction. He advised that economic development came out as the number one priority.

Waterland Festival

Mayor Pro Tem Benjamin noted that the recent meeting with the Chamber of Commerce and condominium owners was successful in that they came together and reached agreement on various issues. He advised they will meet again after Waterland to review all aspects.

Waterland Festival

Councilmember White felt the dollar costs should be reviewed to ensure that the Chamber is fiscally responsible for covering appropriate City expenses incurred during the Festival.

City Attorney

Councilmember White acknowledged that this is Gary McLean's last day as City Attorney. She thanked Mr. McLean for his legal guidance of the City.

PRESIDING OFFICER'S REPORT

Appointment - City Representative to Suburban Cities Association

Mayor Wasson requested confirmation of his appointment of Councilmember Sheckler to serve as the City's voting representative to the Suburban Cities Association.

MOTION was made by Councilmember Thomasson, seconded by Councilmember White and passed unanimously, to confirm the appointment of Councilmember Sheckler as the City's official representative to the Suburban Cities Association.

ADMINISTRATION REPORTS

Interim Finance Director

City Manager Piasecki introduced Dick Scott, who was seated in the audience, as the City's new Interim Finance Director.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the minutes of April 25, 26, 27 and 28, 2002.

2. ~~Findings: Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.080, have been recorded on a listing which has been made available to the City Council.~~

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

~~Claim checks #80833 through #80950 & electronic fund transfers in the total amount of \$375,730.58~~

~~Payroll fund transfers in the total amount of \$308,344.04~~

[ED NOTE: This item was removed by Councilmember Steenrod.]

3. Motion is to approve surplusage of a 26' 1968 Haida Sailboat, registration number WN8695RE, and authorize disposing of by auction, sale or transfer to other department or agencies.

4. Draft Resolution No. 02-086 **ASSIGNED RESOLUTION NO. 928** - Title: A Resolution of the City Council of the City of Des Moines, Washington, creating an Ad Hoc Parks, Recreation and Senior Services Master Plan Citizens Advisory Committee (Committee) for the purpose of advising the City Council on long-range planning, policy and budgetary subjects related to Des Moines Parks, Recreation and Senior Services; and providing for appointment, membership, organization, term, meetings, and scope of duties.

MOTION is to approve Draft Resolution No. 02-086.

~~5. Draft Ordinance No. 02-080 - Title: An Ordinance of the City of Des Moines, Washington, relating to the acquisition by eminent domain of certain property in the City of Des Moines; describing the public convenience, use and necessity of such property; providing for the condemnation, appropriation and taking of such land, including the mode of payment of cost of acquisition; and directing the City Attorney to prosecute such action in King County Superior Court.~~

~~TWO MOTIONS: First motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 02-080.~~

[ED NOTE: This item was removed by Mayor Wasson.]

6. Motion is to approve the following:

A. Purchase of a 1974 Vantage manufactured home from Karl Breivik located at Space 50 in Pine Terrace Trailer Park, on Pacific Highway South, in the amount of \$5,917.65, plus closing costs, and further to authorize the City Manager to sign the Purchase and Sale Agreement substantially in the form as submitted.

B. Purchase of a 1964 Commodore mobile home from Peter and Allie Peters located at Space 51 in Pine Terrace Trailer Park, on Pacific Highway South, in the amount of \$7,394.19, plus closing costs, and further to authorize the City Manager to sign the Purchase and Sale Agreement substantially in the form as submitted.

C. Purchase of a 1958 Knoy mobile home from John Ashton located at Space 42 in Pine Terrace Trailer Park, on Pacific Highway South, in the amount of \$5,501.77, plus closing costs, and further to authorize the City Manager to sign the Purchase and Sale Agreement substantially in the form as submitted.

Councilmember Steenrod requested that consent item number 2 be removed.

Mayor Wasson requested that consent item number 5 be removed.

City Manager Piasecki announced that Councilmembers Petersen and Steenrod are recusing themselves from participating in Consent Calendar items number 5 and 6.

MOTION was made, seconded and passed, to approve the Consent Calendar as amended.

REMOVED CONSENT ITEMS

Approval of Vouchers (Consent Item #2)

Councilmember Steenrod advised that until she has a commitment from Council to form a Budget/Finance Committee, she will continue to remove this item and may in the future request an item by item accounting.

City Manager Piasecki advised that a draft ordinance is being prepared for Council consideration at a future meeting, to add a new standing Committee regarding budget and finance.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Steenrod, to approve Consent Item number 2 as originally read by the City Clerk. Motion passed unanimously.

Draft Ordinance No. 02-080 [ASSIGNED ORDINANCE NO. 1303] Acquisition by Eminent Domain - 1st Reading (Consent Item #5)

Mayor Wasson stated that he cannot support the draft ordinance as he does not believe that Pine Terrace Trailer Park has received a fair evaluation and offer from the City.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Sheckler, to suspend Council Rule 26(b) in order to enact the Draft Ordinance on first reading. Motion passed 5-0, with Councilmembers Petersen and Steenrod recusing themselves.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Sheckler, to approve Draft Ordinance No. 02-080.

Mayor Wasson advised that passage of this ordinance will allow a court to determine the price of the trailer park property and he feels direct negotiation with the property owner is the best method. He noted that he has been informed that the City has taken actions to reduce the value of the land by appraising it as raw land versus the current commercial zoning.

Assistant City Engineer Andrews informed the Council that staff has met with the property owner four times and has used certified mail in correspondence with the owner. She further advised that tonight is the first they have heard that the owner, Mr. Gray, had an independent appraisal on the property. She noted that she has kept a detailed journal of all negotiations and lack of response from the applicant.

VOTE ON MOTION: Motion passed 3 to 2 with Mayor Pro Tem Benjamin and Mayor Wasson voting NO. (Councilmembers Petersen and Steenrod, not participating.)

9:15 p.m. Mayor Wasson declared a 10 minute break.

OLD BUSINESS

Draft Resolution No. 02-074 [ASSIGNED RESOLUTION NO. 929] Authorizing 2002 Waterland Festival

Ed Coumou, Chamber of Commerce President, Clarice James, Chamber Executive Director and Jeanne Moeller, representing the condominium owners addressed Council.

Mr. Coumou remarked that the past year has been a tough one for Des Moines and the Waterland Festival gives citizens a reason to celebrate our unique and special City. He advised that the Chamber of Commerce is non-profit with a 12 member Board of Directors that receives no pay. He stated that the money raised during Waterland is used to support community projects.

Ms. James informed Council that the Waterland Festival is now 43 years old and working together with the City has helped assure that the festival was a success in the past and will be in the future. She advised that as a result of the meeting with the condominium representatives the sound stage has been moved slightly to ensure that music is pointed out towards the water, vehicle access to the condos will be more than adequate and this year only vehicles with special passes will be allowed access and garbage pick-up will be assured. Also the street sweeper will not operate until after 5 a.m.

Ms. Moeller thanked Council for allowing the opportunity for the condo owners to meet with the Chamber. She advised that the meeting was very productive and she thanked Ms. James and Mr. Coumou for being so cooperative in addressing the condo owners concerns.

Ms. James noted that funds raised by the Waterland Festival are returned to the community by helping with the Chamber's visitor center by producing post cards, maps and a visitor guide. A special scholarship fund has been established in honor of fallen Des Moines Police Officer Steven Underwood. She also noted that \$10,000 is paid to the Police Department for their services during the Festival.

Councilmember Sheckler acknowledged that while he fully supports the event for this year, he cautioned the Chamber that costs may become financial concern in the future.

Mr. Coumou stated that the Chamber will work with the City to determined true costs versus benefits and look for alternative revenue resources for the future.

Upon questioning by Council, Ms. James advised that the whole perimeter of the festival is fenced for public safety concerns.

Councilmember Thomasson noted that the Chamber had expressed a commitment in the past to making the Festival a family oriented event and that the beer garden would not be included.

Councilmember Steenrod noted that the Police are always stationed near the beer garden and things are usually pretty tame.

Mayor Wasson stated that he lives next door to where the Festival is held and it is his observation, the problems are not from the beer gardens, but the condition that people actually arrive at the Festival.

Councilmember White commented that she would like to see the Chamber fully reimburse the City for any expenses the City incurs.

Mayor Pro Tem Benjamin noted that the Des Moines Waterland Festival has everything going for it including a unique waterfront site with a great view. He requested Council keep in mind the revenue brought to the City by visitors using restaurants and motels.

City Manager Piasecki reminded Council that there are currently two motions on the table from the April 25th Council meeting.

TABLED MOTION: To amend the draft resolution Section 1(6)(c) to change midnight to 11 p.m.
VOTE ON MOTION: Motion failed 5 to 2 with Councilmembers Thomasson and White voting YES.

TABLED MAIN MOTION: To approve Draft Resolution No. 02-074. VOTE ON MOTION:
Motion passed 5 to 2 with Councilmember Thomasson and Mayor Pro Tem Benjamin voting NO.

NEW BUSINESS

5 Year Operating Model and Budget Policy Direction

Due to the lateness of the meeting it was announced that this item will be moved to a study session on May 16, 2002.

Possible Separation Agreement of City Attorney

MOTION was made by Councilmember Sheckler, seconded by Councilmember Thomasson, to approve the separation agreement for City Attorney McLean.

Councilmember Sheckler stated that he feels the agreement meets the needs of Mr. McLean and the City.

Mayor Wasson remarked that the legal document took sometime to prepare and since he has had only one hour to review it, he is not prepared to accept the agreement at this time.

VOTE ON MOTION: Motion failed 4 to 3 with Councilmembers Sheckler, Thomasson and White voting yes.

NEXT MEETING DATE

Mayor Wasson announced that the next meeting will be a Study Session on May 16, 2002.

ADJOURNMENT

At 10:28 p.m. **MOTION** was made by Councilmember Thomasson, seconded by Councilmember White and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab
City Clerk