

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

May 10, 2001

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

PLEDGE OF ALLEGIANCE to the Flag was led by Mayor Pro Tem Sheckler.

ROLL CALL - Present: Mayor Scott Thomasson, Mayor Pro Tem Bob Sheckler (left the meeting at 9:05 p.m.), Councilmembers Dave Kaplan, Dan Sherman, Gary Towe and Don Wasson. Absent: Councilmember Terry Brazil. Also present were City Manager Bob Olander, Assistant City Manager Tony Piasecki, Community Development Director Judith Kilgore, Planning Manager Corbitt Loch, Public Works Director Tim Heydon, Assistant City Engineer Loren Reinhold and City Clerk Denis Staab.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Sherman and passed unanimously, to excuse Councilmember Brazil.

BOARD & COMMITTEE REPORTS

Municipal Facilities Committee

Mayor Pro Tem Sheckler informed Council that the Committee will meet next week for final review of the Draft Marina Master Plan, which will be before Council at the May 24th meeting for approval.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the minutes of April 26, 2001.
2. Findings: Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.080, have been recorded on a listing which has been made available to the City Council.

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

Claim check #75902 through #76083 in the total amount of \$379,170.10

Payroll fund transfers in the total amount of \$328,336.28

3. Motion is to confirm Mayor Thomasson's appointment of Gene White to the Planning Agency to a vacant four year term to expire December 31, 2004.

MOTION was made by Councilmember Sherman, seconded by Councilmember Kaplan and passed unanimously, to approve the Consent Calendar as read.

PUBLIC HEARING

Draft Resolution No. 01-085 [ASSIGNED RESOLUTION NO. 905] Adopting Findings of Fact Regarding Adult Use Moratorium

City Manager Olander introduced the topic. He noted that on March 22, 2001 the Council adopted Ordinance 1280 extending the moratorium to September 22, 2001, and that State Law requires a public hearing be held on this extension within 60 days.

Mayor Thomasson declared the Public Hearing open. As there were no speakers he declared the Public Hearing closed.

MOTION was made by Mayor Pro Tem Sheckler, seconded by Councilmember Towe, to approve Draft Resolution No. 01-085, adopting findings of fact and continuing a moratorium established by Ordinance No. 1280 on the acceptance of applications for and issuance of zoning, land use, building and development permits, business licenses, or any other City approvals related in any way to adult entertainment or adult retail businesses and/or uses in the City of Des Moines. Motion passed unanimously.

Upon questioning by Council, City Manager Olander noted that the maximum extension of a moratorium is for one year. A draft ordinance should be to Council in late August, early September.

OLD BUSINESS

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

Community Development Director noted that at the April 26th Council meeting, Council recommended further revisions to the draft ordinance. Based on Council direction the draft ordinance has been revised as follows:

- Renovation, rehabilitation or construction of schools (both public and private) have been classified as a Type II land use action.
- There is a three-acre minimum lot size for private schools. The minimum lot sizes for public schools remains unchanged.

Councilmember Sherman voiced strong objection to Section 1(14)(b) as he asserted it to be against the Constitution of the United States and the Constitution of the State of Washington under the equal protection clause to single out private schools. He felt all schools should be treated the same.

MOTION was made by Councilmember Sherman, seconded by Councilmember Kaplan, to amend Section 1(14)(b) to strike the word "private".

City Manager Olander advised Council that City Attorney McLean was comfortable to make a designation between private and public schools.

Mayor Thomasson stated that he was comfortable with the language as written and is against the amendment.

Councilmember Wasson suggested that the second sentence of Section 1(14)(b) should have the words "non-commercial schools" after the first word of the sentence. This was acceptable as a FRIENDLY AMENDMENT.

VOTE ON AMENDMENT: Motion failed 3 to 3 with Councilmembers Kaplan, Sherman and Wasson voting YES.

MOTION was made by Councilmember Wasson, seconded by Mayor Thomasson, to amend the second sentence of Section 1(14)(b) by striking the first word All and inserting the word “These”. Motion passed unanimously.

Councilmember Sherman advised that he cannot support the draft ordinance as written as he considers it unconstitutional as currently written.

VOTE ON MAIN MOTION: Motion failed 3 to 3 with Councilmember Towe, Mayor Pro Tem Sheckler and Mayor Thomasson voting YES.

MOTION was made by Councilmember Kaplan, seconded by Mayor Thomasson, to reconsider the original motion. Motion passed unanimously.

City Manager Olander advised this item will be placed on the May 24th Agenda for reconsideration. He noted this will allow the City Attorney to form an opinion on the constitutionality issue raised by Councilmember Sherman.

NEW BUSINESS

16th Avenue South Slide Repair/Culvert Replacement - Authorize Bid

Assistant City Engineer Reinhold reminded Council that during a major winter storm in November of 1998, a large landslide developed on the west side of 16th Ave S at the road crossing of Massey Creek between Kent-Des Moines Road and South 240th Street. At that time a temporary repair was instituted and has endured through three winter seasons. With the use of a power point presentation, he showed original damage, temporary repairs and current conditions of the roadway. He noted that City crews as well as all of the utilities have been closely monitoring the site for settlement and road stability. He advised that the final plans and specifications are now complete for final repairs and displayed the proposal for Council’s review. He advised that the construction will take approximately 5 months, requiring through traffic road closure, while allowing access to residents. In conclusion, he noted that staff is requesting authorization to go out to bid.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Sherman and passed unanimously, to authorize City staff to bid the 16th Avenue South Slide Repair and Culvert Replacement Project for construction.

State Route 509 Status Report

Public Works Director Heydon introduced employees from the Washington State Department of Transportation Greg Stone and Susan Everett. Mr. Stone and Ms. Everett proceeded to review Council packet materials on the status of State Route 509 which included the following:

- Present status of the project.
- Des Moines property needed for right-of-way.
 - Pacific Ridge, 7-9 acres with additional cost of \$7 Million.
- Possible changes to I-5/Kent-Des Moines Road interchange.
- Project staging.
- How South 228th Street from Kent is expected to connect.

Upon questioning by Council, Ms. Everett noted that in the area of the northern wetlands, SR 509 will be elevated with possibly only one support actually in the wetland. She felt that all

efforts had been made to lessen any impacts, and they are working closely with all agencies charged with environmental protection.

Mr. Stone concluded by advising Council that the supplemental Draft EIS is expected to be available by fall, with Public Hearings anticipated in December or early in 2002.

9:05 p.m. Mayor Thomasson declared a 10 minute break. [ED NOTE: Councilmember Sheckler left the meeting.]

Draft Ordinance No. 01-071 Street Standards for Pacific Ridge - 1st Reading

Planning Manager Loch informed Council that development standards have been prepared for the interior streets of the Pacific Ridge area. The standards are intended to accomplish the following: 1) identify appropriate improvements, 2) communicate to prospective developers the types of improvements required, and 3) integrate/coordinate the improvements within Pacific Ridge with those for Pacific Highway S, Kent-DM Road, S. 216th & State Route 509. He advised that these proposed standards will improve the City's chances of attracting major redevelopment projects to the Pacific Ridge area. Mr. Loch introduced Rick Sepler of Madrona Planning and Development Services.

Mr. Sepler reviewed the following street types:

- Type A: 2 travel lanes, 2 bike lanes and parking on one side only.
- Type B: 2 travel lanes and parking on both sides.
- Type C: 2 travel lanes, parking on both sides and planting strips on both sides.

Mr. Sepler proceeded to review the map of the Streetscape Study noting that the proposed emergency turnarounds may be relocated westerly if additional Right-of-way for I-5 is required to accommodate future light rail service. Mr. Sepler called Council's attention to the street tree types as listed in Council's packet. He noted most of these have been chosen as being drought tolerant and low maintenance.

Upon questioning by Council, Public Works Director Heydon advised that 24th Avenue South will be two travel lanes with a center turn lane.

Mayor Thomasson stated that 24th Avenue South, between South 216th to South 212th should be addressed in the final standards. He further emphasized that cross streets on the west side of Highway 99 need to be designated so they are consistent with the rest of the area.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Towe and passed unanimously, to place Draft Ordinance No. 01-071 on the June 14th Consent Calendar.

NEXT MEETING DATE

Mayor Thomasson announced that the next regular meeting will be May 24, 2001

ADJOURNMENT

Meeting was adjourned at 9:42 p.m.

Respectfully submitted,

Denis Staab
City Clerk