

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

May 22, 2003

The regular meeting of the Des Moines City Council was called to order at 7:35 p.m. by Mayor Pro Tem Benjamin in the Council Chambers, 21630 11th Avenue South, Suite B.

Mayor Pro Tem Benjamin announced that he would lead the meeting as Mayor Steenrod had laryngitis.

PLEDGE OF ALLEGIANCE to the Flag was led by video operator Dick Thomas.

ROLL CALL - Present: Mayor Maggie Steenrod, Mayor Pro Tem Richard Benjamin, Councilmembers Gary Petersen, Bob Sheckler, Scott Thomasson, and Susan White. Also present were City Manager Tony Piasecki, Assistant City Manager Corbitt Loch, City Attorney Linda Marousek, Public Works Director Tim Heydon, Harbormaster Joe Dusenbury, Code Enforcement Officer Nancy Uhrich, and Deputy City Clerk Angela Chaufty.

AGENDA REVISION

Interview of Finalists for Vacant, Unexpired Council Position #2 and Potential Selection of Candidate to Fill Position

MOTION was made by Mayor Pro Tem Benjamin, seconded by Councilmember Thomasson, and passed unanimously to reschedule the finalist interviews to June 5, 2003.

City Manager Piasecki explained that an applicant had submitted an application prior to the deadline but had not been interviewed as his application was lost. The Mayor has suggested that this applicant also be interviewed on June 5th. If anyone else believes they should have been interviewed and can provide reasonable evidence that the application was turned in to City Hall in a timely manner, they should contact the City Clerk at (206) 878-4595.

COMMENTS FROM THE PUBLIC

Bob Pond, 23116 30th Avenue South

Mr. Pond informed Council that Ordinance 1320 which provides for the licensing of overnight lodgings was working in his neighborhood. He commended Council for taking action to clean up the area.

Mike Foote, Des Moines Marina

Mr. Foote announced his resignation as President of the Chamber of Commerce and declared his candidacy for Des Moines City Council.

Rick Edwards, 909 South 278th Place

Upon the advice of the City Attorney, Mayor Pro Tem Benjamin limited Mr. Edwards' comments to non-lawsuit issues.

Mr. Edwards said that he had obtained information regarding private road requirements for the cities of Federal Way, SeaTac, Kent, Auburn, and Normandy Park. He asked the Clerk to distribute the information to Council.

David Litowitz, 2715 57th NE, Seattle

As a builder, Mr. Litowitz asked Council to vote against the proposed traffic impact fee ordinance. He said that the adoption of the proposed ordinance would create an unpredictable climate for the developers and homebuyers and place an unnecessary burden on them. If Council wished to adopt traffic impact fees, he requested that Council adopt Option 3.

Alex White, 22030 7th Avenue South, #204

Mr. White asked Council to consider reality versus projection while considering traffic impact fees. He said that the remaining house construction projects in Des Moines would be on difficult lots. Mr. White told Council that, if traffic impact fees were adopted, his Cedar Brook project might not be financially feasible.

BOARD & COMMITTEE REPORTS

Waterland Festival Beer Garden

Councilmember Petersen asked that Council consider allowing a Beer Garden at the Waterland Festival during the June 5, 2003 meeting.

The Mayor confirmed the placement of the item on the June 5, 2003 agenda.

South County Area Transportation Board

Councilmember White reported that the South County Area Transportation Board had met to discuss transportation issues.

Des Moines News' Article – "Over The Fence"

Councilmember Sheckler stated that he found the comments of Chamber Of Commerce Executive Director Carole Elrod quoted in the Des Moines News' article "Over the Fence" regarding trust very encouraging.

New Speed Limit Signs

In response to Councilmember Thomasson's request, Public Works Director Heydon explained that the new "Reduced Speed - 25" signs provided advance warning to the drivers of an upcoming reduction in speed. The speed limit still changed at the actual speed limit sign.

Councilmember Thomasson suggested that the information be reported in the City's newsletter.

Councilmember Petersen said that consideration should be given to people travelling down various steep grade roadways in the area. The steep grades required drivers to ride their brakes down the hills.

City Manager Piasecki noted that Council set speed limits after consideration of the type, width, and surrounding conditions of the road.

ADMINISTRATION REPORTS

Drystack Storage

City Manager Piasecki stated that the City had not yet contracted with an engineering firm for dry stack design nor had they purchased a dry stack system. He said that the Harbormaster

would present a recommendation for design engineering services to Council within the next few weeks.

Des Moines Memorial Drive Open House

City Manager Piasecki invited all interested persons to attend an open house regarding the re-design of Des Moines Memorial Drive on June 11, 2003 at the Burien Library, 14700 6th Avenue Southwest, at 6:00 p.m. The open house would be sponsored by the cities of Normandy Park, Burien, SeaTac, and Des Moines.

Federal Tax Bill

City Manager Piasecki confirmed Council's direction for him to draft a letter to the local senators and representative for the Mayor's signature urging support for maintaining the local tax relief money in the Federal tax bill and to support a compromise. The proposed bill would provide approximately \$20 billion for state and local government relief.

CONSENT CALENDAR

Deputy City Clerk Chaufty read the consent calendar as follows:

1. Motion is to approve the special and regular minutes of May 1, 2003.
2. Findings: Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing which has been made available to the City Council.

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

Claim checks #85261 through #85441 & electronic fund transfers in the total amount of \$408,741.14

Payroll fund transfers in the total amount of \$343,082.41

3. Draft Resolution No. 03-125 [Assigned Res. No. 952] - Title: A Resolution of the City Council of the City of Des Moines, Washington, setting the time, date and place of the final assessment roll hearing for Local Improvement District No. 1-97-9.

MOTION is to approve Draft Resolution No. 03-125 setting a Public Hearing for LID 1-97-9 on June 26, 2003.

4. Motion is to approve the Interlocal Agreement with City of Fife for jail services and to authorize the City Manager to sign the agreement substantially in the form as submitted.
5. Motion is to approve the Consent Judgment & Decree of Appropriation in King County Superior Court Cause No. 02-2-19399-4 KNT and to authorize the City Attorney to approve said Judgment and Decree and present it to the court, for approval and entry, substantially in the form as submitted.
6. Motion is to approve the contract with Rakoz Electric for electrical service installation and equipment at Steven J Underwood Memorial Park in the amount up to \$25,980.38 plus tax, and authorize the City Manager to sign the contract substantially in the form as submitted. And to authorize the City Manager to approve change orders in amounts not to exceed 10% in total.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Sheckler to approve the consent calendar as read.

Mayor Steenrod and Councilmember Petersen recused themselves from Item #5.

VOTE ON MOTION: Motion passed unanimously.

NEW BUSINESS

Draft Resolution No. 03-145 [Assigned Res. No. 953] Authorizing the 2003 Fireworks Over Des Moines, July 4th

Harbormaster Dusenbury introduced Cliff Hanna, principal organizer of the event.

Mr. Hanna asked Council to authorize the 2003 Fireworks Over Des Moines event. He noted that the community affair was funded through donations from businesses, corporations, and private citizens. Mr. Hanna described the following schedule for the event:

Noon – Pyrotechnists begin set up.

6:00 p.m. – Two or three food vendors sell food in the Marina.

10:00 p.m. – The fireworks show begins.

Harbormaster Dusenbury noted that the pier would close at noon to allow for set-up and the public launch would close one hour earlier than usual to minimize vehicle pedestrian traffic conflicts. The approximate cost for indirect services provided by the City would be \$1,000 while the cost for extra police service would be approximately \$1,200. The police services would be financed through event funding sources.

Councilmember Sheckler said that he was pleased the organizers of the event would pay for the required police services.

MOTION was made by Councilmember Sheckler and seconded by Councilmember White to adopt Draft Resolution No. 03-145, authorizing the 2003 'Fireworks Over Des Moines' event on July 4, 2003, at the Des Moines Marina.

Upon questioning from Councilmember Thomasson, City Attorney Marousek confirmed the hold harmless language in section 5 of the proposed resolution was sufficient.

VOTE ON MOTION: Motion passed unanimously.

At 8:10 p.m., Mayor Pro Tem Benjamin declared a five minute break.

OLD BUSINESS

Draft Ordinance No. 03-116 [Assigned Ord. No. 1321] Administrative Land Use Hearings - 2nd Reading

City Manager Piasecki introduced Des Moines Code Enforcement Officer Nancy Uhrich and Kent Code Enforcement Officer Brian Swanberg.

City Attorney Marousek informed Council that the City of Kent has utilized the administrative land use process for nine years.

Mr. Swanberg explained that the City of Kent maintained their criminal code but had also adopted a civil process for code compliance issues. He felt the administrative land use hearing process was less intimidating and provided better education to the public. Mr. Swanberg described Kent's code compliance process to Council. He noted that 98-99% of the cases were resolved prior to any fee being accessed.

MOTION was made by Councilmember White and seconded by Councilmember Sheckler to enact Draft Ordinance No. 03-116 substantially in the form as attached on second reading, amending the City's civil violation hearing process.

In response to Councilmember Petersen's concerns regarding fines, City Attorney Marousek informed Council that the proposed ordinance would not amend the current fine schedule.

Mr. Swanberg noted that he and the Hearing Examiner had authority to use their discretion when setting fines. He estimated that the average claim was resolved within 30 to 60 days.

Code Enforcement Officer Uhrich stated that she felt the administrative land use hearing process would provide a more user friendly, expedient, and efficient system. She related her experience of taking Allison Park Apartments to court to gain compliance.

In regard to the wording of the motion, City Attorney Marousek confirmed that staff did not intend to change the wording of the proposed ordinance.

Councilmember Thomasson voiced support for the draft ordinance. He noted that the City's Hearing Examiner Code coordinated with other sections of the Code and suggested that Council review the Hearing Examiner code.

Upon Mayor Pro Tem Benjamin's request, Code Enforcement Officer Uhrich described the current code compliance process. She confirmed that the city addressed the concerns of those individuals who could not afford to pay for removal of the objects in violation.

VOTE ON MOTION: Motion passed unanimously.

At 8:42 p.m., Mayor Pro Tem Benjamin declared a five minute break.

Draft Ordinance No. 02-264 [Assigned Ord. No. 1322] Traffic Impact Fees - 2nd Reading
A new version of Draft Ordinance No. 02-264 was distributed to Council.

Councilmember Thomasson noted that Council and Council committees had studied transportation impact fees for several years. He proposed the following language for Section 4 of the draft ordinance:

The impact fee shall be phased in as follows: There shall be no traffic impact fee until July 1, 2005. From July 1, 2005 through December 31, 2005 the impact fee shall be seventy percent (70%) of the then-current base rate; for the calendar year 2006 the impact fee shall be eighty percent (80%) of the then-current base rate; for the calendar year 2007 the impact fee shall be ninety percent (90%) of the then-current base rate; for the calendar year 2008 and thereafter the impact fee shall be one hundred percent (100%).

He noted that the proposed language established a program to pay for needed traffic improvements.

MOTION was made by Councilmember Thomasson and seconded by Councilmember White to adopt the distributed version of Draft Ordinance No. 02-264.

In response to Mayor Steenrod's questioning, Assistant City Manager Loch explained that Section 3(a) and 3(b) proposed a modification of fees for specific areas that were already subject to Pacific Ridge Transportation Mitigation fee requirements.

Councilmember Thomasson explained that the Pacific Ridge Transportation Mitigation fees were based upon SEPA review. He noted that Section 3 of the proposed ordinance incorporated language from a previous Council action.

VOTE ON MOTION: Motion passed unanimously.

Draft Ordinance No. 03-075 Right-of-way & Park Use Permits - 1st Reading

Mayor Pro Tem Benjamin removed Draft Ordinance No. 03-075 from the agenda.

NEXT MEETING DATE - Study Session June 5, 2003

ADJOURNMENT

At 9:05 p.m., **motion** was made by Mayor Pro Tem Benjamin, seconded by Councilmember Sheckler, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Angela M. Chaufy
Deputy City Clerk

ACTION ITEMS FROM 5/22/03 COUNCIL MEETING

Interview of Finalists for Vacant, Unexpired Council Position #2 and Potential Selection of Candidate to Fill Position

- Schedule interviews for June 5, 2003 meeting.

Waterland Festival Beer Garden

- Schedule discussion for June 5, 2003 meeting.

Federal Tax Bill

- Draft a letter for the Mayor's signature to the local senators and representative urging support for maintaining the local tax relief money in the Federal tax bill and to support a compromise.