

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

May 24, 2001

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

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

ROLL CALL – Present: Mayor Scott Thomasson, Mayor Pro Tem Bob Sheckler, Councilmembers Terry Brazil, Dan Sherman (arrived at 7:40 p.m.), Gary Towe (arrived at 7:50 p.m.), and Don Wasson. Absent: Dave Kaplan. Also present were City Manager Bob Olander, Assistant City Manager Tony Piasecki, City Attorney Gary McLean, Community Development Director Judith Kilgore and Deputy City Clerk Angela Chaufy.

(Editor's Note: Councilmember Kaplan's was excused later in the meeting.)

At 7:40 p.m., Councilmember Sherman arrived.

COMMENTS FROM THE PUBLIC

Cliff Hana

Mr. Hana informed Council of the July 4, 2001 Des Moines' fireworks display in honor of the United States of America. He asked local businesses and community groups to assist in financing the event through donations.

BOARD & COMMITTEE REPORTS

Suburban Cities Association

Councilmember Brazil announced that Suburban Cities Association had conducted elections for their officers. Sonny Potter, mayor of Newcastle, had been elected Secretary/Treasurer of the Association.

Des Moines Dollars for Scholars

Councilmember Sherman reported that he had attended the Des Moines Dollars for Scholars meeting. Scholarships for local students were presented during the program. Various community groups such as Rotary Club, Dollars for Scholars, and the Des Moines Police Department had participated in the funding of the program. He noted that the Mayor's daughter, Amy Thomasson, had received a Kiwanis scholarship.

King County Councilmember Les Thomas' Open House

Councilmember Sherman said that he had attended the Open House conducted by King County Councilmember Les Thomas. As Councilmember Thomas serves as Vice-Chair of the County Transportation Committee, Councilmember Sherman asked him to consider reinstating METRO Route 189 which was cut due to the passage of Initiative 695. He suggested a revised circular route as previously proposed by the City Council. Councilmember Sherman said that it was important to provide convenient, reliable, and accessible transportation to the public. Councilmember Sherman said he discussed the issue further with METRO representatives after the meeting. In June, 2001, METRO would announce whether the route was to be reinstated.

ADMINISTRATION REPORTS

Pacific Middle School Essay Contest

Councilmember Sheckler announced that the Des Moines Rotary Club had sponsored an essay contest at Pacific Middle School. He introduced Rotarian Steve Swank.

Mr. Swank informed Council that the Phil Swanberg Memorial Essay Contest had been conducted since 1994. The purpose of the program was to support middle school students in the community. He introduced first place winner Cobi Konadu and second place winner Lindsey Stickles.

Ms. Stickles read her essay "My Life Through My Eyes".

Ms. Konadu then read her essay "Hollow Man".

At 7:50 p.m., Councilmember Towe arrived.

ROLL CALL, CONTINUED

MOTION was made by Councilmember Wasson, seconded by Councilmember Brazil, and passed unanimously to excuse Councilmember Kaplan from attendance.

CONSENT CALENDAR was read by Deputy City Clerk Chaufy.

1. Motion is to approve the minutes of May 3 and 10, 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 # 76084 through #76282 in the total amount of \$704,749.27

Payroll fund transfers in the total amount of \$285,261.46

3. Motion is to surplus one 1996 Ford Crown Victoria, Vin #2SALP71W7TX146590, one 1990 Chev truck Vin #1GCFC24H5LZ241758 and to authorize disposing of by auction, sale or transfer to other department or agencies.
4. Motion is to approve the Contract for Des Moines Field House Automatic Fire Protection Sprinklers System construction services with Patriot Fire Protection in the amount of \$77,680.00, plus tax and a 10% contingency, and to authorize the City Manager to sign said contract substantially in the form as submitted.
5. Motion is to approve the Memorandum of Understanding for South 211th Place between the City and Highline Water District and to authorize the City Manager to sign said Memorandum of Understanding substantially in the form as submitted.

MOTION was made by Councilmember Brazil, seconded by Councilmember Towe, and passed unanimously to approve the consent calendar as read.

Councilmember Sherman thanked Councilmember Wasson for his efforts in ensuring that a sprinkler system was installed in the Field House.

OLD BUSINESS

Reconsideration of Draft Ordinance No. 01-007 [Assigned Ord. No. 1282] - Elementary School Minimum Lot Size

City Manager Olander introduced the subject.

City Attorney McLean advised Council that no constitutional barrier existed which would prevent them from establishing different zoning requirements for private and public schools. He noted that he had prepared an optional amendment to the draft ordinance upon Councilmember Sherman's request. In closing, City Attorney McLean suggested that Council strike the word "elementary" and the subsection "(a) (i)" from the title of the draft ordinance.

MOTION was made by Mayor Pro Tem Sheckler and seconded by Councilmember Towe to adopt Draft Ordinance No. 01-007 on reconsideration.

Mayor Pro Tem Sheckler and Councilmember Towe confirmed that they wished to include the City Attorney's suggested revisions to the title in their motion.

Mayor Thomasson read the title of the proposed ordinance.

MOTION was made by Councilmember Sherman and seconded by Councilmember Wasson to amend Section 14, beginning on Page 12 of the latest draft, to read as follows:

(14) Schools, elementary, junior high, middle, and high, and community colleges, public and private; provided, the following minimum conditions are required:

(a) No less than the following minimum site areas shall be provided:

- (i) For elementary, middle, junior high, or high schools, three acres;
- (ii) For community colleges, 20 acres;

(b) Each and every school shall be required to obtain approval from and maintain appropriate certifications or approvals for its operation from the State Board of Education and/or the Superintendent of Public Instruction under applicable state laws or regulations pertaining to the particular school, as such laws presently exist or as may be subsequently amended. In the event any state-imposed condition, standard or regulation should exceed any imposed by the City under this section, the state condition, standard or regulation shall prevail.

Councilmember Sherman felt that the proposed amendment allowed for equal treatment of private and public schools.

Councilmember Towe said he would not support the amendment as the City Attorney had addressed the constitutionality of establishing different zoning standards for private and public schools. He said that circumstances, constituents, class sizes, and curriculum were factors to be considered when choosing between a public and private school. He felt that public schools needed to be sized to serve a larger population. He commented that public schools also often

serve as recreational facilities for neighborhoods. Councilmember Towe said that the draft ordinance allowed families to chose if they wanted to attend a private school and, at the same time, protected the larger lot size requirements for public schools.

Mayor Pro Tem Sheckler voiced agreement with Councilmember Towe's comments.

Councilmember Sherman felt that the language of the amendment was permissive. He felt that the proposed amendment would remedy the situation without causing any other harm to the draft ordinance.

VOTE ON AMENDMENT: Motion failed, 2 – 4, with Mayor Thomasson, Mayor Pro Tem Sheckler, and Councilmembers Brazil and Towe opposed.

VOTE ON MAIN MOTION: Motion passed, 5 – 1, with Councilmember Sherman opposed.

NEW BUSINESS

2002 Community Development Block Grant Program Allocations

Community Development Director Kilgore estimated the 2002 CDBG allocation to be \$223,297. Community Development Director Kilgore recommended that Council allocate \$20,000 to the Housing Repair program and possibly increase the 2003 allocation if King County could expend the funds in a timely manner. She did not recommend any changes to the Four Year Strategies.

MOTION was made by Councilmember Brazil, seconded by Councilmember Towe and passed unanimously that

1. Des Moines accept its 2002 CDBG entitlement funds
2. The policies included as Attachment 1 to the agenda item summary be used to guide Des Moines 2002 CDBG allocations
3. The maximum allowable portion of Des Moines' 2002 entitlement funds be reserved for public services, planning and administration
4. Des Moines' program income (if any) be allocated to support the consortium-wide emergency shelter program
5. \$20,000 be allocated for the Housing Repair program.

Draft Ordinance No. 01-082 Text Amendment Relating to Junk Vehicles - 1st Reading

Community Development Director Kilgore informed Council that staff has had significant experience over the past several years in addressing some of the most egregious junk-vehicle problems in South King County. Based on these experiences, she stated staff's recommendation that current City codes be revised and updated to ensure that there are appropriate enforcement mechanisms available to obtain timely compliance with local laws prohibiting junk cars. She explained that the current code required that a vehicle be extensively damaged, apparently inoperable, and without valid, current registration before it could be deemed a junk vehicle and removed. Community Development Director Kilgore introduced Code Enforcement Officer Nancy Uhrich and noted that she had recently been named Washington State Code Enforcement Officer of the Quarter.

In response to Mayor Thomasson's question, City Attorney McLean explained that businesses involving vehicles were permitted in certain areas and that specific screening requirements applied.

Community Development Director Kilgore displayed slides of vehicles in various conditions that met some but not all of the criteria listed in the current code.

City Attorney McLean explained that Draft Ordinance 01-082 was intended to initiate Council's discussion of the issue. He noted that the proposed ordinance would codify what the State allowed the City to do. He highlighted the exceptions noted in the proposed ordinance. City Attorney McLean questioned whether Council wished to expand the definition of junk vehicles to other means of transportation and/or vehicles.

Councilmember Brazil noted a typographical error on Page 3, New Section D of the proposed ordinance.

Mayor Pro Tem Sheckler stated his preference for expanding the definition to include boats and other vehicles.

Mayor Thomasson felt that it was important to balance the issue with property rights. He voiced concern that the ordinance might become so restrictive that it would affect situations that it did not intend to affect (i.e. vehicles being restored as a hobby). He felt that time should be a factor in determining whether a vehicle was a junk vehicle.

City Attorney McLean explained that the proposed ordinance provided an appeal process for a declaration of public nuisance and the issue would be treated as a civil matter in court. He said that he would look to the King County code for language that would apply to vehicles involved in collisions.

Community Development Director Kilgore noted that the Code Enforcement Officer attempted to work with the owners to resolve problem situations. She outlined the process as follows:

1. Issue would be discussed with the owners.
2. A letter establishing a time limit for resolution of the issue would be mailed.
3. If the situation was not corrected within the time limit, a certified letter would be mailed to the owner.

City Manager Olander noted that Page 4, New Section 5 established voluntary corrective action as the first step in the abatement process.

Councilmember Sherman asked for a definition of "apparently inoperable".

City Attorney McLean explained that the language in the proposed ordinance was based upon the State Code. The standard was based upon the good faith judgement of a Police Officer, Washington State Patrol Officer, or Code Enforcement Officer.

In response to Councilmember Sherman's questioning, Code Enforcement Officer Uhrich explained that the State Patrol assessed the fair market value of a vehicle.

City Attorney McLean said that he would get the State Patrol guidelines for making such a determination.

Councilmember Sherman suggested that the ordinance allow for a reasonable period of time to deal with special circumstances.

Councilmember Sherman questioned whether junk vehicles also created a health hazard. He said that he was more offended by signs in the rights-of-way and felt that the City's sign code was too permissive.

Mayor Thomasson questioned whether a business such as Pete's Towing should be listed under the exception section.

Mayor Thomasson read the title of the proposed ordinance.

MOTION was made by Councilmember Brazil, seconded by Councilmember Towe and passed unanimously to pass Draft Ordinance No. 01-082 on to a second reading at a future meeting to be determined by staff.

NEXT MEETING DATE

- Council Retreat June 1-3, 2001 at Port Ludlow, WA
- Study Session June 7, 2001

ADJOURNMENT

Meeting was adjourned at 9:08 p.m.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk