

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

June 3, 1999

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

ROLL CALL – Present: Mayor Scott Thomasson, Mayor Pro Tem Terry Brazil, Councilmembers Dave Kaplan, Bob Sheckler, Dan Sherman, Gary Towe (arrived at 8 p.m.) and Don Wasson. Also present was City Manager Bob Olander, Assistant City Manager Tony Piasecki, Police Commander John O’Leary, City Attorney Gary McLean and City Clerk Denis Staab.

DISCUSSION ITEMS:

Police Department Programs Update

Commander O’Leary reviewed in some detail numerous special community programs and projects sponsored by the Police Department. He noted that they cover children, teens, adults, miscellaneous programs and special events. He proceeded to introduce the following Police personnel who highlighted a few of the programs as follows:

Sgt. Steve Wieland briefed Council on the “Citizens Academy” highlighting the following:

- Citizens were involved in the inception and design of the program which was begun in 1997.
- Classroom instruction to approximately 30 citizens involves 72 hours of instruction over a 3 month period.
- All City Departments are involved and inform citizens of various departmental functions.
- Training is provided in numerous areas of Police activities including use of fire arms, criminal investigation, workings of Valley Com Dispatch Center, operation of the Kent Regional Justice Center.

8:00 p.m. Councilmember Towe arrived.

Sgt. Wieland concluded by informing Council that the Citizens Academy has been highly successful in enlightening citizens on the City operations as a whole, with a more respectful attitude to the Police Department in general.

Sgt. Bob Collins introduced Police Chaplain Tim Klerekoper, who outlined for Council the role of the Police Chaplain and programs planned for citizens in need through the Good Samaritan Network. He advised that it is planned to have 4 or 5 full time Chaplains available 24 hours a day, seven days a week.

Master Police Officer Bob Bohl described for Council the Life Ride program that he uses in the high school grade levels. He noted that Des Moines is only one of 4 cities in the United States that offers the anti-drug and violence program that is designed to break down barriers between police and teens, teaching them choices they make today can effect the rest of their life.

Fireworks Regulations

City Manager Olander noted that Council had expressed a desire at the recent retreat to visit current fireworks regulations. He reminded Council that changes cannot take effect for one year, so any changes that Council may wish to make for the year 2000 must be made prior to July 4,

1999. He advised that there is some concern that Des Moines may be experiencing more problems since some neighboring cities have banned sale and discharge of fireworks. He reminded Council that Des Moines currently allows discharge of safe fireworks on the 4th of July only between 9 a.m. and 11 p.m.

Police Commander O'Leary informed Council that over the last 20 years there has been an incremental increase in complaints related to fireworks. He advised that the Police received 42 complaints last year, which amounts to a 10% to 15% increase each year.

Fire District #26 Chief Jim Polhamus advised Council that his department only gets involved when there is either a personal emergency or an actual fire. He stated that weather has a large impact as to how many calls they get.

Upon questioning by Council, Commander O'Leary stated that most complaints are over noise and confusion over what is legal or illegal fireworks. He also noted that usually by the time a patrol car can respond there is nothing to be found except debris.

Fire Chief Polhamus informed Council that his department is charged with monitoring fireworks stands, but it is increasingly difficult to determine what type of fireworks are illegal. He distributed a list of other cities noting which ones have banned fireworks altogether.

Councilmember Wasson stated that he is not concerned with what other cities are doing, as he is in favor of banning fireworks completely.

Assistant City Manager Piasecki reported to Council regarding liability issues on the City furnishing a site for legal discharge of fireworks. He advised that citizen expectations that the area is safe creates very special problems which can include alcohol, drugs, special staffing and liability issues that the City cannot afford.

Councilmember Sherman stated that he does not want to ban fireworks altogether. He would rather see better advertising on the legal types of fireworks and when they can be discharged.

Mayor Pro Tem Brazil stated that he felt a group discharge site would be very unsafe. He suggested the City use the City Currents to remind parents to supervise and take responsibility for safe usage of fireworks. He noted he is in favor of leaving regulations as they currently stand.

Councilmember Towe advised that he would be against a total ban. He further noted that in his opinion, a common group fireworks area would be very dangerous.

Councilmember Sheckler noted that if Des Moines banned fireworks it would be really hurting the responsible citizens and would encourage more illegal activities relating to fireworks.

Councilmember Kaplan stated that at his condominium the area becomes a battle zone, with animals howling and noise going on until 4 or 5 a.m. He also noted that the debris left at the Marina and City parks is awful. He noted the impacts of irresponsible people are effecting other peoples property and peace, and that he would support a total ban.

Mayor Thomasson noted that perhaps the City could begin some sort of fireworks safety program. He stated that he is opposed to banning fireworks.

Upon questioning by Councilmember Wasson, City Attorney McLean stated that it is illegal to discharge any kind of fireworks in the Marina or any City Park.

Council's consensus was to leave the fireworks regulations as they currently exist.

9:45 p.m. Mayor Thomasson declared a 5 minute break.

Revised Draft Ordinance No. 98-274 ***[ASSIGNED ORDINANCE NO. 1239]*** – Mobile Vendors

City Attorney McLean began review of the revised draft ordinance noting the following:

- The definition of the term 'Concessionaire' is revised to cover those who operate to sell food, goods or services on City property or rights-of-way under the terms of a written agreement with the City.
- The definition of the term "food" has been changed to specifically include "ice cream".
- A new section listing "Exemptions" has been added to specifically exempt newspaper couriers; lemonade stands; stands used to sell or distribute flowers, fruit, vegetables, produce or plants grown on the property where the stand is located; delivery or distribution of food, goods or products ordered or purchased by customers from a source or point of sale other than a mobile vehicle operated for the purpose of soliciting customers while travelling or while located on City streets or property; and delivery or distribution of food by or for any not-for-profit organization, governmental agency, or other charitable organization, including without limitation Meals on Wheels and the Food Bank.
- A revision to limit the activities and sales by Stationary Vendors to the business of selling Christmas trees, fireworks, Washington-grown produce, flowers and food.
- Mobile vendors will be limited to the business of selling food.

Councilmember Wasson stated that normally he is against more restrictions, but feels this is an area where it is needed.

City Attorney McLean distributed an amendment for a new subsection (6) to section 6, regarding concessionaire agreements with the City. He further noted that Section 20 – Penalty, should be struck as this is now covered under the recently passed civil violation ordinance.

MOTION was made by Councilmember Sheckler, seconded by Mayor Pro Tem Brazil, to approve Draft ordinance No. 98-274 with amendments as detailed by the City Attorney.

Councilmember Towe addressed Section 3 – Purpose, noting that he can support the higher level of assurance for health and safety issues, he cannot support subsection (3). He felt competition of businesses should be left to the market to determine. He also noted that he cannot agree with subsection (4) that it reduces urban blight as it is not the City's right to give a favorable advantage to a business located within a building

MOTION was made by Councilmember Towe, seconded by Mayor Thomasson, to amend the draft by striking subsection 3, and amend subsection 4 by striking all language after "Reduce the potential for urban blight".

Mayor Pro Tem Brazil advised that he felt subsection 3 is important.

City Attorney McLean noted that the 9th Circuit Court has recognized and upholds this type of statement as a legitimate reason for enactment. He advised that he would have concerns about removing this statement.

Councilmember Sherman stated that he supports subsection 3 as written.

VOTE ON AMENDMENT: Motion failed by 6 to 1 with Councilmember Towe voting YES.

After questioning by City Attorney McLean, Council agreed to an effective date of July 1, 1999.

Mayor Thomasson requested Council be kept informed of any enforcement problems or other concerns that might arise by the passage of the ordinance.

Mayor Thomasson read the draft ordinance by title into the record.

VOTE ON MAIN MOTION: Motion passed 6 to 1 with Councilmember Towe voting NO.

City Manager Vacation

City Manager Olander advised that he will be on vacation next week and that Assistant City Manager Piasecki will be Acting City Manager during his absence.

New Wing Dedication and City's 40th Anniversary

City Manager Olander announced, with Council's concurrence that an open house will be held on June 17th, from 5 p.m. to 7 p.m. to dedicate the new wing and acknowledge the City's 40th anniversary.

NEXT MEETING DATE

The next regular meeting will be June 10, 1999.

ADJOURNMENT

The meeting was adjourned at 10:28 p.m.

Respectfully submitted,

Denis Staab
City Clerk