

## REGULAR MEETING DES MOINES CITY COUNCIL

### MINUTES

July 9, 1998

The regular meeting of the Des Moines City Council was called to order at 7:31 p.m. by Mayor Pro Tem Brazil in the City Council Chambers, 21630 11<sup>th</sup> Avenue South.

Pledge of Allegiance to the Flag was led by Councilmember Towe.

ROLL CALL – Present: Mayor Scott Thomasson (arrived at 8:43 p.m.), Mayor Pro Tem Terry Brazil, Councilmembers Dave Kaplan, Bob Sheckler, Dan Sherman, Gary Towe and Don Wasson. Also present were City Manager Bob Olander, City Attorney Gary McLean, Planning Manager Corbitt Loch, Civil Engineer Jim Seitz and City Clerk Denis Staab.

### COMMENTS FROM THE PUBLIC

#### Julie Duncan, 22700 28<sup>th</sup> Avenue South #301, Access Condominium

Ms. Duncan addressed Council regarding on-going problems with the Terrace Apartments located at 22620 28<sup>th</sup> Avenue South. She cited the following complaints: garbage containers overflowing and not properly screened, drug dealings, unruly children, fights and a drive by shooting. She noted that although the City's Code Enforcement Officer has made attempts to have the owner of the apartments comply with City codes, not much has been accomplished. She informed Council that numerous 911 calls are on the record. She demanded that something be done to improve the quality of residential living in this area. She presented Council with documentation of written complaints and photographs of incidents spanning several years.

#### Tanzel Lundstrom, 22700 28<sup>th</sup> Avenue South #108

Ms. Lundstrom concurred with Ms. Duncan's comments. She further cited rock throwing at the condominium and cars, people climbing security fence to gain access to condo carports, and riding exit gate which is automatically controlled. She noted much of this has caused expensive repairs to the condo owners. She further stated that the garbage dumpster is not adequate, and feels she has witnessed numerous drug deals happening.

#### Diane Mattis, 22700 28<sup>th</sup> Avenue South #201

Ms. Mattis further detailed problems with the Terrace Apartments including drug dealing, fights and arguments, excessively loud cars and speeding, and unsupervised young children. In conclusion, Ms. Mattis advised Council she is sorry that she bought her condo, and she feels her quality of life and the value of her property has greatly deteriorated. She stated that she feels uncomfortable, and even at risk, living next door to this apartment complex.

#### Richard Hace, 22665 28<sup>th</sup> Avenue South

Mr. Hace informed Council that he has lived in this location for 29 years and he verified everything the previous speakers reported. He noted that the whole block is experiencing similar problems with lack of supervision of youth and children. He encouraged Council to enforce current laws and codes and that if these are not adequate, then consider passing new ones to control this situation.

Doris Watts, 22645 28<sup>th</sup> Avenue South

Ms. Watts noted that she has lived in her home for almost 37 years. She advised Council that the last three to four years she has been scared to death of where she lives. She noted she is tired of calling 911 over constant rock throwing and something needs to be done.

Bruce Stellard, 22700 28<sup>th</sup> Avenue South #102

Mr. Stellard confirmed what the previous speakers have reported regarding the Terrace Apartments. He noted he personally has witnessed what he believes to be drug dealing and unsupervised children who are a complete nuisance. He encouraged Council to either take care of the ongoing problems or close the apartments down.

Rose Clark, 16856 Des Moines Memorial Drive, Burien

Ms. Clark read excerpts of a letter to Representative Julia Paterson concerning the elm trees that were planted in memory of men who gave their lives in World War I along Des Moines Memorial Drive in the Burien Area, to Kent-Des Moines Road. She noted that she is spearheading a campaign to have all the trees replaced with more appropriate trees. She requested Council consider joining with the cities of Burien, Normandy Park and SeaTac and Puget Power to form a commission to study the issue of removal and replacement of the Elm trees. She advised that Representative Paterson's office is exploring funding sources for such a project.

ADMINISTRATION REPORTS

Access Condominium Concerns

In response to Council's request, City Manager Olander stated that he will ask the Chief of Police and appropriate City staff to review the situation. He will report to Council in a week to 10 days regarding the allegations and what actions might be taken by the City.

City Attorney McLean reminded Council that fines for civil infractions are determined and set by Council.

Foul Odor

City Manager Olander informed Council that the City has received complaints of a strong "sewage" smell in the area south of the Marina. He reported that the smell has been thoroughly investigated and is caused by weather conditions that are allowing for algae and seaweed to rot. Once the weather changes the odor should disappear.

4<sup>th</sup> of July

Upon request of Councilmember Sherman, City Manager Olander stated he will request a report from the Police Department on whether the City experienced an increase of incidents related to fireworks this Fourth of July.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the minutes of June 25, 1998.
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 #62537 through #62718 in the total amount of \$537,537.10

Payroll fund transfers in the total amount of \$248,890.11

3. Motion is to confirm the City Manager's appointment of Nadine Zackrisson as the City of Des Moines Hearing Examiner for a four-year term effective August 1, 1998 through July 31, 2002.
4. Marine View Slide Repair Project:
  - A. Motion is to award the contract for construction of the Marine View Drive Slide Repair Project to Able Wright and Company, Inc., in the amount of \$571,824.50, plus a 10% contingency and to further authorize the City Manager to sign said contract.
  - B. Motion is to amend the existing contract with INCA Engineering, Inc. to include construction management services, in the amount of \$71,745.52, plus a 10% contingency and further to authorize the City Manager to sign said contract substantially in the form as attached.
5. 204<sup>th</sup> Drainage Trunkline:
  - A. Motion is to award the contract for construction of the 204<sup>th</sup> Drainage Trunkline (Phase I) Project to Gary Merlino Construction, Inc., in the amount of \$250,000.00, plus a 10% contingency and to further authorize the City Manager to sign said contract.
  - B. Motion is to amend the existing consultant contract with Berger/ABAM Engineers, Inc. to include construction management services, in the amount of \$30,829.47, plus a 10% contingency and to further authorize the City Manager to sign said amendment substantially in the form as attached.
6. Draft Resolution No. 98-100 [ASSIGNED RESOLUTION NO. 849] – Title: A Resolution of the City Council of the City of Des Moines, Washington, recognizing the unique challenges posed in repairing storm damage to L-Dock at the Des Moines Marina, accepting the recommendation of the project engineer, Reid Middleton, Inc., to award the repair project to the contractor and supervisory crew responsible for developing and demonstrating the successful method and means of repair, finding that negotiating a contract for such repair project is in the public interest and consistent with state law, finding that the City does not expect to exceed its force amount limits for the 1998 budget year, waiving the City bid policy contained in Resolution No. 753, authorizing the City Manager to execute an agreement with the contractor to complete necessary repairs to the L-Dock covered moorage located at the Marina, and declaring an emergency.

MOTION is to approve Draft Resolution No. 98-100.
7. Motion is to authorize the City Manager to approve all vouchers for payment of the following claims during the period of July 10, 1998 through July 23, 1998:
  - a. All vouchers for payment of payroll checks, including Marina payroll, and
  - b. All vouchers for payment of claims and Marina checks, provided that all vouchers and checks approved by the City Manager in accordance with this motion shall be presented at the August 6, 1998 meeting.

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

PUBLIC HEARING

Draft Resolution No. 98-163 [ASSIGNED RESOLUTION NO. 850] - Unclassified Use Permit:  
Midway Sewer District for Expansion of Treatment Facility

Planning Manager Loch informed Council that Midway Sewer District needs to construct a new anaerobic digester facility. With the use of a view foil, he showed that the new facility would be placed adjacent to the existing one at the District's treatment facility. The new digester is needed in order to ensure the treatment facility has adequate capacity to accommodate existing and future demand as required by State law. The proposed digester should be reasonably compatible with the surrounding uses because it will be fully enclosed and will not significantly change facility operations. He advised Council that staff has fully evaluated noise, odor and transportation issues, and has concluded this is a reasonable use and a reasonable expansion and therefore, staff is recommending approval.

City Attorney McLean explained the rules for conducting the public hearing. He swore in three individuals who indicated that they wished to testify during the public hearing.

PROPONENTS:

Ed Taylor, Attorney for Midway Sewer District, 703 4<sup>th</sup> Avenue, Kirkland

Mr. Taylor advised Council that all conditions of the permit approval as outlined in staff's report are acceptable to the District.

Ken Case, Manager of Midway Sewer District, 7002 141<sup>st</sup> Court East, Puyallup

Mr. Case informed Council that August 8, 1995, the Department of Ecology informed the District of the need for this expansion and the District began an engineering study at that time. He noted the reputable firm of URS Greiner were hired as the engineering firm for the project. He noted that the District has been working with the City since November of 1997 and all permits are in place with the exception of the Unclassified use Permit. He concluded by noting this is a critical project and the District's goal is to provide quality service at reasonable rates to the citizens. He advised the District is in the process of updating their Comprehensive Plan in complete conformance with the City of Des Moines' Plan as requested by staff.

Jim Rice, 1411 South 258th

Mr. Rice remarked that time is essential as any delays increase the cost of the project, which in turn would impact rate payers. He reminded Council that the facility upgrade is required by law and he encouraged Council's approval.

Mayor Pro Tem Brazil CLOSED the public hearing.

Upon questioning by Council regarding complaints of the Sewer District's operations, City Attorney McLean and Planning Manager Loch stated they were aware of none. Planning Manager Loch further advised Council that all residents within 300' of the proposal were informed of tonight's hearing, the site has been posted, and legal notice was placed in the newspaper and the City's normal posting locations.

**MOTION** was made by Councilmember Sheckler, seconded by Councilmember Kaplan, to enact Draft Resolution No. 98-163 with conditions of approval included as Exhibits A and B, and findings of fact as Exhibit C.

Councilmember Sherman questioned whether staff had any environmental concerns since the facility is within the 100 foot buffer of Des Moines Creek. Planning Manager Loch replied no.

Mayor Pro Tem Brazil read the resolution by title into the record.

VOTE ON MOTION: Motion passed unanimously.

City Manager Olander thanked the Midway Sewer District staff for the care and concern during their recent project near the Senior Center. He noted that the City and the District have enjoyed a good relationship.

## OLD BUSINESS

### Des Moines Creek Trail

City Manager Olander reminded everyone of the open invitation to attend the dedication ceremonies of the Des Moines Creek Trail on Saturday, July 18<sup>th</sup> at 10 a.m.

### Pacific Highway South Redevelopment Project - Landscape Design Approval

Civil Engineer Seitz informed Council that a staff sub-committee was formed to make recommendations to Council on the landscape elements of the Pacific Highway South Redevelopment Project. The sub-committee was made up of staff from Public Works, Community Development, Parks and Recreation and members of the consultant design team.

8:43 p.m. Mayor Thomasson arrived.

Steve Worthy of Worthy and Associates, informed Council that some of the major considerations that the committee evaluated before arriving at their final recommendations were, maintenance of plantings, safety of maintenance workers, tree replacement, preservation of views, diversity of plant species, and business signage. With the use of a view foil, Mr. Worthy detailed the visual design of the sidewalk and median, and the mixed use of types of trees and various ground covers. He advised that they strived for open visibility and planned for seasonal lighting.

City Manager Olander reminded Council that the emphasis was placed on quality plant material with easy maintenance.

COUNCIL'S CONSENSUS was the landscape design element is acceptable as presented.

City Manager Olander informed Council that the Urban Design element will be brought to Council for approval at the August 6<sup>th</sup> Council meeting.

## NEW BUSINESS

### Executive Session – July 30, 1998

City Manager Olander requested Council hold an Executive Session on the regular meeting date of July 30<sup>th</sup> beginning at 7:30 p.m. He noted the subject of the session will be litigation. This was agreeable to Council.

NEXT MEETING DATE - August 6, 1998 Regular Meeting

ADJOURNMENT

The meeting was adjourned at 9:09 p.m.

Respectfully submitted,

Denis Staab  
City Clerk