

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

September 10, 1998

The regular meeting of the Des Moines City Council was called to order at 7:30 p.m. by Mayor Thomasson in the City Council Chambers, 21630 11th Avenue South.

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

ROLL CALL - Present: Mayor Scott Thomasson, Mayor Pro Tem Terry Brazil, Councilmembers Dave Kaplan, Bob Sheckler, Dan Sherman, Gary Towe and Don Wasson. Also present were City Manager Bob Olander, Assistant City Manager Tony Piasecki, City Attorney Gary McLean, Assistant Finance Director Mike Bailey, Public Works Director Tim Heydon, Civil Engineer Loren Reinhold, Harbormaster Joe Dusenbury and City Clerk Denis Staab.

COMMENTS FROM THE PUBLIC

Jim Bartlemay, 23510 10th Avenue South, Vice President of Citizens Against SeaTac Expansion and Vice President of Regional Commission on Airport Affairs

Mr. Bartlemay noted he is present to follow-up on two letters sent to Council earlier, concerning the health hazards from Seatac Airport. He noted that he supports the opposition against the 3rd runway, but these health concerns are actually a result of the 2nd runway built 10 years ago. He thanked the City Manager and Mayor for writing a letter to Governor Locke regarding these concerns. He introduced Rose Clark.

Rose Clark, representative from C.A.S.E. organization

Ms. Clark presented Council with written material regarding the health concerns created by the airport. She advised that the material distributed was:

- Letter from Washington State Department of Health to State Senator Julia Patterson containing data over health issues such as cancer, glioblastoma and heart disease created by the Airport.
- Data sheet covering the years 1992 to 1995 showing percentage of increase of cancer.
- Proposed work plan to address health concerns around SeaTac Airport prepared by Washington State and Seattle-King County Departments of Public Health, and Community Representative Anne Hunt, MD, neurologist and community resident.

Ms. Clark noted that the proposed work plan needs funding and she also requested Council direct a letter to the Governor urging support of the health study with funding and staffing. She left a video tape for Council's review concerning airport related cancer that was aired on KIRO TV in July.

City Manager Olander advised that the letter to Governor Locke has been written and signed by Mayor Thomasson.

Mr. Bartlemay requested that he be furnished with a copy of the letter. He concluded by informing Council that both C.A.S.E. and R.C.A.A. are strongly opposed to any dirt conveyor belt in conjunction with the proposed airport expansion. He noted that the EIS has been issued and plans on attending any public hearing process on the matter.

Ms. Bergin, 21628 28th Avenue South

Ms. Bergin stated that airport defense funds and funding for a sports park would have been better spent on a "little theatre". She presented Council with a stack of photographs which she proclaimed showed some of the following problems in her neighborhood, along Pacific Highway South:

- Drug dealing
- Garbage thrown around
- Lack of city maintenance in mowing and street cleaning
- Dumpsters in various stages of disrepair
- Graffiti

Debi Wagner, 16247 8th Avenue Southwest, Burien

Ms. Wagner addressed Council on written material she had submitted for Council's review. She advised that the materials express concern about the Port of Seattle's policies on the noise insulation program on homes within the City of Des Moines. She advised that an audit on the Federal Grant Assurance Section 3-Item 6: shows that the Port does not have the required Written Declaration of Support issued by the elected officials of Des Moines. She stated that this violation by the Port of Seattle has violated the people's legal representative government. She requested that the City investigate filing a Class Action Lawsuit against the Port of Seattle on behalf of the citizens of Des Moines. In conclusion, Ms. Wagner left a large document containing more detailed information regarding the history of the Port's violation of the Federal Grant Assurance C.6, and State RCW 43.54.020 for Council's review.

City Manager Olander advised that US Congressman Adam Smith has requested the General Accounting Office of Congress to look into these allegations.

Lew Anderson, 1650 South 244th Place

Mr. Anderson complimented Council on the job they have done in running the City to date. However, he stated the City has expanded about as far as it can and he cautioned prudent spending in light of federal, state and county funding cuts. He strongly urged Council to repeal the 1% utility tax currently being used to fund the legal counsel in the fight against the 3rd runway. It is his opinion that no court cases have been won thus far and the City will not stop the 3rd runway. He felt citizens would be better served by returning this money to them, or funding other items such as law enforcement.

George Badalich, 24724 Marine View Drive

Mr. stated he is against the 3rd runway, but is strongly against the utility tax. He requested the funds be put to a better use or returned to the citizens.

Don Riecks, 21221 5th Avenue South

Mr. Riecks noted that he also opposes the 3rd runway, however, he felt it is unfair to the citizens to pay to fight the runway with tax dollars, while being taxed by the Port of Seattle to fight the City. He requested that Council quit pouring money "down a rat hole". It is his opinion the fight against the 3rd runway is a futile effort and the City should be concentrating on mitigation efforts. He spoke in favor of a conveyor belt method of transporting dirt to the airport over trucking dirt as a much more environmentally friendly method. He concluded by requesting the Council spend money only in the best interest of the City on important projects that benefit all citizens.

Jim Bartlemay, Vice President of C.A.S.E.

Mr. Bartlemay noted that he has not heard anyone say that it is bad for the City to spend funds to support the legal fight against the 3rd runway. He requested Council keep the fight going.

Marion McKenzie, 401 South 216th

Ms. McKenzie informed Council that she is in favor of the 3rd runway. She noted her first choice would have been a new airport at some other location, however, due public process has been held and the City should stop pouring money into fighting the project.

BOARD & COMMITTEE REPORTS

METRO

Councilmember Sherman announced that two new METRO bus routes are now in operation in Des Moines. They area:

- Route 189 METRO Van beginning at 8 a.m. from 7th Avenue South to Highline College, and
- Route 166 from Highline College (used to be end of line) to a destination further into the City.

He urged citizens to provide feed back to METRO on these new services.

ADMINISTRATION REPORTS

Growth Board Mandated Comprehensive Plan Amendments

City Attorney McLean advised Council that the Public Hearing on the Comprehensive Plan Amendments as mandated by the Growth Management Hearing Board are scheduled to be before Council at the September 24th meeting.

Terrace Apartment Complex Concerns

In response to citizens concerns over various problems at the Terrace Apartments, City Attorney McLean advised Council a task force has been formed. He noted that the crime statistics in that area have actually declined in recent years. He noted that the garbage complaints were investigated and the owner was notified of serious problems. He further advised that the City is hoping for compliance, but if that is not forthcoming, serious infractions and fines will be imposed.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the minutes of August 6 and 27, 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 #62983 through #63623 in the total amount of \$1,391,648.37

Payroll fund transfers in the total amount of \$691,425.31

3. Draft Resolution No. 98-160 [ASSIGNED RESOLUTION NO. 852] – Title: A Resolution of the City of Des Moines, Washington approving an easement allowing the installation, perpetual use and maintenance of certain real property for a public water pipeline and authorizing the City Manager to sign same.

MOTION is to approve Draft Resolution No. 98-160.

4. Motion is to approve the contract change order for the Marina Fueling Upgrade, Engineering, Design, and Construction Management in the amount of \$19,406.14, including sales tax, and authorize the City Manager to sign said contract change order substantially in the form as attached.
5. Motion is to award construction contract for 7th Avenue South LID Project to Archer Construction Inc., in the amount of \$346,609.00 plus a 10% contingency and to authorize the City Manager to sign said contract in a form approved by the City Attorney.

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

NEW BUSINESS

Draft 1999 Budget Review

City Manager Olander, with the assistance of Acting Finance Director Mike Bailey, proceeded to review the draft 1999 funds with discussion and/or comments as noted:

- *Facility Repair & Replacement Fund* - \$171,154
- *Unemployment Compensation Fund* - \$133,469

City Manager Olander requested Council discuss at a future meeting a policy issue of a one time transfer to the General Fund in the amount of \$100,000.

Councilmember Sherman expressed some discomfort in reducing this fund as he feels we may be heading for a recession.

Mayor Thomasson suggested that Council may want to look at redefining the formula for contributions to this fund and perhaps lower the amount.

- *Self Insurance Fund* - \$179,699 (Reflects less insurance premiums and miscellaneous)
Council requested clarification on who is liable in paying for hazardous waste cleanup charges, such as a drug lab. City Manager noted he will check with the Police Chief.
- *Revenue Stabilization Fund* - \$485,590
Councilmember Sherman expressed concern that this may be underfunded.
Administration will bring back the current funding formula for Council to look at.
- *Marina Bond and Interest Sinking Fund* - \$509,394
- *Equipment Rental and Replacement Fund* - \$737,373
- *Computer Replacement Fund* - \$284,446

1999-2004 Capital Improvement Plan Review

Marina Capital Projects

Harbormaster Dusenbury reminded Council that the Marina Capital projects are driven by the Marina Facility Master Plan which was formally adopted by Council several months ago. He proceeded to review the following 1999 projects as follows:

- *South Restroom Remodel* - \$154,025
- *Travel Lift Pier - Piling and Decking Replacement* - \$90,900

Mayor Thomasson questioned whether the Block & Tackle was paying for using the pier. Harbormaster Dusenbury noted he would check on the existing contract agreement. He informed Council that this will be up for negotiation in the year 2002.

The following year 2000 projects were noted by Harbormaster Dusenbury:

- *Replace Transformers and HV Cables* - \$165,558
- *Asphalt Overlay - South Parking Lot* - \$62,115

Surface Water Management Projects

Public Works Director Heydon reviewed some of the past few years accomplishments.

City Manager Olander advised Council that at the October 22nd Council meeting the SWM Master Plan update will be looked at including present projects, revenues and a potential rate increase. He felt that this should be done with a full council review and direction.

- *Marine View Drive Bridge* - \$2,908,800 (year 1999) & \$1434,200 (year 2000)

Considerable Council discussion ensued regarding this project with highlights as noted:

- Councilmember Towe noted that this project is highly dependent on outside funding sources. He questioned at what point would staff call for a “Go/No Go”.

Public Works Director Heydon noted that the project is slated for 1999 and 2000. He explained that interlocals should be in place early next year, and if they are not obtainable then staff would have to re-evaluate this project.

- Mayor Thomasson stated that he felt this is bad planning for SWM to “own” the bridge. He felt this would be more appropriate to be contained in the street fund projects.

City Manager stated he will check on the accounting schedule to be sure this project is listed in the correct area.

- Council requested that staff make sure the interlocals require other cities to pay the state back directly and not leave Des Moines with the responsibility of other cities shares.
- Councilmember Sherman questioned whether this project is based on a potential rate increase.

Public Works Director Heydon replied yes, but this will be presented to Council at the October 22, 1998 Council meeting.

- Councilmember Towe noted that he can not approve spending any funds on this project until other jurisdictions have committed to the interlocals.

City Manager Olander reminded Council that in keeping with past practices, Council would have to authorize going out for bids on any portion of this project.

- Councilmember Wasson stated that he is totally opposed to this whole project feeling that it is a waste of taxpayer money.

Des Moines Creek Basin Projects - \$109,200

Barnes Creek Detention Facility - \$34,048

- Mayor Thomasson requested a tracking of funds spent on this project.

NEXT MEETING DATE

Mayor Thomasson announced that the next regular meeting will be September 24, 1998.

ADJOURNMENT

The meeting was adjourned at 9:53 p.m.

Respectfully submitted,

Denis Staab
City Clerk