

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

October 12, 2006

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

PLEDGE OF ALLEGIANCE to the Flag was led by Mayor Pro Tem Thomasson.

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott, Dan Sherman and Susan White. Also in attendance were City Manager Tony Piasecki, City Attorney Linda Marousek, Development Services Manager Robert Ruth, Land Use Planner I Jason Sullivan, Parks and Recreation Director Patrice Thorell and City Clerk Denis Staab.

COMMENTS FROM THE PUBLIC

Rikki Marohl, 22807 17th Avenue South

In conjunction with the Farmer's Market, Ms. Marohl invited everyone to a Chile Cook-off competition to be held Saturday, October 28th. She noted cooking will begin at 8 a.m. at the IOOF Hall, with the taste-off between 1 p.m. and 2 p.m. at the Farmer's Market at the Marina. She noted that should it rain the taste off will be held at the IOOF Hall.

ANNOUNCEMENT

Resignation Letter - City Attorney

City Attorney Marousek informed Council that today she submitted a letter of resignation to the City Manager, after five years with the City, with great regrets to be leaving behind good colleagues and friends. She advised she has accepted a position in the office of the City Attorney with the City of Vancouver, Washington, as an Assistant City Attorney in land use. Her last day of work will be Thursday, November 16, 2006. She thanked Council and fellow City employees for the opportunity to serve as Des Moines' City Attorney. Personally, she thanked City Manager Piasecki for being the best boss she has ever had.

Mayor Sheckler commented that Ms. Marousek has done a magnificent job as City Attorney in serving the City and its residents admirably.

BOARD & COMMITTEE REPORTS

Public Safety & Transportation Committee

Councilmember Kaplan reported that the Committee met earlier this evening. Topics of discussion were:

- 16th Avenue South Project Phase I, looking at additional funding options
- Possibility of placing weight restrictions on 24th Avenue South, concerns over truck traffic north of S 216th within the City of SeaTac, due to new development

Public Issues Committee of Suburban Cities Association

Councilmember Pina stated he attended the Committee meeting last night. He informed Council that the Committee supports the Transit Now action, 17 to 4, with 4 abstaining, including Des

Moines. He noted this will increase the sales tax by one-tenth of one percent for enhancements to METRO Transit's operations and allow expansion of Metro bus service. He urged Councilmembers to support a letter from Mayor Sheckler requesting improved service to and from downtown Des Moines to SeaTac Airport. With improvements planned for the Marina, he felt it is important to push for enhanced services for Des Moines.

He also reported that the Committee supports a King County Conservation District 2007 special assessment subject to King County and the King County Conservation District entering into an Interlocal Agreement that includes:

- A. For each year of the assessment, to have the allocation which occurred similar to 2006, a \$10 fee per tax parcel.
- B. For each year of the assessment the allocation would be that \$2 will come back to the cities based on tax collected.
- C. Limit assessment to a 5 year tax
- D. Require that King County establish an Enhanced Advisory Committee, consisting of representatives from the cities, the County and Watershed Forums, to work together to provide guidance.

He advised that he brought up the question of encouraging having Suburban Cities Association make the effort to encourage the State to continue with their sitting of another airport, pointing out that while the 3rd runway was coming, there will be a time when the Airport will run out of capacity. This would allow for a pre-determined site and people buying property near that site would know what is going to happen some day. He stated he was advised to form a committee of cities around the State that might be interested in having an airport sited near them. He informed Council he will explore some alternatives and keep them informed.

San Francisco - Passenger Ferry Field Trip

Councilmember White reported attending the field trip sponsored by the Water Transportation Authority in the Bay area. She noted it was well attended by local cities and other Puget Sound regional leaders. She advised that the Bay Area also looks at the ferry system as a disaster response mechanism especially during an earthquake. She informed Council that a DVD is being prepared by the Water Transportation highlighting the information learned. She advised that a regional feasibility study has been funded through the Puget Sound Regional Council, with Julia Patterson chairing the Transportation Committee, and will hopefully begin in January and should take about a year to complete. She felt Des Moines stands to gain tremendously should the passenger ferry plan become a reality.

Southwest King County Economic Development Initiative (SKCEDI) - Small Business Development Center (SBDC)

As a Board Member, Councilmember White reported the following activities of the Small Business Development Center in the 3rd quarter of 2006:

- Served 74 clients; 20% were from Des Moines
- 169 small business owners served
- Has help create 28 new jobs
- Closed loans worth \$1,156,000, and facilitated \$1,321,000 in equity investments

She advised that Des Moines' and the other partners contribute \$10,000 each year to support SBDC. She cited this as another example of how working together in partnership can make things work to everyone's benefit. She noted that SKCEDI has formed a 501(c)3 to take over

private fund raising for the SBDC with the goal to gradually reduce annual City contributions or allow those contributions to shift to other economic development activities. She further reported that SKCEDI is working on a business attraction strategy for the Des Moines, SeaTac, Burien and Tukwila area and targeted industry sectors include retail, housing, office, industrial and air logistics. She informed Council that each City has been asked to budget \$7,500 in 2007 to help match the \$45,000 pledged by King County to support this joint effort, and requested Council support this and add this into the 2007 budget.

City Manager Piasecki pointed out that this would be in addition to the \$10,000 that we already pay in support of the Small Business Center.

State Audit

Councilmember Sherman reported attending the State Audit Entrance Interview with City Staff and Councilmembers Kaplan and Pina in attendance. The results of their normal 2005 audit should be available around December.

COUNCILMEMBER COMMENTS

Get Acquainted Gatherings

Councilmember Scott advised that during the last couple of weeks, there has been two get acquainted conversations with local business people who are very involved in new projects in Des Moines. She stated she is excited about ideas presented and hopes the public will become more aware of the good things that are happening in promoting the City.

Chili Cook-Off

Councilmember Kaplan felt that the cook-off is a great idea and spoke highly of the success of the Farmer's Market as a great gathering spot, and provides a renewed energy to the City. He encouraged everyone to participate.

Destination Des Moines - Open House

Councilmember Kaplan reported attending the Open House held last night. He stated it was a great presentation on all the activities the group is involved in. He felt there is an infectious optimism with all the activities that are planned.

Passage - Bill Grant

Councilmember Kaplan noted that Bill Grant, former owner of Des Moines Creek Restaurant passed away a week-ago last Sunday. He praised Mr. Grant for his generosity in helping members of the community.

Liquor License Suspension

Councilmember Kaplan announced that the Washington State Liquor Control Board has suspended the Liquor License for the Redondo Bar and Grill on an emergency basis for 180 days. He felt this should help stem a significant number of problems that have been occurring at the Redondo Square.

Citizen E-Mail

Councilmember Pina commented that over the past several weeks he has received a number of e-mails from citizens asking Council to focus on Parks and Roads in Des Moines. He noted that the City continues to struggle with a budget that is partially funded by one time funds. He advised that Council is trying to move away from funding recurring costs with one time funds as they are not reliable. He reported Council is trying to secure a balanced budget while maintaining existing streets and parks. He noted Parks can only be added once we have the funds to maintain existing parks.

Well Wishes

Councilmember White wished City Attorney Marousek well in her new endeavors.

Sound Transit

Councilmember White informed Council that Sound Transit would like to attend a Council meeting to talk about the Light Rail decisions sometime in the next month or so. In light of potential new construction in the City, she felt it important to learn more information on the subject.

Crime Situation - Redondo Square

Councilmember White expressed agreement with Councilmember Kaplan's comments regarding the Redondo Bar and Grill.

Well Wishes

Councilmember Sherman expressed agreement with Councilmember White, and noted City Attorney Marousek has served the City well during some very trying times.

ADMINISTRATION REPORTS

City Attorney Resignation

City Manager Piasecki noted that City Attorney Marousek has been with the City for five years, four of them as City Attorney. He expressed how very fortunate he has felt to have a partner like Ms. Marousek to help him through some very difficult political and emotional issues in the past. He advised that he will miss her and wished her the very best, and stated that Vancouver is getting one 'heck' of an attorney.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the regular minutes of September 28, 2006.
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 #106058 through #106290 & electronic fund transfers in the total amount of \$765,754.24

Payroll fund transfers in the total amount of \$296,269.04

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Kaplan and passed unanimously, to approve the Consent Calendar as read.

Agenda Revision

Mayor Sheckler announced that he will take the two items of New Business prior to the Public Hearing.

NEW BUSINESS

Destination Des Moines Proposal

Parks and Recreation Director Thorell advised that the purpose of this agenda item is to seek Council approval, authorizing funding to support the newly formed Destination Des Moines a non-profit organization. She noted that Destination Des Moines was created to continue the initiatives produced through the Des Moines Leadership Summit process. She introduced the President of Destination Des Moines, Lessa Kofmehl.

Ms. Kofmehl informed Council that Destination Des Moines is a non-profit organization that stemmed from the Leadership Summit to provide support to the many committee initiatives proposed for further action. She noted the following:

- *The Vision* - An attractive and inviting destination waterfront community where people feel safe to live, learn, work and play.
- *The Mission* - To coordinate, enhance and facilitate community efforts to advance the vitality of Des Moines.
- *Objective* - To work hand in hand with the City and committees to provide support for projects, ideas and needs within the community.
- *Standing Committees* - Activities & Events, Aesthetics & Beautification, Arts Commission, Business & Economic Development, Communications, Membership, Waterfront Enhancement & Tourism, and Youth & Seniors
- *Future Goals* - To continue a bi-annual calendar of events, to offer other support including insurance, application approval and advertising for new events, to actively pursue events and activities that the community is asking for, to encourage business and land owners to follow basic maintenance requirements, to make beautification of storefronts more affordable and convenient, to provide a website and communication ability amongst community members, to encourage tourism and economic development and to work together to make this City what it can and deserves to be.

Ms. Kofmehl concluded by advising they are asking for the City's support in the amount of \$1 per capita of City residents and called Council's attention to the proposed budget (Attachment B) contained in the Agenda Item packet. She noted the Arts Commission should be removed from this request as they will be seeking funding separately.

Mayor Sheckler advised that he met with this group and a proposed Arts Commission, and the two have agreed to apply separately for funding from the City. He noted that combined the two requests amount to approximately \$58,000.

Ms. Kofmehl also acknowledged that \$10,000 is actually in-kind services.

Councilmember White questioned if the City provides some start up funding how does the group propose to keep going in the future.

Ms. Kofmehl stated that they are looking into some grants, along with membership fees and noted that the request from the City for funding is through January 2008, and they will be asking for continued funding from the City after that, especially for in kind services. It is hoped with the funds from membership, the amount needed from the City will become less and less.

Councilmember Kaplan noted that given the City's budget situation, he felt it would be best to discuss the priority of this during the regular budget process.

MOTION was made by Councilmember Pina, seconded by Mayor Sheckler, to authorize support of Destination Des Moines for 2007 in an amount to be determined by City Council through its budget process and to direct the City Manager to initiate an Agreement between Destination Des Moines and the City to provide services as identified.

Upon questioning by Councilmember Sherman, City Attorney Marousek advised that if it is clear that we handed a private group money and they went and supported a levy lid lift on behalf of the City, then the City would be in violation of the prohibition on use of public facilities to influence ballot issues. On the other hand she noted, the City can give groups money for a public purpose or public benefit.

Mayor Pro Tem Thomasson acknowledged that he appreciates the efforts of all the people involved, but it seems it always comes down to money. He noted that the City's ongoing revenues do not meet our ongoing expenses. He advised that the money for this request and an Arts Commission could pay for an additional police officer, or a planner, or an engineer. He noted while this is all fun stuff, when you come to the priorities of government, he is not sure this request would make the cut. He advised Council must focus on what we have to do versus those things that we might want. He stressed the need for the group to focus on their own fund raising because he does not feel he can commit long term funds. In terms of insurance, he questioned whether Washington City Insurance Authority (WCIA) could provide event insurance.

City Manager Piasecki advised that WCIA does offer single event insurance coverage, but it may not be available for all types of events. He pointed out that he believes Destination Des Moines needs errors and omissions insurance, officer's insurance and a variety of others, as they are now a legal entity that can be sued.

It was noted by Ms. Newman, Vice President of Destination Des Moines, that the process of obtaining insurance is underway. She encouraged all Councilmembers to attend the next meeting of Destination Des Moines on November 9th at 4 p.m. in the Police Dept. Conference Room. She advised Council that their goal is to become self-supporting while working cooperatively with the City.

Upon questioning, Ms. Kofmehl advised that Destination Des Moines wishes to be separate from the City to be allowed to support many events, including Church related functions.

Councilmember Pina noted that if Council wants to develop Des Moines and make it a place people want to go and attract businesses, we have to have an appropriate environment. He felt this is an investment, but questioned whether we can make the financial support requested and this is something that needs to be addressed during budget deliberations.

Councilmember Kaplan noted that the City needs to leverage every resource available to help encourage and build on the excitement and positive steps being taken for economic development. He felt Destination Des Moines has done an excellent job in identifying City needs in the past year. He felt this can be an important investment for home-grown, grass roots support from within our community, and this should be looked at during the budget process. He suggested the group add a provision to their by-laws to prohibit the organization from being directly involved in politics.

Councilmember Sherman expressed gratitude for the time and efforts the members of the organization have put in trying to help the community. He felt there is a need to differentiate between supporting an organization financially and supporting the recommendations of that organization. A good example was the Farmer's Market that the group brought forward and Council supported through legislation and permitting. He likes the idea of a separated relationship. He stated the Council has been advised that the City is about \$1 million in arrears in terms of operating revenues and approving the 2007 budget is going to be very difficult. He noted he would prefer the motion was worded more as 'start-up money' rather than an annual funding authorization.

Councilmember Kaplan suggested that in the motion, after the words Destination Des Moines . . . the words "for 2007" be inserted. This was accepted as a FRIENDLY AMENDMENT by the maker and seconder of the motion.

Councilmember White advised that Council supports the concept of Destination Des Moines, however the City is not in the best financial situation.

Mayor Sheckler noted that during budget deliberations Council must make tough financial decisions. He advised he usually looks for what he considers the return on an investment. He stated he supports this concept because he believes that when you involve the public it is usually the best guarantee that you will have a return on investment. He felt this group has proven itself over the past year.

VOTE ON MOTION: Motion passed unanimously.

Des Moines Arts Commission Proposal

Parks and Recreation Director Thorell introduced the subject advising Council that the purpose of this agenda item is to present a proposal from the Des Moines Arts Commission Steering Committee recommending that the City Council create an Arts Commission, and fund the Commission in the amount of \$1.00 per capita. She introduced Nancy Warren the Chairperson of the Steering Committee for the Commission.

Ms. Warren informed Council that the members of the Committee have donated more than 100 hours of meeting time and research on this project and she listed the names of the individuals. She noted there has been great interest in re-establishing an Arts Commission to provide cultural programming and support for the arts and artists in the City. She informed Council that the Arts Commission is eager to partner with Destination Des Moines regarding cultural and art programs and events. She felt there is a growing interest in the arts as Des Moines develops economically and culturally. She felt the venues of the Beach Park Auditorium, Highline Community College's Student Union Building and the Farmer's Market are creating opportunities for growth

in the Arts. She advised that other south King County cities have active Arts Commissions with City supported budgets. She stated that money spent to offer opportunities to enjoy or participate in the arts will help unite our communities families, students and senior citizens, as well as reap financial benefits. She cited the following economic benefits by funds invested in art projects and programs, as well as enhancing the communities' esthetic appeal by:

- Bringing business and tourism to the City
- Collecting admission fees from performing and visual arts venues
- Renting facilities, including the new auditorium at the Beach Park
- Cross pollinating existing activities with other municipalities and organizations
- Promoting and designing public arts projects
- Development grants, seeking donations and matching funds

She concluded by advising the Commission is requesting \$1 per capita, or approximately \$30,000 from the City's General Fund and the Committee will seek approximately \$9,000 in government grants or other sources to support the work. She advised that the proposed 2007 budget would fund the following programs:

- Des Moines Library Sculpture Project
- The Return of the Summer Concert Series, including the 4th of July Celebration
- A Waterfront Mural, Behind the Farmer's Market
- Grants of Local Arts Organizations or Artists
- Support for Event Staff and Program Marketing

In conclusion, Ms. Warren reviewed the Committee's proposal to form a Des Moines Arts Commission as contained in Council's agenda packet.

Upon questioning, City Attorney Marousek noted that as an uncompensated volunteer on the Arts Commission Steering Committee, Councilmember Scott is not subject to the Conflict of Interest Rule.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Pina, to direct staff to prepare a draft ordinance for the establishment of the Des Moines Arts Commission for review and approval at a future City Council meeting.

Mayor Pro Tem Thomasson advised that before the City's current budget strife, Council did fund arts programs and had the City's Parks Department managing those. He felt there a couple of questions: 1) If you don't fund arts, it does not make any sense to have a Commission, 2) You can fund arts without a Commission. He noted that if the City has an Arts Commission they may be able to get grants and that would be a pro issue, however you could just say the City Council is the art commission. He advised it is not clear to him, that Ms. Warren is saying this is an independent organization that the City gives \$30,000 to and they spend it, as opposed to them being an Advisory Body of the Council, where the Council makes all funding decisions. He questioned legal staff as to what statutory guidance there may be in establishing such a Commission.

City Attorney Marousek advised that she needs to do some research, but Title 4 of the Municipal Code does list various organizations and committees that are set up in various ways, with various degrees of independence from the City. She stated she is not sure what the authority or duties of an Arts Commission would be, but staff will find out if they are directed to draft an ordinance.

Parks and Recreation Director Thorell informed Council that an Arts Commission would be organized in a similar way to the Human Services Commission. She noted that Commission is advisory to the Council, appointed by the Mayor with approval of the Council, and then they recommend to Council each year a budget. Then Council approves a budget on an annual basis and the Commission initiates the work as liaisons, reviews grants and prepares a proposal for Council's approval.

Mayor Pro Tem Thomasson pointed out that the Human Services Commission only meets a few times a year to make human services budgeting recommendations to the Council. He questioned how much staff time would be spent if an Arts Commission choose to meet monthly. If Council only authorizes \$5,000 to \$10,000 in the budget for arts, he felt the Parks and Recreation Director could manage that on her own without having to spend a large amount of staff time to support a Commission. He felt Council needs to determine if they are going to fund the arts, before deciding if we need a Commission.

Mr. Snure, a member of the Arts Committee, advised what they are seeking is for the City's formation of an Arts Commission, regardless of any budget commitments. He noted that it could be that the Arts Commission could raise sufficient funds through grants that any monetary requests from the City could be reduced significantly. He stated at this time, they are just asking for the Commission to be formed, and talk about funding at a different time.

Councilmember Sherman noted that this request is similar to other commissions where they come to us for recommendations for funds, while Council makes the decisions on a case by case basis. He advised he is favorably inclined to support the idea.

Councilmember White also spoke in support of an Arts Commission.

Councilmember Scott informed Council that at the few meetings of the Committee that she attended, she was impressed with the tremendous amount of artistic talent or connections with various artistic fields that this group represents. She stated she would like to have this group helping the City due to the tremendous depth of knowledge and connections they represent.

Councilmember Kaplan felt this type of organization is what provides the color, voice, display, excitement and energy of the City's residents. He felt even if the Council determines they cannot afford to provide funds, it opens the doors for the Commission to apply for many grants, and they can add to the richness of the City.

Mayor Sheckler voiced agreement with Councilmember Kaplan and felt that there is no downside to this request.

VOTE ON MOTION: Motion passed unanimously.

9:20 p.m. Mayor Sheckler called for a 10 minute break.

PUBLIC HEARING

Draft Ordinance No. 06-162 Grading and Filling, Draft Ordinance No. 06-215 Lot Line Adjustments, Draft Ordinance No. 06-216 SEPA Categorical Exemptions and Draft Ordinance No. 06-217 Short Subdivision Thresholds - 1st Readings

Mayor Sheckler introduced the subject, declared the hearing opening, and read the Council Rules for conducting a Public Hearing into the record.

Development Services Manager Ruth advised that staff is pleased to bring Council four draft ordinances with the common objective of streamlining the City's permitting process. He stated while the ordinances are small, they are powerful as they will give the most change with a small amount of resources. He stressed that the changes are needed to help increase the capacity of the City's permit pipeline. He felt the changes are all within the realm of good practices within the profession and will help the community in a positive way. He advised that staff supports the proposed changes as it will allow them to be more efficient. He noted these ideas were developed over a period of year and a half from citizen committees, long time Des Moines builders, professionals in the industry, Council committees and the Des Moines Planning Agency.

Land Use Planner I Sullivan noted that the four draft ordinances amend parts of the sub-division code and the environmental section of the Des Moines Municipal Code. The four areas being affected are the grading-permit thresholds, short plats, lot line adjustments and SEPA, and reviewed a Permit Threshold on the four areas as follows:

Grading Permit

ACTIVITY	CURRENT LEVEL	MAXIMUM LEVEL
Filling or Grading	50 Cubic Yards	No Maximum Established

Short Plats

ACTIVITY	CURRENT LEVEL	MAXIMUM LEVEL
Lot Creation	4 Lots	9 Lots

Lot Line Adjustments

ACTIVITY	CURRENT LEVEL	MAXIMUM LEVEL
Lot Adjustment/Consolidation	4 Lots	No Maximum Established

SEPA

ACTIVITY	CURRENT LEVEL	MAXIMUM LEVEL
Residential Construction	4 Units	20 Units
Commercial Bldg.w/Parking	4000 sq. ft & 20 parking stalls	12,000 sq. ft & 40 stalls
Parking Lot Construction	20 parking stalls	40 parking stalls
Grading Activity	100 cubic yards	500 cubic yards

Land Use Planner I Sullivan next remarked on each of the individual draft ordinances:

Draft Ord. 06-162 - Grading & Filling: Currently DMMC 14.60.190 exempts grading and filling activity for 50 cubic yards or less which does not obstruct a drainage course. The proposed code amendment would establish an additional exemption which allows the

grading for the placement of a foundation for a single family residence not located within a critical area and not involving placement or exporting earthen material beyond the lot boundaries, and would restrict the clearing and grading of less than 50 cubic yards without a permit to sites outside of environmental critical areas.

Draft Ord. 06-215 - Short Subdivisions: Changes definition of short subdivisions from 4 to 9 lots and over 10 in standard subdivision. (In a second reading, staff will need to add 17.12.010(2).)

Draft Ord. 06-215 - Lot Line Adjustments: Would allow internal boundary lines of a proposed commercial development site consisting of multiple lots to be removed and consolidated into one single lot when the development proposal requires City action on a building permit. This would require only administrative review and approval to be processed as a boundary line adjustment. The four lot requirement would remain in effect for all other types of projects or development. Removal of extraneous interior property lines is required to avoid conflicts with Building Code requirements. Furthermore, lot consolidations are essential to ensure that lot sizes reflect actual land use and to prevent future property owners from attempting to transfer or sell portions of sites developed for a purpose contrary to the design of the original development.

Draft Ord. 06-217 - SEPA Exemptions: Would adjust the flexible SEPA categorical exemption thresholds as authorized by WAC 197-11-800(c) establishing the following thresholds levels:

- a. Residential Construction: Would exempt construction of up to 15 units.
- b. Commercial Construction: Would exempt construction up to 10,000 sq. ft. with 35 parking stalls.
- c. Parking lot Construction/Expansion: Would exempt up to 35 parking stalls.
- d. Grading: Would exempt grading/filling activity up to 300 cubic yards.

City Attorney Marousek informed Council of the following clerical corrections: 1) Effective Date should be 30 days, 2) Amendment to 17.12.010 to make it consistent with change in the subdivision code in Ord. No. 06-217, and 3) Minor punctuation changes on page 2 of Ord. 06-215 to make it clearly consistent with 17.28.010.

Mayor Sheckler requested those who have signed up to speak, Larry King and Gary McLean to stand up to take an oath. City Attorney Marousek questioned Mr. King and Mr. McLean as to whether they will tell the truth. Both raised their right hands and responded in the affirmative.

PUBLIC COMMENTS

Larry King, P. O. Box 26226, Federal Way - Landmark Homes

Mr. King, Superintendent for Landmark Homes, informed Council they have worked in Des Moines for about 15 years, and currently have a plat under process. He noted he is a member of the citizen committee chaired by Planning, Building and Public Works Director Fredericks which has been working on ways of simplifying the City's permit process. A common message that eliminating some of the more complicated items in the Code will help the process so that the period of time from submittal of a project to build out is decreased. He advised this is important in the market place in order to plan better to offer a more affordable product. He spoke in favor of increasing lots from 4 to 9 in a short subdivision as it eliminates the public hearing process which shortens the process for build out. He also pointed out that many people find the Public

Hearing process intimidating and time consuming, and so will design a smaller number of homes on large parcels, which means the property is not being utilized to its highest and best use. He encouraged Council to approve the amendments to the short subdivision to help streamline the process. He also spoke in support of Draft Ord. 06-162 increasing the number of cubic yards that can be moved, as 50 yards is not a practical maximum. In conclusion, he encouraged Council to give favorable consideration to the draft ordinances proposed and felt they are very carefully planned out by staff.

Gary McLean, 27455 8th Avenue South

As a citizen of Des Moines, Mr. McLean expressed concern that the earlier proposed changes to the building code represented more than housekeeping. However, he applauded staff's efforts in the draft ordinances before Council tonight to help streamline the permit process as being long overdue. He noted that in two of the ordinances there is a possibility they could effect a number of pre-existing homes, therefore he questioned why there are no exceptions for pre-existing homes where you are not changing the use or adding a dwelling unit. He felt it should be easier to remodel. He noted a number of people are afraid to come in for a permit for what that might trigger. He called attention to page 3 of Draft Ord. 06-162, in Section 1(6), he felt there are a number of homes in environmental critical areas, and people will be surprised to learn they need a grading permit should they need to dig to repair a porch. On page 3 of Draft Ord. 06-216, Section 1 regarding 16.04.230(1), again speaks to critical areas where there are a number of pre-existing uses, and he felt people will be surprised if SEPA is triggered when they want to remodel their home. He again applauded efforts to streamline the code, but Council should be aware and be cautious of added regulations that people do not know about.

Mayor Sheckler called for speakers three times and there was no response. He inquired of Administration as to whether there has been any misstatements of facts, if they wished to introduce material as to subjects raised by the speakers, or alter in any regard the initial recommendations.

Land Use Planner I Sullivan advised in regards to the SEPA regulations (Draft Ord. 06-216), the categorical exemptions are only for the following four categories: the construction of new multifamily, construction of a 10,000 sq. ft. commercial building, 35 parking stalls or 300 cubic yards of grading. He noted that if you are in a critical area you may not be categorically exempt under SEPA and SEPA may have to be done even if you are below these threshold levels. It will not prevent the construction but it would be reviewed under 18.86 before a final determination. In regards to single family residences, he advised that construction of a single family resident on a pre-developed lot, or the remodeling of a home, is already listed in 16.04 and in the WAC as categorically exempt and would not be required to go through SEPA. In regards to a grading permit, the draft ordinance would put people on notice that if that activity occurs in a critical area you must comply with the critical area code.

Development Services Manager Ruth advised that while the grading code is in the building permit code, the grading permit is already separate from a building permit. So we are not creating a need for a new grading permit.

Mayor Pro Tem Thomasson addressed Draft Ord. 06-162, noting the original ordinance used the word fill only, while the draft ordinance refers to filling, grading or excavating. He felt this is an expansion from the word 'fill' and perhaps different limits need to be considered. He also voiced a problem with the way the word 'environmental critical areas' is used because in the

environmental code we have 2 sections, one is areas where you can't do anything and the other is where you can do some things under some rules, and the draft ordinance does not suggest which one. He felt what is intended is 'un-developable sensitive areas', not all. He suggested the words 'and their buffers' should be added as the buffer is just as important. Instead of the words environmental critical area, he felt it should be much more specific such as wetlands, streams, ravines, and steep slopes exceeding 40%, if that is what we mean. He noted he is not opposed to the intent, he felt it is badly worded as it opens more potential problems depending upon who is interpreting. In regards to page 3(6) of draft 06-162, there needs to be an upper limit for larger homes.

Land Use Planner I Sullivan responded that if you go to 18.86 within 0 to 15% slopes there is not a critical exception required. This simply puts people on notice to check the critical areas code.

Mayor Pro Tem Thomasson argued that it says you are exempt, but if you are in an environmental area you are not exempt. He felt the language is not clear and he would prefer to make sure there is no confusion. He felt it should direct the reader to the grading code, not the environmental sensitive area code.

In regards to the lot line adjustments, Draft Ord. 06-215, Mayor Pro Tem Thomasson noted he supports its intention. However he felt it does not say specifically what you need to do if you are trying to adjust more than 4 lots. He would prefer a new line that says, for lot line adjustments of more than 4 lots, you need to do a short subdivision. In regards to Draft Ord. 06-217 on short subdivision, he expressed caution as he does not feel our code is as good as it should be. He noted the SEPA draft ordinance is confusing and we should change the word 'residential' structure to 'multifamily' structure.

MOTION was made by Mayor Pro Tem Thomasson, and seconded, to continue this Public Hearing to November 2, 2006. Motion passed unanimously.

Councilmember Pina requested staff investigate if changes could be made or allowed, for existing homes on environmentally sensitive properties.

NEW BUSINESS

16th Avenue South Improvements

Councilmember Kaplan advised that staff is prepared to advertise the project for construction bids next week, but noted we are required to have a letter, signed by the City Manager, indicating that we have identified the funding for the project. He advised that the Public Safety and Transportation Committee has reviewed the project and unanimously agrees that the project should be fully funded in the 2007-2012 CIP, in which Des Moines' share is \$3,250,500, plus Midway Sewer District's contribution of \$2,260,392, and other funding sources. He requested Council authorized the City Manager's signature.

MOTION was made by Councilmember Kaplan, seconded by Mayor Pro Tem Thomasson, that the Council authorize the City Manager to sign the TIB Construction Perspicuous certifying the availability of required local match, with the understanding that the Council will fully fund the 16th South Phase I Project in the 2007-2012 CIP. Motion passed unanimously.

NEXT MEETING DATE - October 26, 2006

Mayor Sheckler advised that the next meeting will be a study session, October 14th from 9 a.m. to Noon and the next regular meeting will be October 26, 2006.

ADJOURNMENT

At 10:30 p.m. the meeting adjourned as time expired.

Respectfully submitted,

Denis Staab
City Clerk