PRELIMINARY
REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES December 12, 2002

The regular meeting of the Des Moines City Council was called to order at 7:32 p.m. by Mayor Wasson in the City Council Chambers, 21630 11th Avenue South, Suite B.

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

ROLL CALL - Present: Mayor Don Wasson, Mayor Pro Tem Richard Benjamin, Councilmembers Gary Petersen, Maggie Steenrod, Scott Thomasson and Susan White (left meeting at 9 p.m.). Absent: Councilmember Bob Sheckler. Also present were City Manager Tony Piasecki, Assistant City Manager Corbitt Loch, City Attorney Linda Marousek, Finance Director Paula Henderson, Budget Accountant Peggy Watson, Community Development Director Judith Kilgore, Public Works Director Tim Heydon, Assistant City Engineers Maiya Andrews and Loren Reinhold, and City Clerk Denis Staab.

> **MOTION** was made by Mayor Pro Tem Benjamin, seconded by Councilmember Thomasson and passed unanimously, to excuse Councilmember Sheckler.

COMMENTS FROM THE PUBLIC

Bob Pond, 23116 30th Avenue South

> Mr. Pond addressed Council regarding the fire at the Kings Arms Motel. He felt the place is a fire trap and requested that it be permanently condemned. He stated that the motel has a decade of criminal problems and the numerous police calls this year alone has accounted for 25% of the Police Department’s budget. He reminded Council that he had presented a petition earlier in the year, signed by 80 residents in the area, requesting that the motel be closed, and reiterated his request that the motel not be allowed to re-open.

Thom Bowman, 23215 30th Avenue South

> Mr. Bowman expressed agreement with Mr. Pond’s comments. He expressed concern for the high level of undesirable activity surrounding the motel and requested Council take an active roll in improving the business practices of the motel owners.

Schell Ross, 23444 26th Avenue South

> Ms. Ross speaking for the citizens of the ad-hoc committee to keep Mt. Rainier Pool open, thanked Council for the incredible efforts on behalf of the pool users. She encouraged Council to approve the agreement that is on tonight’s agenda that will keep the pool operating for a year while a long term solution is looked for. She presented Council with a tray of cookies from the senior aerobics class of Mt. Rainier Pool.

Larry Corvari, 19458 1st Place SW, Board of Directors Regional Commission on Airport Affairs (RCAA)

> Mr. Corvari advised Council that the mission of RCAA is to provide outreach to the communities of Des Moines, Normandy Park and Burien through action alerts to various local, county and state elected officials in regards to the proposed 3rd runway and related expansion of Sea-Tac Airport. He stated that RCAA works closely with ACC and CASE and a variety of other agencies on the fight against the 3rd runway and was instrumental in helping residents on

the west side of the airport get fair compensation for their property. He requested Council reconsider canceling the contract with RCAA as he feels this is a beneficial relationship for the City of Des Moines.

BOARD & COMMITTEE REPORTS

South King County Transportation Board

Councilmember White reported that the Board met early this week with the Eastside Transportation Board to discuss transportation issues, particularly regarding financing.

Suburban Cities Association

Councilmember White advised that she attended the recent dinner meeting where economic and transportation issues were the topics of discussion.

Ad-hoc Mt. Rainier Pool Committee

Mayor Pro Tem Benjamin thanked the citizen committee members for their efforts in saving the Mt. Rainier pool though their community spirit and in raising private funds. He also acknowledged the efforts of Mayor Wasson, City Manager Piasecki and Bob Houston from the Parks and Recreation Department in helping to coordinate all the efforts. He advised that this is not a “done deal” but provides a temporary reprieve to study a permanent solution to keep the pool open.

PRESIDING OFFICER’S REPORT

City Eastern Boundaries

Mayor Wasson reported that he and City Manager Piasecki met with representatives of the City of Kent regarding straightening out the boundary between the two cities. He stated it was a good meeting and will pursue the issue in months ahead.

Mayor Wasson also announced that Federal Way officials have expressed a willingness to hold meetings beginning in January to discuss city boundary issues.

ADMINISTRATION REPORTS

Kings Arms Motel

City Manager Piasecki reported that the fire at the motel appears to have been an electrical problem and is still being investigated. He noted that Des Moines Police Officer Hamilton arranged for motel residents to be fed, clothed and sheltered for 3 days with the National Guard who was holding a training session for just such a disaster. He noted that the motel is closed and that electrical and other code violations are being investigated by City staff.

Follow-up Report - Citizen Comments

City Manager Piasecki informed Council that in response to Mr. George Buley’s request to have a commercial shipping container removed from a neighbors yard at a November meeting, the following steps have been taken:

- A letter from the Community Development Director has been sent to Mr. Buley informing him that the container is a legal non-conforming use.

- Staff will be reviewing and researching material for Council's future consideration regarding a process for abatement of such uses.

City Manager Piasecki advised that he will try to report more frequently on future follow-ups to citizen requests and complaints.

Gift of Property - Leslie Ho

City Manager Piasecki called attention to the generous gift of property to the City's Surface Water Management division by Ms. Leslie Ho. This item is on the Consent Calendar for Council's approval.

CONSENT CALENDAR was read by City Clerk Staab.

1. 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 #83209 through #83481 & electronic fund transfers in the total amount of $584,791.48

Payroll fund transfers in the total amount of $687,056.61

2. Motion is to authorize the City Manager to participate in a study of the land uses along SR 99 between Kent-Des Moines Road and South 272nd Street, as substantially outlined in the Council packet materials.

3. Draft Resolution No. 02-271 ***[ASSIGNED RESOLUTION NO. 945]*** - Title: A resolution of the City Council of the City of Des Moines, Washington, relating to storm water management, approving the gift and conveyance of the Leslie Ho property to the City of Des Moines and granting authority to the City Manager to accept the property for storm water management purposes.

MOTION is to approve Draft Resolution No. 02-271.

4. Motion is to approve the contract for the Des Moines Activity Center Kitchen Equipment Project with Bargreen Ellingson, Inc., in the amount of $34,688.19, plus tax, and authorize the City Manager to sign the contract substantially in the form as submitted. And to authorize the City Manager to approve change orders in amounts not to exceed 10% in total.

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

OLD BUSINESS

Reconsideration Draft Resolution No. 02-260 Chamber Use of Big Catch Plaza for Holiday Happenings

MOTION was made by Mayor Pro Tem Benjamin, seconded by Councilmember Thomasson, to place this item on the December 19th Council Agenda. [**ED NOTE**: This motion was withdrawn after discussion.]

City Manager Piasecki reminded Council that this item was deleted from the November 21, 2002 meeting agenda, and placed on the December 5, 2002 meeting agenda. Time expired at the December 5th meeting before this item could be addressed. He noted that the holiday event begins this Saturday, which would be before Council could take action on the draft resolution. He advised that he would have the authority to grant the use through a Special Event Permit.

Upon questioning from Council, City Manager Piasecki noted the following items
- Chamber will have a generator for power, so no need for electrical permitting.
- In response to an e-mail expressing safety concerns regarding pedestrians and traffic, Police have requested and the Chamber has agreed, to install a 3' fence around the event site.
- QFC store management has expressed a willingness to allow people attending the event to park in their parking lot.
- The event closes at 8 p.m. so there should be no noise to keep any neighbors awake.

Council requested staff prepare a clarification on policy regarding public use of City property and when a permit can be granted by Administration versus needing Council approval.

MOTION was withdrawn by the maker and seconder.

Agenda Revision

Mayor Wasson announced that he will take New Business Item #2 next.

NEW BUSINESS

Interlocal and Operating Agreements for Mt. Rainier Swimming Pool

City Manager Piasecki advised that in conjunction with the ad hoc committee's efforts, representatives from the cities of Des Moines, Normandy Park, Sea Tac, Burien, Kent and the Highline School District have also been meeting to discuss the cities and the School District's position on the Pool and what steps could be taken to keep it open on a short-term and long-term basis. He noted that it became obvious that finding a long-term solution in the short amount of time available was not feasible. The focus thus became finding a way to keep the Pool open for some or all of 2003 to allow for more time to find a long-term solution. He noted that the County has agreed to operate the pool in 2003 if it receives $217,620 to fund the operating deficit. He advised that the cities and School District have put together two agreements that will keep the Pool open through 2003. He noted the first agreement is an interlocal between Des Moines, Normandy Park, Sea Tac and the School District that states that parties will contribute funds toward funding the deficit in the following amounts:
- Des Moines $75,000
- Normandy Park $30,000
- Sea Tac $25,000
- School District $20,000
- Other Sources $67,620

City Manager Piasecki advised that the ad hoc committee is working to raise funds as part of the "other sources" and as of today has commitments for $37,000 and is waiting to hear from several other individuals and companies. He stated that if the entire $67,620 is not raised during 2003, the Pool will stay open for as much time as the funding allows. A one months subsidy equals $18,135. He advised that the second agreement is an operating agreement between Des Moines, Normandy park, Sea Tac, the School District and King County that calls for the County to continue operating the Pool with the other parties contributing funds toward the operating deficit. The agreement notes that if the County is able to lower costs or increase revenue, the amount the cities and the School District are obligated to pay goes down. If costs go up or revenue goes down, the cities and the School District have the option of paying more, but are not obligated to do so.

Mayor Pro Tem Benjamin spoke in support of the proposed agreements and stated this is a short-term solution that will allow time for a long term solution. The parties hope to have a permanent answer by August.

Upon questioning by Council, City Manager Piasecki noted that if a final solution is found a decision will be made at that time regarding how to handle any left-over funding.

MOTION was made by Mayor Pro Tem Benjamin, seconded by Councilmember White, to approve the Interlocal Agreement for Mount Rainier Pool Subsidy Funding by the Mount Rainier Pool Contributors and to authorize the City Manager to sign the agreement substantially in the form as submitted. Motion passed unanimously.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Steenrod and passed unanimously, to approve the Pool Operations Agreement and to authorize the City Manager to sign the agreement substantially in the form as submitted.

OLD BUSINESS

Draft Resolution No. 02-247 Adopting Capital Improvement Plan for Years 2003-2008

Councilmember Thomasson commented that unfortunately the City does not have the revenues it used to. He noted that with the recent passage of an initiative, there will be a likely loss of vehicle licensing revenues, and he is uncomfortable with the earlier cuts made to transportation issues. He felt that the City's roads are important and the Council has recognized that the Arterial Maintenance Program is greatly under funded. He felt it is important to re-prioritize some projects in order to free up some funds to add to transportation issues. He proceeded to introduce a series of motions as follows:

MOTION was made by Councilmember Thomasson, seconded by Councilmember Steenrod, to delete the Des Moines Beach Park Repairs $1.4 million from the Municipal Capital Improvement Fund for the year 2005. Motion passed 5 to 1 with Mayor Pro Tem Benjamin abstaining.

City Manager Piasecki announced that there will be a presentation at the January 9, 2003 Council meeting from the Ad Hoc Parks, Recreation & Sr. Services Master Plan Citizens Committee. He informed Council that the $1.4 million does not contain any MCI funds, but only grants and potential bond issues.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Steenrod, to delete the Woodmont Park Land Acquisition from the Municipal Capital Improvement Fund. Motion passed unanimously.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Steenrod, to eliminate any MCI funds contained within the Community Center from the Municipal Capital Improvement Fund. Motion passed 5 to 1 with Mayor Pro Tem Benjamin voting NO.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Steenrod, to move the 2005 MCI funds in the amount of $200,000 from the Steven J Underwood Memorial

Park - Phase II project, from the Municipal Capital Improvement Fund, to the Arterial Maintenance Program in the Arterial Street Fund..

Councilmember Thomasson remarked that he agrees this is a nice project, but the City simply does not have the funds. He felt this item can be further discussed when Council reviews the Park Master Plan. He felt the more delay in funding repairing of City streets, the more expensive they will be to fix. The $200,000 of MCI funds is truly needed in the Arterial Street Repairs for the good of the City.

City Manager Piasecki remarked that the Phase II is important to the overall Park as it will add the soccer field, lighting and additional parking. He noted these items will complete the sports park which will potentially generate more income.

Mayor Wasson remarked that there is a potential for soccer fields to be constructed for public use, should the Seattle Sounders proceed with their plans for a soccer stadium at the Midway Landfill site.

<u>VOTE ON MOTION</u>: Motion passed unanimously.

9:00 p.m. Mayor Wasson called for a 10 minute break. Councilmember White left the meeting.

Councilmember Thomasson questioned the Des Moines Creek Trail Phase II project as it contains $200,000 of undetermined funding.

<u>MOTION</u> was made by Councilmember Thomasson, seconded by Councilmember Steenrod to delete the Des Moines Creek Trail Phase II project until an actual funding plan is in place.

City Manager Piasecki noted that the undetermined funding for this project is typically arrived at through grants and will need matching funds such as the $31,000 MCI funds as denoted. He noted that planning projects 3 to 6 years in the future is hard, but the City has been very successful in obtaining grants. He suggested the MCI funds be left as potential matching funds.

After further discussion, Councilmember Thomasson acknowledged this is a wonderful project, but the City does not have money to maintain streets. He noted nice amenities such as this project can be reinstated in the future should the financial picture improve, but right now the City is in need of street repairs.

<u>VOTE ON MOTION</u>: Motion passed unanimously.

<u>MOTION</u> was made by Councilmember Thomasson, seconded by Mayor Pro Tem Benjamin, to remove the Orthophotography Project from the Municipal Capital Improvement Fund. Motion passed unanimously.

<u>MOTION</u> was made by Councilmember Thomasson, seconded by Councilmember Petersen, to move the South Marina Restroom Replacement project contained in the Marina Depreciation and Improvement Fund from the year 2006 to 2007. Motion passed unanimously.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Steenrod and passed unanimously, to move any MCI funds that were freed-up by previous motions, to the Arterial Street Maintenance Program contained in the Arterial Street Fund.

Councilmember Thomasson commented that the potential transportation impact fees that Council will be considering later this evening, could generate funds for capital projects. He felt that should Council choose to adopt the ordinance these funds could be used for street projects and free up more MCI money for the Arterial Maintenance Program.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Petersen, to adopt Draft Resolution No. 02-247 approving the Capital Improvement Plan, as amended by previous motions.

Mayor Wasson referenced the Marine View Drive Bridge Project contained within the Surface Water Capital Fund. He noted that back in September 1998, the City applied for and received a Public Works Trust Fund Loan, that other agencies involved in the project were to be responsible for paying back. He noted that to date no commitment has been made by the other agencies. He stated that the City's Public Works Director has been saying every year since 1998, that signed agreements will be ready. he noted that there still is $150,000 worth of engineering to do and the original project price of $4.8 million is now over $6 million. He stated he has been opposed to this project from the beginning and suggested that Des Moines return the money to the State and when the project is ready to be built, let the other agencies step up and pay for it.

Public Works Director Heydon acknowledged that the City did apply for and receive the Public Works Trust Fund Loan, however, the City has not spent those funds. He advised that the first draw of funds from the loan have been invested and are earning interest. He noted the Bridge project is an important element of the Des Moines Creek Basin Plan project. He noted that the City has only spent to date $43,980 and the bulk of the expenditures have been paid by D.O.T., Midway Sewer District and various grants. He stated that the City's share amounts to only 7% of the total cost. He further advised Council that the Des Moines Basin Projects just went through the SEPA process and received approval. He felt that the elements are falling together very nicely, with final design and permitting agreements in place. He did acknowledge that the interlocals for the actual bridge construction are not complete as of yet, but is convinced this is only a matter of time.

Councilmember Steenrod commented that if this project is not going to be completed it should be removed from Des Moines CIP. She further noted that the bridge construction could create major traffic problems.

Mayor Wasson stated that with local businesses suffering economically, the bridge construction would certainly further disrupt businesses needlessly.

MOTION was made by Mayor Wasson, seconded by Mayor Pro Tem Benjamin, to remove the Marine View Drive Bridge project from the Surface Water Capital Fund and return the Public Works Trust Fund Loan to the State.

Public Works Director Heydon informed Council that the existing culvert under the bridge is undersized and this project must be completed. He noted if the project is dropped that a future severe storm could destroy the fill under the roadway that was placed there back in 1927.

City Manager Piasecki explained that this project is part of a complex system of projects involving several political agencies and that the Basin Plan needed to be completed first to reduce run-off up stream. However, the Bridge project is the last important step in the whole process.

Councilmember Thomasson stated that Des Moines is acting as the "banker" for the Bridge project, which is one piece of a multi faceted project. He noted that Council will need to be careful to ensure when agreements are signed, Des Moines is protected. He noted the whole project is dependent upon everything coming together, and if it does not, then the bridge will not be built. He recommended that the Bridge project be left in for now to allow Administration time to educate the 3 newly elected members and then revisit this item in a couple of months.

Upon questioning, Public Works Director Heydon advised that the road surface is 10 years old, but the big problem is with the culvert that was installed in 1927.

Mayor Wasson advised that building the bridge is not the issue. The issue is the agencies that should be paying for the loan. He feels that you cannot relay on governmental agencies to do what they say they are going to do. He is not willing to commit Des Moines' citizens to the risk of being obligated to repay the loan. If the Des Moines Basin coalition wants to build the bridge then they should come up with the money. He feels that four years with no signatures committing to repayment, just does not give any credibility to the project.

Councilmember Steenrod expressed dissatisfaction with the way projects are listed in the Surface Water Capital Fund. She would prefer that they be listed by priority. In regards to the Bridge project, she felt that all agencies are hurting financially and this project could be delayed even longer. She questioned whether the City could establish a deadline for the interlocals to be signed.

10:29 p.m. **MOTION** was made by Councilmember Steenrod, seconded by Councilmember Thomasson, to extend the meeting 10 minutes. Motion passed 4 to 1 with Mayor Wasson voting NO.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Steenrod, that the motion on the table be voted on. Motion failed by 4 to 1 with Councilmember Thomasson voting YES.

ADJOURNMENT

MOTION was made by Mayor Wasson, seconded by Mayor Pro Tem Benjamin at 10:33 p.m. to adjourn. Motion passed 3 to 2 with Councilmembers Steenrod and Thomasson voting NO.

Respectfully submitted,

Denis Staab
City Clerk