

City Manager Prothman advised that if the North Hill area is annexed and it is determined that Ms. Magnuson's time is needed in Des Moines, the agreement can be revised or terminated at City of Des Moines' discretion. It was noted that there was some confusing language in the Hold Harmless clause and City Attorney Gorham advised that he would rectify that.

Motion was made by Councilmember Thomasson, seconded by Councilmember Davis, and passed unanimously, that the City Manager be authorized to execute the proposed Interlocal Agreement in substantially the same form as presented before Council, for Animal Control Services with the City of Normandy Park.

OTHER BUSINESS

Mayor Pro Tem Kennedy noted that 56 ordinances and 53 resolutions were passed by Council in 1989.

NEXT MEETING DATE

The meetings of December 28, 1989, and January 4, 1990, are cancelled. The next meeting of the Council will be January 11, 1990.

ADJOURNMENT

The meeting was adjourned at 10:35 p.m.

Respectfully submitted,

Sue Bowman, Clerk

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

January 11, 1990

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

PLEDGE OF ALLEGIANCE to the flag was led by City Clerk Staab.

ROLL CALL - Present: Current Councilmembers Richard Kennedy, Carmen Scott and Scott Thomasson. Councilmembers Elect Audrey Bowers, Frank Jovanovich, Don Wasson and Bob Wray. Also present were City Manager Greg Prothman, Assistant City Manager Bob Olander, Assistant City Attorney Alex Perlman, Planning Director Eric Shields, Assistant Planner Robert Ruth and City Clerk Denis Staab.

OATH OF OFFICE

Assistant City Perlman administered the Oath of Office to Councilmembers Elect Audrey Bowers, Frank Jovanovich, Don Wasson and Bob Wray.

ELECTION OF MAYOR

Assistant City Attorney Perlman explained Rule 4 of the Des Moines City Council Rules and Procedures for conducting the election of Mayor and Mayor Pro Tem. Mr. Perlman opened the nominations for the Office of Mayor for the City of Des Moines.

Nominations:

Councilmember Wasson nominated Frank Jovanovich.
Councilmember Scott nominated Scott Thomasson.

MOTION was made by Councilmember Scott, seconded by Councilmember Thomasson, that each nominee for the position of Mayor or Mayor Pro Tem, be given time to speak to their own platform, prior to the Council vote, and to address the basic issues as outlined in memo distributed January 9, 1990, as follows:

1. "What is your perception of the role played by the Mayor, in relationship to;

- The Council
- Administration
- The Public
- The Region
- The Issues
- The criteria & methods used to select Chairpersons and Committee members.

2. What qualities do you see yourself bringing to this role?

- Background, Experience
- Abilities, Interests
- Anything else that is felt to be pertinent.

3. Do you have an agenda or vision of where the City is going or should be going, or what you believe the electorate wants?"

and, that Councilmembers be given an opportunity to ask any other questions of the candidates they feel is pertinent.

Discussion:

Councilmember Kennedy stated that it would be in the interest of the public present and the Councilmembers, to have a full airing of all issues before a vote is taken. Noting that it is very important to have an open government.

Councilmember Wasson voiced opposition noting that this procedure has never been done before and felt there is no necessity for it.

Councilmember Scott noted the reason she feels this is necessary is because the majority of the Councilmembers are new and the members are not well acquainted with each others backgrounds, attitudes and thoughts about directions of government. Feels it is important to know more about the platforms of the nominees.

Councilmember Wray voiced objection, noting that the election is over and this is an unnecessary process.

Councilmember Kennedy again stated he felt this is important to ensure there are no conflicts of interest.

VOTE: Motion was approved by the following roll call vote: YES: Councilmembers Kennedy, Bowers, Scott and Thomasson. NO: Councilmembers Jovanovich, Wasson and Wray.

Nominees Response to issues listed in January 9, 1990 Memo:

COUNCILMEMBER JOVANOVIK voiced the following:

- The primary purpose of the Mayor is to run the Council meetings, appoint committees and encourage those committees.
- He felt it important that the City strive for regional cooperation on such issues as transportation and aircraft noise.
- He felt it important for close communication between the Mayor and Administration.
- Public relations are important such as "ribbon cutting" ceremonies.
- Felt biggest issue facing the City is traffic.
- In regards to selecting committees and chairpersons, he commented that at this point he does not have enough information.
- He noted he served on the Executive Board of the Union for 15-16 years; Commissioner for Water District 10-11 years, independent thinker and will push for things he believes in.
- Interests include being a ham radio operator.
- Goals: Do something concrete about traffic problems.
- Feels City has gotten bigger, not better. Would like to see a moratorium on multiple residential development for 6 months to allow time to modify the building code to ensure quality building.

COUNCILMEMBER THOMASSON voiced the following:

- Felt the Mayor is presiding officer of the Council and is responsible for ceremonial duties.
- Should assist the City Manager in scheduling agenda items.
- Would make committee assignments based on Councilmember's particular interests, skills and knowledge.
- Believes Mayor has responsibility to community for activities such as Waterland Festival, etc.
- Feels the Mayor does not have special attributes regionally outside of his role of presiding officer and that it is the responsibility of the Council as a whole to be involved in regional affairs as necessary.
- Feels all Councilmembers have a responsibility to respond to the citizens, not just the Mayor.
- Feels familiar with government process as he has served on the City Council for two years, served as a Water District #56 Commissioner for 8 years and served as president of the Commission for 6-7 years, currently employed by City of Redmond and therefore understanding of the works of government, worked for a sewer district for 3 years.
- Sees major goal of the City Council as the development of a new Comprehensive Plan and traffic problems would be one of the major elements of this plan along with land uses and environmental concerns.
- Would work to build consensus among the Councilmembers.

Council questioning:

Councilmember Kennedy posed the following question: Do you hold any other elective office and if so, how do you plan to balance the other office versus your responsibilities to the City of Des Moines?

Councilmember Thomasson responded that he holds no other elective office.

Councilmember Jovanovich stated that he is a Commissioner of Water District #54. He does not foresee any conflict, but should any arise he could resign as Commissioner. However, he also noted that should something come up he can always excuse himself from that discussion item.

City Clerk distributed ballots to each Councilmember for the general election of Mayor. The ballots were tabulated and read allowed as follows:

Councilmembers Wray, Wasson, Bowers and Jovanovich: Jovanovich (4 votes)

Councilmembers Thomasson, Scott and Kennedy: Thomasson (3 votes)

Mayor Jovanovich was seated.

ELECTION OF MAYOR PRO TEM

Assistant City Attorney Perlman noted the same process will be used as that for Mayor and requested nominations for Mayor Pro Tem.

Nominations:

Councilmember Scott nominated Scott Thomasson
Mayor Jovanovich nominated Bob Wray

Nominees response to memorandum of January 9, 1990:

Councilmember Wray responded with the following:

- It is the duty of the Mayor Pro Tem to act as Mayor in his absence.
- Attends functions on the Mayor's behalf when necessary.
- Work cooperatively with Councilmembers and Administration to proceed with the business of the City.
- Feels qualifications include being a former Water District #49 Commissioner and served as president 3 times and attended seminars on regional, state and local levels. Served as elected Commissioner to Fire District #2 for 8 years, served 3 years on Renton City Planning Commission with one year as Chairman. Has attended several sessions of the State Legislature as an Administrative Assistant to the State Senate for 5 sessions and 2 sessions to the House of Representatives. Is on personal terms with many local elective officials.
- Believes there are many issues facing the City but in particular is the traffic problem which he feels should be handled on a regional level.

Councilmember Thomasson responded as follows:

- Mayor Pro Tems duty to fulfil duties of Mayor in his absence.
- All statements apply that were made earlier.

Council questioning:

Councilmember Kennedy questioned if there is anything in the nominees background relating to any personal problems or arrest or conviction records that Council should be aware of.

Councilmember Wray advised that he had a traffic violation, for which he appeared in court, paid the fine and responded as any other citizen. He noted that he has had only 2 tickets in over forty years of driving and has nothing to hide. Upon further questioning from Councilmember Kennedy, he advised he was cited for DWI.

Councilmember Thomasson responded that he has nothing to divulge.

City Clerk distributed ballots to the Councilmembers for the election of Mayor Pro Tem. The ballots were tabulated and read aloud as follows:

Councilmembers Bowers, Wasson, Wray and Mayor Jovanovich: Bob Wray
Councilmembers Kennedy, Scott and Thomasson: Scott Thomasson

Bob Wray was elected as Mayor Pro Tem.

CORRESPONDENCE

City Manager Prothman noted a letter from Dick Meyers has been placed at Council's places.

COMMENTS FROM THE PUBLICBob Ricketts, 21932 Marine View Drive (P. O. Box 98844)

Mr. Ricketts noted he was strongly in favor of the four new Councilmembers, congratulated Mayor Jovanovich on his election.

Grechen Schmidt, 1200 So. 237th Lane #8

Miss Schmidt spoke as a representative of the U.S. Environmental Protection Agency. She noted Des Moines has a long standing history of involvement in environmental issues with much work done by local citizens. She encouraged this Council to continue to take an active roll in upcoming issues the City will be facing. She presented the Mayor and Administration with a copy of the "EPA Journal" which includes an article on the Des Moines Chapter of Trout Unlimited and their efforts in restocking the Des Moines Creek after the spill of jet fuel which destroyed salmon spawning in 1985.

James Langston, 600 So. 220th

Mr. Langston congratulated the new Councilmembers. He requested Council contact City Councils of SeaTac and Federal Way to lobby the State to complete SR 509 to the City limits of Tacoma. He also encouraged keeping a small town atmosphere while encouraging the growth of the small businesses in Des Moines, address the question of inadequate downtown parking, and felt it is important that a permanent site for a Community Center be established. In conclusion he expressed hope for a good working relationship between the Councilmembers and volunteered to serve the community by serving on committees as the need may arise.

Ruby Lea DeBlasio, 22319 Marine View Drive

Mrs. DeBlasio, as President of the Chamber of Commerce, welcomed the new members to the Council and invited a member of the Council to sit on the Chamber Board of Directors and the Steering Committee for Economic Development.

Earline Byers, 21229 4th Place South

Mrs. Byers noted she resides in the Northwest Des Moines Annexation area and hopes this Council supports that effort. She wished the Council well.

George Minnich, 22701 19th Avenue South

Mr. Minnich welcomed the new Councilmembers and offered his assistance in any way to serve the City.

Dick Meyers, 2458 Magnolia Blvd. Seattle

Mr. Meyers briefed the Council on the history of approximately 35 acres of land, which is severely impacted by airport noise. He noted the area was recognized in the City's Comprehensive Plan as being acceptable for a business park zoning. He noted, however, that no such zoning actually exists, but the City has hired a consultant to make a report which has been completed, but not acted upon. He requested Council place the subject of a Business Park Zone as a top priority in the near future.

Tom Peterson

Mr. Peterson, also an owner of property that is severely impacted by airport noise, reiterated Mr. Meyers request.

ADMINISTRATION REPORT

Storm Damage - City Manager Prothman advised Council that he does not have a complete estimate of damage to City property caused by the recent rain storm. He noted that Des Moines Beach Park was mostly underwater and there was some damage to the auto bridge and some of the buildings. Will report a dollar figure to Council when it is available. He advised that this storm illustrates the need for a good surface water management program which is currently being undertaken.

Upon questioning from Councilmember Kennedy, it was noted that the heavy rains did not seem to affect the runoff from the Midway Landfill.

Consent Calendar Item #3 - Assistant City Attorney Perlman advised Council supplemental material has been supplied to them in connection with Consent Calendar Item #3.

CONSENT CALENDAR was read by City Clerk Staab.

1. Minutes - Approval of the minutes of December 21, 1989.
2. Warrants - Approval of the payment of the bills after auditing by Councilmembers Kennedy and Scott.

Payroll Warrants #4805 through #4923 in the amount of \$114,346.64

Claim Warrants #21639 through #21747 in the amount of \$231,098.14

Marina Warrants #12921 through #12947 in the amount of \$33,743.22

3. Motion to set a date of February 8, 1990, for consideration of an appeal of a decision by the Des Moines Hearing Examiner by the City Council - File #405-89.

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

PUBLIC HEARING

Preliminary Plat - "Briar Estates" - 11 Single Family Lots - Normandy Construction, Co. - 1021 South 232nd - File #381-89

Mayor Jovanovich introduced the subject, opened the hearing and read the rules of procedure for conducting the public hearing.

Councilmember Scott noted she has done business with the applicant in the past, expects to do business with them in the future and therefore excused herself due to a potential conflict of interest. Councilmember Scott left the Chambers.

Councilmember Thomasson noted for the record that he went to school with the applicant, he used to work for the engineering firm who is working for the applicant. He noted that he does not feel this will taint his view unless the applicant has an objection.

City Manager Prothman noted the applicant indicated no objection to Councilmember Thomasson.

Administration Presentation

Planning Director Shields reviewed the subdivision process, explaining Council's responsibilities and limitations in the process. He noted in conclusion, that Council is basically guided and limited by State law and the City's own Codes.

Assistant Planner Ruth explained the applicant's request for a preliminary plat involving eleven single family lots. He described the location, topography and zoning of the area, noting the average lot size is consistent with the zoning. He noted that the mitigation agreement calls for a storm water drainage system; off-site improvements such as curb, gutter and sidewalk along South 232nd Street and the interior street; a restriction for lots 1 and 10 not to access So. 232nd Street; and the developer is required to maintain many of the significant trees and vegetation of the property. He advised Council that the Planning Agency recommended approval of the preliminary plat at its meeting of November 20, 1989.

Assistant Planner Ruth advised Council that a revised Exhibit 1 has been prepared to reflect a correction to the bulb radius at the end of the cul-de-sac, a curve portion of land from lots 1 and 10 for better traffic ingress and egress onto South 232nd Street, and increase stem access to lots 5 and 7 to 20 feet. (ED. Note: A copy of this corrected exhibit was distributed to Council). In conclusion he noted that the Planning Department recommends approval.

PROPOSERS

Brad Goodspeed, 29222 51st Avenue - Auburn, applicant - Mr. Goodspeed addressed the Council stated that he feels this will be a good residential addition to the City and requested Council's approval.

Donald Dussault, 1112 S. 233rd Place - Mr. Dussault informed Council he had formerly been opposed to the project but since all of his and his neighbor's concerns have been adequately addressed, he now is in favor. He recommends approval of the single family project.

OPPOSERS - None

Planning Director Shields responded to the following questions from Councilmember Kennedy:

- Will storm drains be public? YES.
- Any negative traffic impacts to South 232nd & 10th and 10th & Kent-Des Moines Road? With an additional 110 trips daily, NO.
- Will street lighting be required on cul-de-sac? YES.

- Will cable TV be required to be underground immediately so new street will not be disrupted immediately? Provisions are for all utilities to be underground.

Mayor Jovanovich closed the Public Hearing.

MOTION was made by Councilmember Bowers, seconded by Councilmember Wasson, to approve the proposed preliminary plat, File No. 382-89 subject to substantial compliance with changes noted on Exhibit A.

MOTION was made by Councilmember Kennedy to add a condition that Sound Transmission Standards in accordance with DMMC 14.04.060 be applied to this subdivision. MOTION DIED for lack of a second.

MOTION was made by Councilmember Kennedy, seconded by Councilmember Thomasson and passed, an additional condition that the Planning Dept. establish a phased clearing plan to prevent erosion and other similar problems.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Kennedy, that the half street improvements required on South 232nd Street, be constructed to a width compatible to the continuation of that Street as 14th Avenue South. Motion passed.

VOTE ON ORIGINAL MOTION: Motion passed unanimously by voice vote.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Kennedy and passed, that the Findings of Facts included as attachment 8 to the City Council agenda summary sheet be adopted.

Councilmember Scott returned to the Council Chambers.

NEW BUSINESS

King County Arts Commission Grant - Summer Concert Series in the Park

City Manager Prothman noted that Council had previously allocated monies for a summer concert in the Park series. He noted that a grant was applied for from the King County Arts Commission but was not the total sum the City had hoped for. He recommended that Council authorize the additional dollars needed.

MOTION was made by Councilmember Kennedy, seconded by Councilmember Wasson, to authorize expenditures of up to \$2,330 from the Art Trust Fund for matching funds for a 1990 summer park concert series and to authorize the City Manager to accept a King County Arts Commission grant.

Councilmember Scott stated that it had been brought to her attention that the musicians union has a program of doing concerts in parks and that it may be less costly. She stated she has some concerns about spending that large of an amount of money for a short term idea and using funds that were designed for art which could be something permanent and of long lasting benefit.

Mayor Jovanovich felt it would be nice to try as there currently is nothing available along these lines, therefore feels it is worth trying.

VOTE ON MOTION: Motion passed by voice vote 6 to 1 with Councilmember Scott voting NO.

Council Goal Setting Session

City Manager requested Council consider setting a goal setting session to review Council's 1990 Goals. He suggested February 3 and 4, 1990.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Kennedy, to set two special meetings, one on February 3, 1990 and one on February 4, 1990, as work sessions to discuss Council Goals and the Comprehensive Plan. Motion passed by voice vote.

NEXT MEETING DATE - There is a work session set for January 18, 1990.

CONTINUED NEW BUSINESS

Northwest Des Moines Annexation - Land Use Council

Councilmember Wasson noted that a land use council will be created in conjunction with the Northwest Des Moines Annexation if it is successful. He felt that this is unfair as the City would be granting certain rights to people who live in that area that the rest of the City does not have. He suggested Council consider the following options:

1. Administration explore the possibility of removing the provision for a land use council from the annexation procedure, or
2. To limit the land use council term until such time as the next City Council election, or failing that
3. To postpone the annexation vote until this matter can be resolved.

Councilmember Kennedy noted the 3 options suggested would be in violation of RCW and would be an illegal action. He also pointed out that Councilmember Wasson owns a business in the subject area.

Councilmember Wasson acknowledged he does own a business in the area, however he felt a land use council would be to his benefit and he would have rights other citizens in Des Moines do not have.

City Manager Prothman noted he has contacted the Dept. of Elections and they require 45 days lead time for any alteration of ballot issues. Additionally, he noted that State law mandates the duration and particulars with respect to the land use councils. The only legal option left to the City would be to postpone the election.

MOTION was made by Councilmember Wasson, seconded by Councilmember Bowers, that Administration be instructed to explore the possibility of postponing the Annexation vote until Council can have an opportunity to explore the options of limiting the Land Use Council.

Councilmember Thomasson pointed out that a great deal of study and time have been invested in the Northwest Des Moines Annexation. He commented that during public hearings with Council and the Boundary Review Board, representations have been made that the Land Use Council would be allowed. He advised that the City has had two land use councils in the past which have served well.

Councilmember Kennedy expressed grave reservations regarding this idea. He noted this Council has been on record of supporting a land use council and therefore is opposed to this motion.

Councilmember Scott felt this is not a reasonable suggestion.

City Manager suggested that since the election is so close and so many promises have been made by the City, that the annexation should be allowed to continue. He felt Council may wish to consider the issue of land use councils in regards to future annexations in the near future.

MOTION WITHDRAWN: The motion was withdrawn by the maker and agreed to by the seconder.

SR 509 Freeway

MOTION was made by Councilmember Kennedy to authorize the Mayor to be accompanied by Administration, to meet with the City Councils of Federal Way and SeaTac to discuss the extension of the 509 limited access highway from South 188th Street, its present terminus, down to Tacoma. Seconded by Mayor Jovanovich.

Councilmember Scott felt that since there are 4 new members on the Council that Council needs to establish that there is a consensus of the Council of what direction to take before we approach other cities.

Councilmember Kennedy explained that this is not for negotiations but rather a fact finding envoy to find out other cities' opinions.

Mayor Jovanovich spoke in favor of the idea and would also like discussion of the airport's proposed 3rd runway. He feels the more support the more effective we can be in preventing a third runway.

City Manager Prothman suggested that SeaTac and Federal Way are struggling with issues facing them as new cities and therefore feels perhaps Council should first discuss amongst themselves a general policy position regarding 509 before contacting neighboring cities. He suggested Des Moines send a couple of Councilmembers to other cities to establish contact.

Mayor Jovanovich stated he would like to proceed slowly. Felt Council should make contact with other cities and offer help to the new Councils.

MOTION POSTPONED: It was Council's consensus to bring the matter back before Council in approximately 60 days.