

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

May 3, 2007

The regular study session of the Des Moines City Council was called to order at 7:33 p.m. by Mayor Sheckler in the Council Chambers, 21630 11th Avenue South, #B.

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

ROLL CALL - Present: Mayor Bob Sheckler, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott, Dan Sherman and Susan White. Absent: Mayor Pro Tem Scott Thomasson. Also present were City Manager Tony Piasecki, City Attorney Pat Bosmans, Planning, Building & Public Works Director Grant Fredericks, Building Official Larry Pickard and City Clerk Denis Staab.

MOTION was made by Councilmember Scott, seconded by Councilmember Kaplan and passed unanimously, to excuse Mayor Pro Tem Thomasson.

PRESENTATION

Washington State Legislature - 2007 Session Highlights

Senator Karen Keiser addressed Council highlighting issues of interest to Des Moines from the 2007 Legislative session which adjourned a week ago, noting the following:

- Streamlined Sales Tax passage
- \$350,000 allocated for repair of the Salt Water State Park Bridge
- \$500,000 allocated for the Marine View Drive Bridge Project
- Increased local jurisdiction input to the granting/renewal of liquor licenses to establishments
- \$1 million allocated for the Des Moines Beach Park Heritage Project
- Approved a Local Infrastructure Financing Tool program to assist local governments increase economic growth
- Made changes in Eminent Domain notification procedures requiring reasonable notification and creating "first right of refusal" for property acquired but not utilized
- Contained in the budget are:
 - \$3.5 million to Highline Schools for noise mitigation from 3rd runway project
 - Highline Community College - Facility Preservation, Minor Works & Minor Works Preservation Funding
 - \$757,000 for several Small Business Development Centers (one at Highline College)
 - Increased Tuition Waivers to 10% for Central WA University programs at Highline College
- Simple majority vote requirements for school related issues on ballots
- No hand held phones while driving

In conclusion, Senator Keiser thanked Councilmembers and City Manager Piasecki for their great participation in legislative issues this session.

Councilmember Sherman thanked Senator Keiser for her work in understanding Des Moines needs and being directly helpful, while looking out for the entire State.

Councilmember White thanked Senator Keiser for being accessible to Councilmembers.

Councilmember Kaplan especially thanked Senator Keiser for funds earmarked for the Saltwater State Park Bridge and in acknowledging the critical need.

DISCUSSION ITEMS

Councilmember Compensation

Mayor Sheckler advised that this item has been placed on the Agenda at the request of three Councilmembers.

City Manager Piasecki noted he has prepared a table containing information regarding what other comparable cities are compensating their Councilmembers. He advised that Council has two options:

1. Council may set compensation for future Councils by Ordinance. It provides that Council may not change the rate of their own compensation and any change will take effect after the next election (Jan. 1st) and only for those positions for which an election was held.
2. Council may set up a salary commission. Compensation increases set by a commission are effective immediately regardless of terms of office. Any decreases established by a commission become effective as to incumbents at the commencement of their next subsequent term of office.

Councilmember White noted Council compensation has not been looked at in 10 years. She felt it should be looked at and she would prefer a salary commission be appointed.

Councilmember Pina noted he did not care about the salary when he ran for office. He felt it would be most reasonable to have a salary commission review compensation.

MOTION was made by Councilmember Pina, seconded by Councilmember White, to direct staff to prepare an ordinance to create a Salary Commission in accordance with the provisions of RCW 35.21.015.

Councilmember Scott stated she would like to see a change in the definition of attendance that if you are present anytime between roll call and adjournment, that you are entitled to full pay. She felt this rule has been abused in the past and should be altered to require a greater presence at a meeting. She advised she did not run for office because of the amount of pay. She also noted that last year she met the limit of 36 meetings in October. She felt this may be something to review to consider eliminating the meeting limit.

Councilmember Kaplan felt at the State level it may make sense to have a salary commission. He felt on a local level Council should be able to make the difficult decision of whether to change the compensation. He noted he is not serving on the Council for the compensation, but rather for the issues that he ran on and is willing to put in the time to make decisions on behalf of the city. He noted he is happy with compensation as it stands. He noted it has been difficult to get people to serve on volunteer commission, so adding a salary commission will not make it easier to find citizens to serve.

Councilmember White stated she is looking to the future and feels it is difficult to get good people to serve. She felt some quality citizens may be encouraged to run for office by adding some benefits or better salary.

Councilmember Sherman expressed the opinion it was unfair under the old compensation system where some members received more pay than others. He noted he is not sure how independent a salary commission in a small city could be.

Mayor Sheckler acknowledged it has been about 12 years since compensation for Council has been addressed. He also acknowledged there have been abuses in the past with the current system. He advised he is leaning towards a commission because he believes they can address and correct the issues. He noted for the amount of hours put in none of the Council ran for office because of the pay. He expressed agreement with Councilmember White this could be a way to attract good future members if there is compensation that looks reasonable.

VOTE ON MOTION: Motion passed 4 to 2 with Councilmember Kaplan and Sherman voting in opposition.

Federal Government Department of Peace Proposal - Alli Larkin, Spokesperson

Ms. Larkin advised that she is present tonight to describe the efforts to support federal legislation (HR 808) to create a U.S. Department of Peace. She proceeded to read a letter from Patty Kuderer, National Communications Director for the Peace Alliance, who was unable to attend this meeting. The letter detailed some of the following:

Problems:

- Crime & violence are costly to local governments
- Violent crime is increasing
- Gang & drug activity remain at the top of law enforcement priorities
- Current approach to handling violence is inadequate

HR 808 Would:

- Local & state governments will see increased federal support for handling crime & violence
- Local government & police will benefit from programs to address causes of domestic violence and those aimed at reducing gang recruitment & activity
- Curricula would be added that trains students in grades K-12 in nonviolent conflict resolution, community conferencing and peer mediation.

Ms. Larkin noted Council has been furnished with a DVD showing the Peach Alliance conference held in Washington, DC in February, where a 1,000 people marched at Capital Hill and met with over 250 elected representatives. She informed Council the audience this evening is full of peace supporters representing K-12 students, students from the Student Peace Alliance from Pacific Lutheran University, parents and grandparents who wish to address Council.

Various individuals addressed Council requesting support for their efforts with some of the following comments noted:

- Crucial to shift to non-violent confrontation for youth in schools
- Strongly support conflict resolution be taught in all schools
- Local jurisdictions support is first step prior to getting State support
- Too much pain and killing, there is a need to create balance to bring peace

- Need consolidation on a Cabinet level to be available for all to use proven tools for peace
- Not an anti-war movement, but pro peace movement starting at "grass" roots level

Ms. Larkin informed Council that a packet containing formation and a sample resolution was distributed last June 28th. She advised all this information is available on the web site: thepeacealliance.org. She reminded Council that something can be done about violence in our homes, schools, neighborhoods, nationally and internationally and that is why she is urging support of the United States Department of Peace and Nonviolence.

Councilmember Pina advised that he does not disagree with anyone's motives who has spoken this evening, however he needs to read and study information before making a commitment.

Councilmember White thanked everyone for their input. She noted a lot has changed regarding family dynamics and it takes individuals within communities to standup and raise awareness on behalf of our young people.

Councilmember Pina felt that as a local community we should work with the Community College and the Highline School District to introduce conflict resolution programs and encourage people to take them, we would take a big step in creating an example of a good job.

Councilmember Sherman thanked citizens for their participation and encouraged everyone not to wait for a department of peace, but act on the issues that are direct to individuals now that you can have some impact on, such as conflict resolutions for kids in school. He felt the people that have the most impact on kids are those immediately around them, parents being the main one, and are important in shaping how children solve problems.

Councilmember Scott commented that it is useful to have conflict resolution taught in schools, but it is important to have it taught to those in charge of children such as parents, grandparents, baby sitter or day care providers at very early ages.

Mayor Sheckler noted he has a DVD for Councilmembers to view which provides an in depth view of the organization. He requested that after review members should contact him to let him know if there is interest in having a draft resolution prepared for Council's consideration at a future meeting.

Mayor Sheckler thanked those in attendance for their input on this subject.

City Attorney Introduction

City Manager Piasecki introduced Pat Bosmans as Des Moines' new City Attorney. He advised that Ms. Bosmans previously served as City Attorney for the City Sumner since 1997, and previous to that was with the City of Tacoma as Assistant City Attorney.

8:42 p.m. Mayor Sheckler called for a 10 minute break.

Revision of City's Building Codes

Planning, Building & Public Works Director Fredericks distributed work package #6 - *Sign Construction Code* (Repealed).

Planning, Building & Public Works Director Fredericks noted this evening he will begin review of the changes proposed in the *Land Clearing, Grading, or Filling Code*, the *Structural Sign Code* and will be asking for direction on which provisions of the *International Property Maintenance Code* the City should adopt. He also will review the five policy questions which were raised at previous meetings. He directed Council's attention to tab 6.A in the work book, and noted the following changes:

Work Package 5 - Land Clearing, Grading Code

- Page 8 - Enforcement: the words "City Manager or designee" replaces 'Planning, Building & Public Works Department or their representatives'. (To be consistent with rest of Code.)
 - Council concurred.
- Page 9 - A: A, (6) and B contains new language. (Changes consistent with streamlining permitting process.)
 - Council concurred.

Councilmember Kaplan questioned why A, on page 9, references DMMC 14.24.150 as that is just the fee section. Building Official Pickard advised he will review this item to ensure it is a correct reference.

Work Package 6 - Sign Construction

- Propose to repeal. However, definition of "Marquee" will be retained in definitions, to be consistent with the International Code.
 - Council concurred.

Upon questioning, Planning, Building & Public Works Director Fredericks advised the only difference in the International Code for signs is that 'Marquee' is defined as a sign that mounts on a building, whereas our existing code also stated it could be a free standing sign.

Planning, Building & Public Works Director Fredericks proceeded to review the following five policy questions, with Council's consensus or responses as noted:

- QUESTION 1: Should the DMMC use value, area or a combination of value or area to determine when a substantial remodel occurs?
 - COUNCIL'S CONSENSUS was to leave the Code as it is, using both "area" and "value".
- QUESTION 2: Should the permitted hours of construction on Saturdays be changed to the same as Sundays?
 - COUNCIL'S CONSENSUS was to accept "Except as otherwise provided in this title, the activities regulated by this title shall be limited to the following hours: (1) Monday through Friday: 7:00 a.m. to 7:00 p.m.. (2) Saturday, Sunday and legal holidays: 8:00 a.m. to 5:00 p.m."

- QUESTION 3: Should the Hearing Examiner's authority be changed to give him/her the authority to interpret the administrative provisions of Title 14 (DMMC 14.04.130(2))?
 - COUNCIL'S CONSENSUS was "The hearing examiner shall have no authority to waive requirements of this title." It was noted this will give the hearing examiner authority to interpret Title 14, but not waive its requirements.
- QUESTION 4: Which provisions of the State-adopted International Property Maintenance Code should the City adopt?
 - *Should the City enforce cleanliness standards inside buildings?* CONSENSUS: Do not include at this time.
 - *Should "public nuisance" be added at the end of the sentence after public health or safety?* CONSENSUS: Yes.
 - *Sidewalks and driveways: Would this apply to City right-of-way? And should "and vegetation" be added at the end of the sentence?* CONSENSUS: No.
 - *Rodent harborage: Should this be deleted since this is King County's responsibility?* CONSENSUS: Leave title, but refer to County's Code.
 - *Motor Vehicles: Should other parts of DMMC be changed to be consistent with this section or should this section be changed to conform to the current DMMC?* CONSENSUS: Conform language to include "unlicensed vehicles" on private property.

Mayor Sheckler suggested Council's Economic Development Committee should review the provisions of the International Property Maintenance Code. He further advised that he would like to hear from our City Attorney on some of these issues.

10:28 p.m. MOTION was made by Councilmember Kaplan, seconded by Councilmember Scott and passed, to extend the meeting to 10:40 p.m.

- QUESTION 5: How should the DMMC speak to "Authority Having Jurisdiction" language in the IBC in relation to the Fire Code?
 - CONSENSUS was to accept: "The Authority Having Jurisdiction (AHJ) in the City of Des Moines. The official appointed by the City to enforce that authority is the Building Official. The official appointed by the City for all new fire suppression system installations or existing modifications, upgrades, equipment replacements, or repair work to fire suppression systems shall be the South King Fire & Rescue Fire Marshal or his designees. The Fire Marshal shall be responsible for the interpretation and application of these standards and codes."

Planning, Building & Public Works Director Fredericks noted he will take tonight's Council direction and work with the City Attorney to put together a draft ordinance. Tomorrow the Economic Development Committee will review the International Property Maintenance Code and will come back with a confirming set of recommendations to be worked into the draft ordinance. He noted a draft ordinance should be ready near the end of May or first part of June for adoption.

Building Official Pickard thanked Council for their time and effort in working through these code changes.

KOMO Radio Interview

Mayor Sheckler acknowledged he was interviewed yesterday by a reporter for KOMO radio regarding how our City's name is pronounced. He noted he referenced the book "100 Years of the Waterland Community" and the pronunciation of "De Moin".

Councilmember Scott expressed disagreement, noting growing up in this community the "s" in "Moines" was pronounced.

Mayor Sheckler noted if there is enough interest he could schedule the topic of the proper pronunciation for a future meeting agenda.

City Clerk Staab noted that on September 22, 1975, Council passed a motion, approving the official pronunciation as "Dah Moyne".

NEXT MEETING

Mayor Sheckler noted the next regular meeting will be May 10, 2007.

ADJOURNMENT

At 10:35 p.m. **MOTION** was made by Councilmember Kaplan, seconded by Councilmember Pina and passed, to adjourn.

Respectfully submitted,

Denis Staab
City Clerk