

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

July 26, 2007

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

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

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott and Dan Sherman. Absent: Councilmember Susan White. Also in attendance were City Manager Tony Piasecki, City Attorney Pat Bosmans, Assistant City Attorney Richard Brown, Planning, Building & Public Works Director Grant Fredericks, Planning Manager Denise Lathrop and City Clerk Denis Staab.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Scott and passed unanimously, to excuse Councilmember White.

COMMENTS FROM THE PUBLIC

Wayne Corey, 22218 5th Avenue South #101

Mr. Corey addressed Council as the only citizen member of the King County EMS Medic I Advisory Committee, speaking about the Emergency Medical Services Levy that is on Council's agenda later this evening. He noted the King County Council has adopted the Advisory Committee's recommendation and it will be placed on the November Ballot to continue the levy with a 6 year cycle with a rate of 30 cents per \$1 thousand assessed value. He advised that the Medic One stationed in Des Moines is only half time, which handled 476 in the first six months of 2007. In conclusion, he encouraged everyone to vote yes.

He further noted that South King Fire and Rescue has a levy on the August Ballot, for continuing at the same rate, for six years instead of one. He noted by going for a six year levy the District could save over \$1 million dollars. He urged everyone to vote yes.

As a member of the Enhanced Public Safety Committee, Mr. Corey advised that the Committee has created a web site at publicsafe.org where Des Moines' citizens can go to get information, links and print out forms regarding public safety issues. This site covers Des Moines Police Department, South King Fire and Rescue and Emergency Management Agencies.

Cheri McWethy, 1835 SW 152nd Street

Ms. McWethy stated that providing a clean environment to residents is what draws citizens to Des Moines and the foundation to a clean and healthy environment, in her opinion, is providing sewers. As a property owner in the proposed ULID #79, she has prepared a petition for sewers and requested Council's support by authorizing City Manager Piasecki to sign the petition.

Matt Moeller, 20218 12th Avenue South

Mr. Moeller advised that he is seeking to promote the City's Park and Recreation Department for support of a new Puget Sound Pop Warner Junior Football and Cheer. He informed Council that the league offers young people the opportunity to participate in a national youth football and cheer organization focusing on instilling wholesome values as well as the development of

essential life skills. He stated that the Puget Sound Pop Warner is working to create partnerships with city parks and recreation departments, The Port of Seattle, local schools and school districts. He noted the parent organization is Pop Warner Little Scholars, Inc. a non-profit organization that provides youth football and cheer and dance programs for participants in 41 states and several countries around the world for young people ranging in ages from 5 to 16 years old and is the largest such program in the United States. He informed Council that he is working with the Highline Forum in efforts to get a parcel of Port Buy-out land for a Pop Warner field for the 2008 season.

Upon questioning as to what Mr. Moeller needs from the City in terms of funding, he replied that money is made in concessions in terms of benefiting the City.

City Attorney Piasecki advised the City could treat this as another program that is offered through the Parks and Recreation Department. He noted there might be initial investment beyond what we get in revenue the first year, after that it may break even or even bring a little extra to cover the first year's loss. If Council so chooses, staff can develop a proposal in regards to costs and what other resources may be needed to review in the 2008 budget process.

Mr. Moeller advised the Puget Sound Pop Warner group will need to put together a solid proposal, including insurance costs. In response to questioning, he advised they are not competing with existing youth football programs, but offering an alternative. He distributed a video for Council to view and advised it is also available on line at PSPW.org.

BOARD & COMMITTEE REPORTS & COUNCILMEMBER COMMENTS

National Night Out in Des Moines

Councilmember Scott remarked that on August 7th the annual event designed to increase community unity and support local crime prevention efforts will be held from 5 p.m. to 10 p.m. The event will be kicked off on August 6th by Des Moines Police Department sponsoring a Des Moines Walk Against Crime. Community members will meet at 7 p.m. at the Des Moines Public Works Service Center, 2255 South 223rd Street and everyone is encourage to attend and show a united front against crime in Des Moines.

Waterfront Happenings

Councilmember Scott reported a couple of events are happening that citizens may have wondered about. They are 1) a new outfall line being installed by Midway Sewer District and 2) the City is dredging the stream at the Beach Park. She advised this work will go through this summer, but once completed, the City should be in a much better position to control flooding that happens during the worst of the winter weather and to allow us to move forward with repairs and updating of the Auditorium at the Beach Park.

Public Safety and Transportation Committee

Councilmember Kaplan noted that the Committee met earlier tonight to go over the slide repairs, repairs to Saltwater Park Bridge, 16th Avenue South Project and to talk about a multi-year engineering services contract to help with fielding a number of design and engineering services over the course of the next several years. He advised that the initial emergency repairs to the Saltwater bridge have taken place to help stabilize the ground under the bridge and the permanent repairs will be begin in August and take at least 3 months to complete. The repairs on Des Moines Memorial Drive are expected to begin in early November. In regards to the 16th

Avenue South Project, the intersection at Woodmont Drive was originally to be closed for up to 2 weeks, however that has been reduced to 4 days from August 4th through the 7th. The ingress and egress for that neighborhood has been a challenge but there will be 16 hours of traffic control provided for each of those 4 days. Any questions should be directed to City staff or the project manager.

MEDIC I Proposal

Councilmember Kaplan remarked that Des Moines' citizens pay a significant amount of money to King County to provide services to the City. He felt those services should include MEDIC I as King County has the ability, but they have shunted it aside. He reiterated Council's and Suburban Cities Association position in terms of telling the County that this needs to be funded on an on-going basis and not based upon a series of one time additional funding measures.

South King Fire and Rescue Levy

Councilmember Sherman referenced Mr. Corey's earlier public comment, noting this levy is an increase in taxes, but not a change in rate. He noted it will be \$1.50 per \$1 thousand of assessed value, but if the value of your home goes up then your taxes go up accordingly, as this is a fixed rate, not a fixed amount.

Mayor Pro Tem Thomasson agreed with Councilmember Sherman. He requested Administration have the Fire District tell the Councilmembers what their revenue increases have been relative to what the rate of inflation has been. He felt with the recent Fire District mergers the Board of Commissioners should be doing a better job at managing the District so they do not need the full levy increase every year. He felt if property taxes go up 20% and the District gets a 20% increase, and inflation was only 3 to 4%, then the District got quite a "wind fall". He hoped they would be more truthful in how they are advertising their campaign.

PRESIDING OFFICER'S REPORT

July 4th 2007 Events Summary

At the request of Mayor Sheckler, Police Chief Baker distributed a written memo regarding the 4th of July, 2007 Events. He noted this is the 2nd year of prohibiting fireworks in Des Moines and highlighted some of the following items:

- June 2, 2007 through July 11, 2007 there was a 19% decrease from 2006 calls for service relating to fireworks
- More people coming to the Marina and enjoying the fireworks show
- There were no fires in 2007 related to fireworks in the City of Des Moines
- Gave out or put up over 150 signs to remind everyone that fireworks are prohibited
- No arrests or citations issued, and fewer fireworks were confiscated this year than last

In conclusion, Chief Baker thanked the Council on behalf of the Police and Fire Department for passing the ordinance in 2005 which prohibited the use of Fireworks in Des Moines.

ADMINISTRATION REPORTS

Council Meeting Video

City Manager Piasecki advised that the first half of the July 19th Council meeting was not recorded because of a technical difficulty and therefore could not be televised. He apologized to

citizens unable to view this portion of the meeting, including Councilmember White being honored for all her work in historic preservation. He reported that the glitz has been fixed.

Zenith Neighborhood Meeting

City Manager Piasecki reported that he and staff met with several residents in the Zenith Neighborhood regarding the issues of property lines and right-of-way. In regards to the right-of-way along 239th, he reported that those neighbors met with the developer of the property at the old Zenith Grocery and are working on a vacation petition. He felt issues are being resolved.

Levy Lid Lift for Police Services

City Manager Piasecki informed Council that several months ago, Finance Director Henderson sent an e-mail to the Municipal Research Services Center (MRSC) asking several questions based on some of the issues brought up such as: Does the 1% have to go to the Levy Lid Lift Fund, or can it be used for general fund? Can the Levy Lid Lift money be used for things like the cost of living increases that go to regular officers, not just Levy Lid Lift officers? And, are we allowed to use the Levy Lid Lift money for items that are enhancements, improvements or additions to our Police Department. He reported some of MRSC's responses as:

- The 1% can be used for General Fund purposes if you want.
- No, you cannot fund COLA for non-Levy Lid Lift Officers, with Levy Lid Lift funds.
- You can only use the Levy Lid Lift money for the officers the City is restoring. You cannot use that money for anything that was not specifically listed on the ballot title.

He pointed out that some of the things we had thought we would be able to use the money for, including the South Sub-Station, MSRC said no. He requested a second opinion from the State Auditor's Office and they agree fully with MSRC, this means the money is a little bit more limited than originally thought. He noted we have the Levy Lid Lift to pay for the officers we want to restore, the bad news is that is all we can use it for. He stated if Council is comfortable with that, that is what we will continue to do and if there is excess money collected in that fund it can go beyond the six years and since it is still restricted, it still can be used to pay for those new officers. He advised that another option would be for Council to go back to the voters and clarifying the question, essentially another Levy Lid Lift, asking: "do you want to authorize the City to use this money for those purposes that we had in the flyers that we use the money, as an example, for new technology, a new computer system, on a limited basis or fair share of the new officers? He informed Council that staff could schedule this as an item for a quick Council discussion because if Council does want to put something on the ballot for November, the deadline to get it to King County Elections is August 14th.

Councilmember Sherman stated he sees nothing bad in the opinions received. He felt the City wanted the money to restore our Police Officers and that we can spend the money for any improvements, in as much as a certain percentage relates to the new officers. He advised that was what he approved, and what we sent as an issue to the public.

City Manager Piasecki noted he can justify a fair portion of the funds going to the Redondo South Station as some of the new hire CSO's will be housed there.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the special and regular minutes of June 28, and the regular minutes of July 5, 2007.

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 #110045 through #110124 & electronic fund transfers in the total amount of \$306,858.18

Payroll fund transfers in the total amount of \$334,321.43

3. Motion is to confirm the City Manager's extension of Donna Tucker's appointment as the interim Municipal Court Judge, through September 14, 2007.

4.A Motion is to award the construction contract for the 2007 Pavement Management Program to Lakeside Industries, in the amount of \$270,577.50 and to authorize the City Manager to sign the contract substantially in the form as submitted, plus authorize the City Manager or his designee to approve changes orders up to an amount of 15% of the contract amount.

4.B Motion is to supplement the current contract for professional engineering services for the 2007 Pavement Management Program with KPG to include construction management services in the amount of \$30,112.62 bringing the total to \$56,698.00 and authorize the City Manager or his designee to approve change orders up to an amount of 10% of the supplemented amount.

~~5. Draft Ordinance No. 07-142 -- Title: An Ordinance of the City of Des Moines, Washington, related to the height requirements established for the Pacific Ridge by Chapter 18.31 of the Des Moines Municipal Code.~~

~~MOTION is to approve Draft Ordinance No. 07-142 on second reading. [ED~~

~~NOTE: Item Removed by Mayor Pro Tem Thomasson.]~~

~~6. Draft Ordinance No. 07-143 -- Title: An Ordinance of the City of Des Moines, Washington, related to the mixed use requirements established for the Pacific Ridge by Chapter 18.31 of the Des Moines Municipal Code.~~

~~MOTION is to approve Draft Ordinance No. 07-143 on second reading. [ED~~

~~NOTE: Item Removed by Mayor Pro Tem Thomasson.]~~

Mayor Pro Tem Thomasson requested consent items 5 and 6 be removed.

ABSENTATION: Councilmember Kaplan advised he would be abstaining from voting on item 4.A and 4.B as the contract is being awarded to a company that is a member of the Association that he is the Executive Director of and their representative services on the Board of Directors.

MOTION was made by Councilmember Sherman, seconded by Councilmember Pina and passed unanimously, to approve the Consent Calendar as amended.

REMOVED CONSENT ITEMS

Item #5 - Draft Ordinance No. 07-142 [ASSIGNED ORDINANCE NO 1405] Height Requirements in Pacific Ridge - 2nd Reading

Mayor Pro Tem Thomasson referenced page 6, Section 1 (9)(a), noting the wording sort of falls apart as you read further down the page. He felt it should reference 35' or buildings with a condominium height bonus would be 120', then the clustering height would be up to 200', or at least mention both alternatives, not just the one. In Section 1 (12)(b) floor area, he noted sometimes a ratio type thing that is used so you know how much square footage you get and he questioned if this had been done or not.

In regards to Sect. 1(12)(b), City Manager Piasecki explained that staff feels how you measure what you can build is a simple mathematical calculation, you look at the property, what the setbacks are, then you go up eleven stories and calculate the total square footage of the building that could have been built and that is the maximum square footage that would be allowed if you went up 200 feet. Referencing Sect. 1(9)(a), he stated the requirement for condominium is in there, but you will not get the 200' if you already have the condominium bonus that is allowed earlier in the Code.

Mayor Pro Tem Thomasson suggested staff take the 200' out of the first paragraph and just say "you can build higher than the 35' if you either do a condominium height bonus or a floor area cluster". Also he felt you could take the 200' out and say "building height bonuses can be achieved as described below.

Land Use Planner Sullivan suggested that we drop the height and say "can be built higher than 35' if approved by either a condominium height bonus or the clustering bonus". Mayor Pro Tem Thomasson stated this would meet his approval.

MOTION was made by Councilmember Sherman, seconded by Mayor Pro Tem Thomasson to adopt Draft Ordinance 07-142 amending Chapter 18.31 DMMC establishing a new height bonus allowing a maximum building height of 200 feet in the Pacific Ridge Residential Zone, with the verbiage change on page 6 per current discussion.

Councilmember Scott felt it is important to make it clear that 200' is allowed. The new wording for page 6 (9)(a) would be "Buildings may be built to a height of 120' with approval of a condominium height bonus, or 200' with approval of a floor area clustering height bonus as provided by this chapter." This was accepted as a FRIENDLY AMENDMENT by the maker and seconder of the motion.

Mayor Pro Tem Thomasson suggested that item (12)(b) be amended to insert the words "that could have been built" between the words 'building' and 'built' in the second line. This was accepted as a FRIENDLY AMENDMENT by the maker and seconder of the motion.

In item (12)(c), Mayor Pro Tem Thomasson requested the last 3 words of the sentence "between the buildings" be deleted. This was accepted as a FRIENDLY AMENDMENT by the maker and seconder of the motion.

Upon questioning regarding (12)(c) on page 6, Land Use Planner Sullivan advised that the minimum building site area was based on staff's best estimate of the minimum site you would need to have in order to do a 200 foot tower, the bare bones necessity to make it functional.

VOTE ON MOTION: Motion passed unanimously.

Item #6 - Draft Ordinance No. 07-142 [ASSIGNED ORDINANCE NO. 1406] Mixed Use in Pacific Ridge - 2nd Reading

Mayor Pro Tem Thomasson referenced page 4, (5)(a) and felt it is confusing as to what is required on the ground floor.

MOTION was made by Councilmember Sherman, seconded by Councilmember Kaplan, to adopt Draft Ordinance 07-143 amending Chapter 18.31 DMMC changing the way the commercial component is determined for mixed use buildings in the Pacific Ridge Residential Zone allowing up to 15% of the total floor area to be used for commercial purposes instead of a mandatory maximum of 900 square feet.

Land Use Planner Sullivan noted the intent was that in the total commercial space, two and half percent of that total needs to be at the ground level. He suggested in (5)(a) after the word 'and' we insert "at least" and before 'commercial' insert "the total" and that would clarify that the two and a half percent is based on the total commercial space.

Councilmember Sherman noted the main goal was to keep the commercial space on the main floor to entice more customers.

Councilmember Kaplan felt that if you use the commercial space as the base then the number should be around 25% of the total commercial space. However, if it is based on the total square footage of the building the percentage needs to be much lower.

MOTION was made by Councilmember Kaplan, seconded by Mayor Pro Tem Thomasson, to amend (5)(a) to change 2.5% to read "25% of the total commercial space". Motion passed unanimously.

MOTION was made by Councilmember Scott, seconded by Councilmember Kaplan, to amend (5)(a) to change 15% to 25%.

Land Use Planner Sullivan pointed out that this change would open up SEPA review again. He pointed out that the current 15% is in keeping with the SEPA planned action ordinance.

MOTION WAS WITHDRAWN.

Councilmember Sherman suggested that staff may wish to go back and look at a SEPA process down the road to consider changing the 15% to 25% sometime in the next 6 to 12 months.

City Manager Piasecki noted he will have staff check the costs to have the consultant come in and re-open the SEPA to consider such an amendment.

VOTE ON MAIN MOTION: Motion passed unanimously.

AGENDA REVISION

Mayor Sheckler advised he will take New Business Item #2 prior to Council taking their break.

NEW BUSINESS

Southwest Suburban Sewer District Proposed ULID #79

City Manager Piasecki noted that Ms. McWehy (ED NOTE: see Comments From the Public) has been working to bring sewer services to an area where she owns property. He referenced a map included in Council's packet. He noted they are in the formative stage, petitions have been signed and presented to the District. They are just over 51% requirement, and there is some controversy as a few individuals wish to remove their names and the District is checking on

whether or not that can occur based upon how State law reads. He informed Council that the City owns a piece of property contained within the proposed area that is our part of the Surface Water Pond along 1st Avenue near South 200th. He advised that the City has the ability to sign or not sign the petition because of the ownership of that property. He stated that because the property is undeveloped, and most likely will not be developed for quite some time, our assessment would be deferred, but if the property is ever developed then the assessment could be assessed. He advised that legal staff has spent some time researching this, and the Sewer District assures us that a deferral can happen.

Mayor Pro Tem Thomasson advised that ULIDs are complicated. He noted that the suggested costs shown in Council's packet are not necessarily what a preliminary assessment roll would be. He questioned how the District's method of assessment might be determined.

Jodi Baker, Senior Inspector with Southwest Suburban Sewer District, stated the assessment would be applied by parcel, by taking the total number of parcels, divided by the total dollar amount and that would be the assessment.

Mayor Pro Tem Thomasson commented that he could see where that method of assessment could be challenged. He noted he is still not clear on the City getting a deferral.

Assistant City Attorney Brown noted at this time, it is being inferred that the City will not receive any special benefit from the ULID and therefore will not be assessed. However, if the City ever develops the property then it would be assessed.

Mayor Pro Tem Thomasson stated he is in favor of the neighborhood getting sewers, but LIDs traditionally make "enemies of neighbors". He stated that it is his preference that the Agency form the LID by resolution, which then sets a trigger that at least 40% have to protest the formation. He advised when you sign a petition you are in effect signing a "blank check", essentially a contract which forces you to pay. He advised he would not be willing to have the City sign the petition which would drag everybody into having to play the game. However, if it was formed by the resolution method, he would not oppose it.

Councilmember Kaplan stated one of Council's responsibilities is protecting the public's health, welfare and safety. There is a problem in town, environmentally, with the fact that there are a number of failing septic systems. This impacts the streams and indirectly impacts the Sound. When you have a group of neighbors trying to make improvements to their neighborhood which benefits the City as a whole, it would be hard for us to turn aside. He noted it is unusual that the City has a direct stake in this as we are one of the property owners. Even with our signature, it is possible that they may not reach the percentage needed to complete the ULID. He has no objection to the City signing as he believes it is good public policy.

Upon questioning, Ms. Baker advised that there are problems developing with raw sewage coming out of the ground in the south end of the proposed ULID. She noted it is inevitable as septic systems do fail in time especially if they are not maintained properly. She further noted that the Church in this area is one parcel and they approached the Sewer District over concern of the amount of their frontal footage they could be charged for and the fact that they are a poor church, and requested they only be charged as a parcel. Noting that in the future, if the Church were torn down, the Sewer District could reserve the right to charge what is called a local

facilities charge to future developers. She informed Council that based on the volume of water consumption at the Church it is just slightly over what a single family home would use.

Councilmember Sherman remarked that the Growth Management Plan encourages sewer systems and of course, it is just good public health policy. While there may be other ways to form an ULID, he is not opposed to the City signing the petition.

Mayor Pro Tem Thomasson stated he would have preferred that the City's surface water pond had been left out of the boundary of the ULID. He felt that for the City to sign the petition, knowing that it is not going to cost us anything, is troublesome to him in that if our signature causes the ULID to form and the City does not pay, we will most likely get bad press.

MOTION was made by Mayor Sheckler, seconded by Councilmember Pina, to authorize the City Manager to sign the petition on behalf of the City approving the proposed ULID #79 by Southwest Suburban Sewer District.

Councilmember Pina noted there are a significant number of failing septic systems in this area and the residents are willing to accept the ULID and if these systems do not get fixed it will impact the City's property in its current intended use. He supports the motion.

Upon questioning, Ms. McWethy informed Council that the District has already received over 51% signatures in support, so the City signing is not the deciding factor. She noted the residents in the area are well aware that the City owns land in the area and are relying on the City to step up and support the sewers as contained in the City's Comprehensive Plan, the Clean Water Act and under the Governor's direction.

Councilmember Sherman felt by not signing, the City is making a statement just as much as it would by signing.

Councilmember Scott questioned whether the cost of \$22,739 per property is inclusive, or is it just the cost of assessment.

Ms. Baker advised that is just the cost of the assessment, and then there is a cost that the property owners incur to connect physically to the system. She noted that those costs can range widely. She further noted that most of the lots in this area are not big enough to support a replacement drain field.

VOTE ON MOTION: Motion passed 4 to 2 with Councilmember Scott and Mayor Pro Tem Thomasson opposed.

9:21 p.m. Mayor Sheckler announced Council will take a 10 minute break and then go into an Executive Session. City Attorney Bosmans noted Council will go into an Executive Session for approximately 15 minutes to discuss with legal counsel representing the City litigation or potential litigation to which the City is, or is likely, to become a party and about which public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the City.

Executive Session

Attendance: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott and Dan Sherman. Absent: Councilmember Susan White. Also

in attendance were City Manager Tony Piasecki, City Attorney Pat Bosmans and Planning, Building & Public Works Director Grant Fredricks.

At 9:48 p.m. the City Manager announced that the Executive Session will last approximately another 10 minutes.

No formal action was taken.

Adjournment - At 10:11 p.m. the Executive Session adjourned and Council returned to the regular meeting.

NEW BUSINESS CONTINUED

Suburban Cities Association Position on King County Emergency Medical Services Levy

Mayor Sheckler noted the purpose of this item is for the Council to provide direction to Councilmember Pina regarding the City's position on King County's proposed Emergency Medical Services Levy and how Councilmember Pina should vote at the upcoming meeting of the Suburban Cities Association's Public Issues Committee.

City Manager Piasecki noted this is in regards as whether to support the Levy as proposed by King County Council as an Excess Levy, versus a Levy Lid Lift.

Councilmember Sherman felt part of the issue with Emergency Medical Services is that we are supporting the rural area as more money comes from us, because the rural areas do not have the density of population to allow for the necessary services. He stated he is absolutely astounded that we have to keep reauthorizing this basic essential service. He feels that the Puget Sound area, King County in particular, have been leaders in the United States for the provision of these kind of services. He does not believe that we should be voting every year or so to provide these services as he feels it should be automatic. He suggested Councilmember Pina should convey this opinion that they should forge a system that is covered as an essential service. In regards to the immediate question, he felt this should have been handled by a Levy Lid Lift and if successful, at the end of the six year period they would be allowed to keep that level of taxation to continue to fund the service, even if some sort of adjustment may be needed then.

In regards to the Fire Districts supporting the levy as proposed, Councilmember Sherman pointed out they are supporting it because it does not take away from their ability to keep increasing the percentage citizens pay. In most cases levy rates go down as the value of the home goes up, but with the Fire levies the rates also increase with the value of the home. His bottom line was he will say yes this time, but never again.

Councilmember Pina commented that the suburban cities do pay more of the County tax, and the County does spend a disproportionate share of the money on unincorporated areas, and that message has been delivered from Des Moines.

Councilmember Sherman advised he is going to have to say no, because the last time we voted on this the County said that they would come up with a permanent solution, and they have not. He felt if we turn this down, they will find a way to fund it because it is an essential service.

Councilmember Pina noted that finding a solution will, in some cases, involve State law changes.

Mayor Sheckler stated he will support this, because the City cannot change what the Legislature should be changing. He felt if Councilmember Sherman is correct, then it should be incorporated into our statement the County must find a permanent solution.

Upon questioning, City Manager Piasecki advised that if this is not passed, 30 cents of property tax will go away.

Councilmember Sherman requested research to determine if he is correct that we were promised a permanent solution, then he would say go for "no". If that is not correct then he would say to support the Levy, but with a strong statement "never again" as this is an essential service that needs a permanent funding source.

Councilmember Kaplan expressed agreement with Councilmember Sherman, noting that the County used to fund this directly out of their operating revenues, without additional funds. He questioned what actually are the citizens of Des Moines getting from the County. We get funds taken away by the County, but we still have to pay the County to run an election in Des Moines, and to pay for EMS services. He felt it is important to communicate that we will not support this any more.

MOTION was made by Councilmember Kaplan, seconded by Mayor Pro Tem Thomasson, that Councilmember Pina be directed to vote in opposition to the proposed motion to be made at the upcoming meeting of the Suburban Cities Association's Public Issues Committee that recommends that SCA support King County Ordinance 15861, which provides for a regular property tax levy to fund emergency medical services.

It was noted that the Public Issues Committee will not be meeting before the next City Council meeting, therefore Councilmember Sherman suggested this matter be tabled until the next Council meeting, in order to study the legality of this subject without proper public notification.

Councilmember Kaplan felt there is no legal issue as Council is only informing our representative on an organization, Council's opinion, which is not a corporate decision directly to the public on a public matter.

Councilmember Sherman stated he would prefer providing a consensus opinion, instead of taking a vote.

Councilmember Pina advised that he would have no problem with postponing a decision until next week.

Councilmember Scott stated she would prefer the decision be postponed.

VOTE ON MOTION: Motion failed 4 to 2, with Councilmember Kaplan and Mayor Pro Tem Thomasson voting yes.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Pina, to place this item on next week's agenda. Motion passed 5 to 1 with Councilmember Kaplan opposed.

OLD BUSINESS

Des Moines Zoning Code Update

Upon questioning as to what staff needed regarding this item, Planning Manager Lathrop noted that Council had asked to see the next section of the document in the new format.

City Manager Piasecki stated that if some Councilmembers have some specific issues or concerns they can work directly with staff, but if most are comfortable we can just move on to the next step.

At 10:30 p.m. **MOTION** was made by Councilmember Kaplan and seconded, to extend the meeting 30 seconds. Motion passed

Planning Manager Lathrop advised the notebook is set up so that the information behind the first tab basically shows how the document has been reorganized and it is done in track changes and a footnoted version. Tab 2 is basically the text with those changes already accepted, so Council has the ability to read it without having to read the track changes. Also, the Zoning Code, as it exists today is provided as an appendix for Council's reference.

Mayor Pro Tem Thomasson remarked he is content with the format, but noted some of the definitions are not grouped as well as could be, which is more of a content issue than formatting.

At 10:31 p.m. **MOTION** was made by Councilmember Kaplan and seconded by Councilmember Scott to extend the meeting one minute. Motion passed.

Councilmember Scott remarked that in regards to different items like signs, there is no one place to look. She felt the code should be set up in this manner so a layman could locate a specific category and find what they need, making it more user friendly.

Planning Manager Lathrop stated the goal was to do glaring text edit things, then consolidate all of the definitions into one section.

NEXT MEETING DATE - August 2, 2007

ADJOURNMENT

10:32 p.m. the meeting adjourned by time expiring.

Respectfully submitted,

Denis Staab, City Clerk

ACTION ITEMS FROM July 26, 2007 MEETING

- Report from South King Fire & Rescue on revenue increases relative to rate of inflation
- Check cost of having consultant to re-open SEPA (% of commercial) for Pacific Ridge
- Determine whether the County promised to find a permanent solution at the time of the last Emergency Medical Services Levy