

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

November 8, 2007

The regular meeting of the Des Moines City Council was called to order at 7:28 p.m. by Mayor Sheckler in the 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, Dan Sherman and Susan White. Also in attendance were City Manager Tony Piasecki, City Attorney Pat Bosmans, Finance Director Paul Henderson, Development Services Manager Robert Ruth, Planning Manager Denise Lathrop and City Clerk Denis Staab.

CORRESPONDENCE

Letter From City of Normandy Park to Governor Gregoire

City Manager Piasecki advised he has distributed a copy of the letter to Councilmembers regarding the Hazardous Wildlife Attractants Taskforce, the group looking at types of facilities around the airport that might attract wildlife, in particular flying wildlife. He suggested Councilmembers contact him if they wish this to be a discussion item at a future meeting.

COMMENTS FROM THE PUBLIC

Mark Proulx, 26202 14th Avenue South

Mr. Proulx referenced Draft Ord. 07-134A amending permitted uses in the Business Park Zone on the Agenda this evening. He expressed his opposition to having mega retailers, commonly referred to as "big box" stores as a permitted use. He feels these retailers cause far more harm to communities than any good they may offer, citing the following issues:

- Sabotage local businesses through the myth of low prices
- Provide low-quality jobs that cannot support families and force workers to live far from the workplace
- Shift costs to local communities through direct subsidies or through wage scales that promote worker dependence on social services
- Contribute to local environmental degradation by encouraging the use of autos and discouraging the use of public transportation
- Contribute to global environmental degradation by trading in goods produced in countries having lax or nonexistent environmental protections
- Contribute to global environmental degradation by trading in goods that require consumption of large amounts of fuel to move them to market
- Promote an ethic of excessive consumption that is counter to physical, spiritual and environmental health
- Sabotage domestic manufacturing by selling goods made by workers unprotected by the wage and hour and health and safety standards we take for granted
- Undermine the interpersonal contacts that are the hallmark of thriving local communities
- Divert locally spent dollars to remote corporations to enrich stockholders rather than keeping those dollars in local communities

He felt the City should use the land to encourage locally owned industrial businesses like Grakon and Pac Stainless who collectively employ 34 people. He stated it is rare for healthy downtowns and big box retailers to coexist in the same city. He suggested Council view this an opportunity to create a thriving local economy. In conclusion he suggested Council read the book, *Big Box Swindle* by Stacy Mitchell which he feels provides a compelling case against the big box model. [Ed Note: He left a copy of the book for each Councilmember to read.]

BOARD & COMMITTEE REPORTS and COUNCILMEMBER COMMENTS

Legacy Foundation Brunch

Councilmember Scott reported that the "Celebrity" brunch held at Anthony's Restaurant last week-end was well attended and enjoyed by everyone.

Highline Community College Concerts

Councilmember Scott noted that a series of three concerts, the first one was last Tuesday, are being held at the College and are sponsored by the Des Moines' Arts Commission. She advised that tickets are available at the Des Moines Field House and she encouraged everyone to attend.

Victorian Christmas at the Des Moines Theater

Councilmember Scott stated the event will be on December 1st and as tickets are going fast, she encouraged everyone to buy there tickets now.

Public Safety and Transportation Committee

Councilmember Kaplan stated the Committee met earlier this evening to discuss the City's hotel/motel ordinance, advising a presentation will be made to the full Council within the next few weeks.

Farmer's Market - Chili Cook-off

Councilmember Kaplan advised that he was one of the judges for the Chili Cook-off on the last day of the Farmer's Market. He noted it was a great event and a lot of fun. He encouraged everyone to attend the Market next year stating it is a great place to meet friends.

Grant Writing Workshop

Councilmember White reporting attending a Appropriations Writing Grant Workshop with Park and Recreation Director Thorell, sponsored by Senators Patty Murray's and Marina Cantwell's offices.

Des Moines Police Ride-a-Long

Councilmember White noted that she and District Representative Dave Upthegrove went on a ride-a-long last Saturday, with Police Commander Tucker. She advised that it was an interesting experience and made her appreciate some of the challenges we have in the City. She offered major kudos to the Police Department and what they do to protect citizens. She encouraged other Councilmembers to experience this program.

Des Moines Arts Commission

Councilmember White expressed appreciation for the music series sponsored by the Commission and stated they are doing a great job for the City.

Wild Animals in Des Moines

Councilmember White reported that a City employee lost her puppy to a wild animal in Des Moines. She requested that perhaps Des Moines Animal Control Officer could provide a report to the community on what citizens should be aware of.

City Manager Piasecki advised there will be an article concerning this issue in the next edition of the *City Currents*, which will be out shortly.

Municipal Facilities Committee

Councilmember Sherman stated the Committee met on November 2nd. Topics of discussion included:

- Des Moines Creek Trail - Terminus route at end of trail in Beach Park
- Police Department Impound Storage Yard - Need more secure space
- Marina Bulkhead Replacement Project and Restaurant Lease - Parking issues and structure of lease
- Field House Park Ball Field - Request for grant is on tonight's Consent Calendar

PRESIDING OFFICER'S REPORT

Kings Arms Motel - Update

Mayor Sheckler informed Council that in response to concerns raised by representatives of the Kings Arms Motel at the October 25th Council meeting, that he, City Manager Piasecki, Police Chief Baker, Police Commander Tucker, City Attorney Bosmans and Prosecutor Mahoney met with the Motel representatives earlier today. He advised he will brief Councilmembers on what took place and what possible action Council may wish to take in the future regarding this matter.

ADMINISTRATION REPORTS

Mt. Rainier High School Resource Officers

Mt. Rainier Principal Toni Pace and Assistant Principal Bill Bird addressed Council and thanked them for their participation in the grand opening of the new High School, but in particular for support the City Council has provided to the City's children who attend Mt. Rainier and the critically important assistance received from Police Officers Barry Sellers and Mike Graddon the school's Resource Officers. She informed Council of the School's following achievements in the last 8 years:

- WASAL Math Scores have risen 71.4%, Reading Scores up 57.6%, Writing scores up 124.2% and overall up 72.5%
- Read Right Program has brought students reading below grade level up to and above grade level in a matter of weeks
- Last year 85% of students passed the WASAL Reading, although they had failed in the 7th grade
- Raised the number of students taking baccalaureate exams by 60%
- Graduation rate up 12% in the last 3 years
- Students who attend the University of Washington continually receive the highest rating for student cumulative GPA retention
- Last month as one of the top 5% of schools in Washington, Mt. Rainier was only one of 15 in the entire State to receive the OSPI School of Distinction Award
- Reduced major discipline issues by 28%

She declared that none of the achievements would have been possible without the assistance Des Moines provided in the form of the School Resource Officers Sellers and Graddon. She commented the officers as great individuals who are wonderful people and who reflect great credit on the City of Des Moines, Police Department and the City Council. She advised that a safe school environment is an absolute requirement for improved student achievements.

Mr. Bird concluded by thanking Council for the partnership that has developed between the Police Department and the High School which has provided a quality, safe environment for students and staff. He advised that the School Resource Officer position has been invaluable to the School and has helped establish a safety team consisting of a Student Resource Officer, a Highline Security Officer, Campus Security Officer and himself. He informed Council that this team approach has brought forth a very productive and positive approach to any problems that have occurred. He noted this team has volunteered presentations to District personnel, staff and PTSA meetings and at State and National Conferences. He advised that the key Student Resource Officer position is someone who is very approachable and trustworthy in the eyes of the students and the staff. He thanked Chief Baker for providing outstanding individuals for the position of School Resource Officers.

Consent Calendar Item #8 - Memo of Understanding With Police Guild

City Manager Piasecki noted that the wording in the 2nd full paragraph in the section called Issue will be changed to make sure that it is very clear that the balance of vacation hours that we will cash out will result in vacation balances of "340 hours, but nothing less".

Consent Calendar Item #9 - Southshore Reconsideration

City Manager Piasecki advised that due to a couple of items Mayor Pro Tem Thomasson brought up the applicant will be reworking the map regarding the following:

- Lot 17 - the setback on one portion is not big enough in relationship with the wetland buffer and will be corrected
- Tracts A, B, C and D - do not have adequate boundary lines, but will be added in

King County Council Meeting - Ferry District

City Manager Piasecki reported he sent Harbormaster Dusenbury to a meeting where King County Council was sitting as the Board of Director's for the Ferry District. One of their agenda items was to talk about their budget and to set a property tax levy of 5 cents per thousand of assessed value. One of the things they want to do is set up a demonstration route of a passenger only ferry system. He sent the Harbormaster to reiterate the Council's position of supporting the feasibility study and to add that doing demonstration projects is a logical extension of the feasibility study and given Des Moines geographic point, it does make sense for Des Moines to be one of those demonstration routes.

Mayor Sheckler pointed out that it will be 3 to 5 years before the demonstration occurs.

City Manager Piasecki noted there is a lot of additional work, study, and design that will have to be done to see if this would even work in Des Moines. He felt it is important that we be involved in the planning process, and to be sure it does not get in the way of City plans for the Marina and Beach Park.

Mayor Sheckler commented that this is a King County issue and is not part of the Puget Sound Regional Council (PSRC) doing a feasibility study regarding passenger ferries. He remarked

that when he heard King County will tax all King County residents, he felt it only fair that Des Moines be included in the efforts.

Councilmember Sherman remarked that he does not understand why the duplication of efforts between the two entities.

Mayor Sheckler informed Council that he has requested King County Councilmember Patterson's office to send Des Moines all the information they can regarding the King County measure. He will forward all information to each Councilmember.

Councilmember White remarked that the study being done by PSRC is a comprehensive study looking at the entire region and should be completed around the first of the year. She noted there is a Ferry District Symposium being held on November 7th which she will be attending. She felt it is good that Des Moines be at the table when ever these kinds of discussions are happening.

Councilmember Kaplan questioned how the King County Plan will fit with a regional plan. He felt once the Study does come out, Des Moines will need to have a policy discussion, especially in light of the steps already taken for the Marina Master Plan.

City Manager Piasecki suggested once all the information has been received from King County, we invite Councilmember Patterson to give a presentation to Council to answer any questions.

Councilmember White encouraged Councilmembers to keep an open mind as this could be a wonderful opportunity for the City.

Mayor Pro Tem Thomasson expressed concerns and felt it may be a good idea to prepare a resolution to actually say what it is, we as a Council, are actually saying as the Council has not taken any official position on passenger ferry service. He pointed out issues such as parking and car pool lots are impacts that could overwhelm the Marina and need to be looked at.

City Manager Piasecki pointed out that Council's Interlocal Governmental Policies and Positions has said it supports the feasibility study process.

Councilmember Pina stated he feels it would need to be shown that Des Moines can handle the traffic and parking without damaging our own citizens needs.

CONSENT CALENDAR was read by City Clerk Staab and City Attorney Bosmans.

1. Motion is to approve the regular minutes of August 16, 2007, the special and regular minutes of September 27, 2007, and the regular minutes of October 4 and 11, 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 #111587 through #111779 & electronic fund transfers in the total amount of \$621,023.21

Payroll fund transfers in the total amount of \$336,151.70

3. ~~**Motion is to approve the Local Government Stormwater Grant No. G0800130 between the State of Washington Department of Ecology and the City of Des Moines, and further to authorize the City Manager to sign said agreement in the form as attached.**~~ [ED NOTE: Removed by Mayor Pro Tem Thomasson.]

4. Motion is to allow the City Manager to sign and accept the "Public Right-of-way Dedication Deed" from Highline School District adjacent to public right-of-way along 24th Avenue South at Midway Elementary School at no cost to the City, upon signing by Highline School District.

5. Motion is to approve \$6,483 of additional funding to the current \$19,000 Space Study contract with Lawhead Architects, P.S., bringing the total to \$25,483, and further to authorize the City Manager to sign said contract amendment, substantially in the form as submitted and to ratify the City's action in this matter.

6. Draft Resolution No. 07-196 [ASSIGNED RESOLUTION NO. 1055] - Title: A Resolution of the City Council of the City of Des Moines, Washington, authorizing the City Manager to submit a grant application to the Recreation and Conservation Funding Board (RCFB) pursuant to chapter 79A.25 RCW for the funding of the Field House Park Field #1.

MOTION is to approve Draft Resolution No. 07-196.

7. TWO MOTIONS:

A. Motion is to authorize the City Manager to approve Professional Services Agreements for Civil Engineering Services (2007-2009) for CH2M Hill, KPFF, KPG, Hammond Collier et al, MIRAI, and AMEC, substantially in the form as submitted, each not to exceed \$500,000 subject to the availability of funds.

B. Draft Resolution No. 07-204 [ASSIGNED RESOLUTION NO. 1056] - Title: A Resolution of the City Council of the City of Des Moines, Washington, revising policies governing City Council participation in public contracts, and superseding Resolution No. 753.

MOTION is to approve Draft Resolution No. 07-204.

8. Motion is to approve the Memo of Understanding with the Police Guild to allow cash out of all unused holiday hours and vacation hours above 340 for all members of the Des Moines Police Guild.

9. ~~**Draft Resolution No. 07-188A [ASSIGNED RESOLUTION NO. 1057] - Title: A Resolution of the City of Des Moines, Washington rescinding Resolution 07-188 and adopting Resolution 07-188A approving the preliminary modified subdivision entitled Southshore, (hereinafter, the subdivision) subject to conditions specified herein.**~~

~~**MOTION is to approve Draft Resolution No. 07-188A on a second reading.**~~ [ED NOTE: Removed by Mayor Pro Tem Thomasson.]

Mayor Pro Tem Thomasson requested Consent items #3 and #9 be removed.

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

REMOVED CONSENT ITEMS

Consent Item #3 - Local Government Stormwater Grant

Mayor Pro Tem Thomasson noted he is in favor of the Grant, but not a clause contained in the Grant which is a requirement for women and minority business participation that is contrary to an initiative that was passed in this State which said: "you cannot do this anymore". He noted Item F on page 6 says "this is voluntary", after it already says we agreed to meet the department's goals. He felt if it is voluntary is should be struck out.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Sherman that Consent Item #3 be approved as previously read by the City Clerk.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Pina, to amend the agreement by striking paragraph F, on page 6 and 7.

Assistant Engineer Reinhold stated it is a voluntary goal so it is not necessary to remove it. He felt we would need to see if the Department of Ecology would withdraw the Grant if we amend the agreement.

Mayor Pro Tem Thomasson felt if it is truly voluntary then there should not be earlier language stating we agree with the goals, and if the Legislature said they cannot do this, then local governments need to step up to make them stop doing it.

City Attorney Bosmans advised that MWBE requirements are voluntary, and you can make them mandatory by agreeing to them in a written agreement, which is what we are being asked to do in this agreement. She felt the paragraphs are inconsistent in that the first one says we agree to solicit and recruit through the bidding process and she does not know how we can agree to utilize the Department's goals or why it is necessary, if it is voluntary. She advised it is not very well drafted and believes it is contrary to the law.

VOTE ON AMENDMENT: Motion passed with Councilmembers Sherman and White opposed.

VOTE ON MAIN MOTION: Motion passed unanimously.

Consent Item #9 - Draft Resolution No. 07-188A Preliminary Modified Subdivision Southshore

Mayor Pro Tem Thomasson advised that he cannot support the item as he believes it adds more density and it is not in line with the underlying 8400 sq. ft. zoning. He noted he supported the original resolution which established a mid-range of zoning, but cannot support going as low as 5200 sq. ft. that this resolution contains.

Councilmember Sherman voiced support for Mayor Pro Tem Thomasson's statement. He noted some things that need to be corrected including some lot numbers that are incorrect.

MOTION was made by Councilmember White, seconded by Councilmember Kaplan, to adopt Draft Substitute Resolution 07-188A approving the preliminary modified subdivision entitled Southshore, which will supersede Resolution 1054, subject to the mitigation terms identified in the SEPA Mitigation Agreement included in the September 27, 2007 Agenda Item, the eight conditions of approval included in the September 27, 2007 Agenda Item, the three additional conditions of approval established during the November 1, 2007 City Council meeting reflected in Draft Resolution 07-188A, and the modifications to the preliminary site plan identified during the November 1, 2007 City Council meeting. Also, to correct the lot number errors contained in the draft resolution.

Councilmember Kaplan referenced the map adjustment of a 20 foot setback on lot 17, next to the wetland, plus the others mentioned by City Manager Piasecki in the Administration Report.

Councilmember Scott referenced page 3, Items 3 and 4 of the draft resolution, noting since the lot numbers have changed, the lot numbers on items 4 and 5 need to be changed to reflect the accuracy of which lots are intended. This was accepted as a FRIENDLY AMENDMENT by the maker and seconder of the motion, to correct the lot number errors that are contained in the resolution.

City Manager Piasecki advised that staff can change those to reflect the appropriate lot number before the final document is recorded.

Councilmember Scott advised she supports the motion and felt there has been a tremendous effort by the applicant to give Council the items that were missing, such as:

- All back yards will have at least 20 feet, included landscaped path directly to the ball field
- Included a play space
- Agreed to landscape the retention pond

VOTE ON MOTION: Motion passed 5 to 2 with Councilmember Sherman and Mayor Pro Tem Thomasson opposed.

AGENDA REVISION

Mayor Sheckler stated he would like to take Old Business Item 2 first, an unfinished item from an earlier meeting, if there is no objection. Council expressed no objection.

OLD BUSINESS

Draft Ordinance No. 07-134A [ASSIGNED ORDINANCE NO. 1412] Amending Permitted Uses in the Business Park Zone - 2nd Reading

Planning Manager Lathrop advised that Council has been furnished with a revised draft ordinance which takes all the permitted uses that were part of the first development agreement and puts all of the uses into one section stipulating that the uses are only permitted in the North Sub-Area, which is only the Port of Seattle property.

City Manager Piasecki advised that should Council want some or all of the new uses to also be allowed in the South Sub-Area, but not the warehousing, staff has prepared an amendment for Council's consideration this evening.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Pina, to adopt Draft Ordinance No. 07-134A amending DMMC 18.25.020 establishing new permitted uses in the Business Park zone.

Mayor Pro Tem Thomasson questioned why staff did not address a method to approve, condition and control these uses.

City Manager Piasecki advised that several alternative amendments have been prepared and placed at Council's seats.

8:36 p.m. Mayor Sheckler declared a 15 minute break to allow Councilmembers time to study the alternative amendments that staff has prepared.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Sherman, to amend Section (7)(a) to make "motor freight transportation . . ." a separate item (b) and add the language "are permitted only as conditional uses when approved as part of the master plan process, which establishes allowed locations and allowed percentages of the master plan area."

Mayor Pro Tem Thomasson felt that this would allow Council to establish what the right numbers are and the flexibility to set the standards when we see the master plan, without allowing it to be an approved use. He noted if it is a permitted use, then Council does not have the authority to deal with the use itself, only the layout.

Planning Manager Lathrop noted that DMMC 18.25 sets a process already, so it does not seem appropriate to list them in what is called the permitted use sections and to introduce process into that section. She felt it is okay to say that it would be permitted as conditional use.

City Manager Piasecki expressed concern that the idea is rather open ended and it does not give the applicant any kind of indication as to what it is that would be allowed, where and how, it becomes almost an arbitrary type decision on the part of Council.

Councilmember Kaplan spoke in opposition to the amendment. He felt what we need to do is live up to our agreement to outline the permitted uses within the business park. Proposals that come back to Council will reflect that and if they do not, the proposal will not be adopted. Also he pointed out that if there is something that exceeded the boundaries of the current EIS somebody would have to get a new EIS, even if it is on the list of permitted uses. He felt that buys Council enough time if a change is needed to suit our comfort level in the future. He felt Council has been working in good faith to come up with the boundaries by which there is going to be certainty for those who would otherwise put forward proposals to us. It is Council's obligation to live up to that.

Mayor Pro Tem Thomasson felt his proposal is fully in the spirit of the first development agreement, which says "a mix of uses including the following". He stated he is trying to get to a mix of the uses that is not 100% of one or another. He felt by outright permitting them any proposal could be a 100% of any one or the other, with no ability for the Council to get the mix that it is looking for. He noted that somebody just needs to make a master plan application, do SEPA later and they are vested for those uses and Council cannot undo the zoning once the application is made. He advised he is not trying to stop the process, but trying to make it the best he can for the citizens of Des Moines.

Councilmember Sherman stated he supports protecting the City so that we do not get something we are not expecting. He felt there is nothing in Mayor Pro Tem Thomasson's motion that is not consistent with what is contained in the Port's request for qualifications. He felt the amendment would give Council more control, and makes it clearer how development can move ahead.

Councilmember Pina noted that he feels the Port's RFQ does a good job of describing the City's desire and spoke against the proposed amendment.

Councilmember Scott stated that if Council retains the ability to reject something that we do not like, as it is written, then she has no problem. However, if once something is presented to Council we are stuck with it is true, then she would prefer an amendment. She stated what is important to her is that warehousing and logistics uses shall be situated in the north portion of the

development site and primary access from and to the north shall be from 24th Avenue South and north to South 208th Street and eventually directly to SR 509 and I-5.

City Manager Piasecki advised that through the master planning process Council does have a great deal of flexibility to shape and drive the way the development will look. The language in the original ordinance that says "when appropriately mitigated for excessive truck traffic" gives Council a lot of flexibility to determine where that truck traffic is going to go to properly mitigate it. He noted with the schedule the Port has put together for the process to select a developer, and what they require the developers to show them, Council will have a big "heads up" as what the development community has on their mind. One of the requirements contained in the RFQ when plans come in from the developers is for them to tell conceptually what they feel should be going on the site. He noted the Port has already said that any proposals that say it should be all warehousing, will be considered non-responsive and be rejected. He reminded Council that he will be on the team narrowing the proposals down to 2 or 3 firms and will be advocating on Council's behalf. He concluded by again empathizing Council will have a lot of opportunity to shape the development in a way that Council will be very comfortable with.

VOTE ON AMENDMENT: Motion FAILED by a 5 to 2 vote, with Councilmember Sherman and Mayor Pro Thomasson voting yes.

MOTION was made by Councilmember Sherman, seconded by Mayor Pro Tem Thomasson, to amend Section 1(7)(a) by adding subsections (i) Combined warehousing and logistics uses shall be permitted outright for up to 25 percent of the gross building area proposed for the site; or (ii) Combined warehousing and logistics uses shall be permitted as a conditional use when it comprises 26 to 40 percent of the gross building area proposed for the site, subject to the following conditions: (a) Warehousing and logistics uses shall be situated in the northern portion of the development site and integrated with the surrounding uses; (b) Primary access from and to the north shall be from 24th Avenue S and north to S 208th Street and eventually directly to SR-509 and I-5. Motion FAILED by a 4 to 3 vote, with Councilmembers Scott and Sherman and Mayor Pro Tem Thomasson voting yes.

VOTE ON MAIN MOTION: Motion passed 6 to 1 with Mayor Pro Tem Thomasson opposed.

PUBLIC HEARING

Draft Ordinance No. 07-212A & B 2008 [ASSIGNED ORD. NOS. 1413 & 1414] General Property Tax Levies - 1st Readings

Mayor Sheckler described the subject and declared the hearing open. He inquired whether anyone had signed up to speak, reply was negative.

Finance Director Henderson informed Council that Draft Ordinance 07-212A will determine the amount of funds to be raised by ad valorem taxes for the year 2008 for general City expenditures, including levy lid-lift ad valorem taxes to provide funds to restore police department staffing to previous years' levels. Draft Ordinance 07-212B authorizes the increase in ad valorem taxes for the year 2008 for general City expenditures. She advised Council of the following amounts:

Regular Levy	\$2,896,600
Lid Lift	<u>1,483,400</u>
Total Levy	\$4,380,000

Mayor Pro Tem Thomasson felt that the only math that should show in the draft ordinance is whatever the \$1.60 generated, plus the 4% and the new construction. He felt the rest of the math is Des Moines' accounting which has nothing to do with the Assessor.

Mayor Sheckler called for speakers three times as there was no response, he asked if Councilmembers had any questions of Administration.

Mayor Pro Tem Thomasson restated that the Assessor does not need to the City's internal distribution of the money. He felt it was very clear it was \$1.60 for 2007, and then a 4% increase for 2008, plus new construction.

Finance Director Henderson advised that the whereas' in draft Ordinance 07-212A are there to provide transparency.

City Manager Piasecki added that the whereas' are there for the citizens to see where the money is coming from. Ordinance 07-212B is set up according to law, to say here is the extra money in a dollar value and here is what the percentage is, representing \$234,616 extra dollars.

In regards to the Draft Ordinance 07-212A, Finance Director Henderson stated that she wanted to show Council what staff is planning to do with the money, such as X amount into the special revenue fund for the Police and the remainder in the General and Street Funds.

Several Councilmembers expressed approval of the way the draft ordinance is written.

As there were no further questions, Mayor Sheckler declared the hearing CLOSED.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Sherman, to suspend Council Rule 26(b) to enact both ordinances on a first reading. Motion passed 6 to 1 with Mayor Pro Tem Thomasson opposed

MOTION was made by Councilmember Kaplan, seconded by Councilmember Sherman, to enact Draft Ordinance No. 07-212A, determining the amount of funds to be raised by ad valorem taxes for the year 2008 for general City Expenditures, including levy lid lift ad valorem taxes to provide funds to restore police department staffing to previous years' levels per Ordinance No. 1375. Motion passed 6 to 1 with Mayor Pro Tem Thomasson opposed.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Sherman, to enact Draft Ordinance No. 07-212B, authorizing the increase in ad valorem taxes for the year 2008 for general City expenditures. Motion passed 6 to 1 with Mayor Pro Tem Thomasson opposed.

Mayor Sheckler and City Manager Piasecki read both ordinances by title into the record.

OLD BUSINESS

Draft Ordinance No. 07-198 [ASSIGNED ORDINANCE NO. 1415] Street Vacation for South 239th Street - 2nd Reading

Mayor Sheckler introduced the subject.

Development Services Manager Ruth advised that the public hearing was conducted on, testimony was taken and the hearing was closed, at the October 25, 2007 Council meeting, and the Draft Ordinance was passed on to a second reading for tonight. He noted that at the meeting on the 25th Council requested staff look into a couple of options in terms of alternative sidewalk locations and transferring potential sidewalks from 239th to either 240th or 236th Streets. He stated he has talked with the developer applicant and the relocation of the sidewalk improvements beyond the S 239th Street corridor is not something he is willing to do, due to economic reasons. He mentioned since the last hearing staff has received correspondence from 5 different individuals, but because the public hearing has been closed these letters have not been forwarded to Council since they are restricted by the public hearing process and to preserve the integrity of the public hearing.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Pina, to adopt Draft Ordinance No. 07-198 approving a request to vacate a portion of South 239th Street in the Zenith Neighborhood.

Councilmember Sherman felt that if the developer will not put in any pedestrian access then he feels the City should consider adding access from Marine View Drive on to 236th or 240th. Perhaps this could be prioritized in the City's sidewalk plan. Councilmember Pina concurred.

Mayor Pro Tem Thomasson stated he did not feel the value of the land is a fair value, and does not meet appraisal standards, and therefore he will vote in opposition. He noted he was pleased that some of the neighbors stepped up to say that pedestrian safety is a concern.

Development Services Manager Ruth noted the evaluation that was provided in a prior packet was a brief appraisal. When contacted the developer informed him that the cost of an appraisal was actually approaching the cost of the land value and opted to just demonstrate that the value is within the realm mentioned.

Councilmember Scott stated that some neighborhoods feel that their character is not such that they want the kind of sidewalks that you would find in a planned subdivision. However, if the right percentage of people in the neighborhood were to come to Council and say we want sidewalks, then we should act on it. She felt that it needs to be shown to Council by the neighborhood sidewalks are wanted.

Councilmember Kaplan advised that after all the discussion Council has had regarding the commitment of the improvements that would have had to be put in, which would not have been of real benefit, with sidewalks going nowhere, the liabilities of sidewalks ending in the middle of nowhere, plus the impacts on the surrounding property owners, he feels this is a good solution.

In regards to the value of the property, City Manager Piasecki pointed out that the area is completely encumbered with easements, nothing could be built there other than the road surface that will serve as a driveway, which greatly diminishes its value.

VOTE ON MOTION: Motion passed 6 to 1 with Mayor Pro Tem Thomasson opposed.

NEXT MEETING DATE

Mayor Sheckler noted the next meeting is a special meeting from 9 a.m. to 3 p.m. November 10th at the Activity Center, and the next regular meeting will be November 15th.

ADJOURNMENT

At 9:46 as all items of business were completed, Mayor Sheckler declared the meeting adjourned.

Respectfully submitted,

Denis Staab
City Clerk