

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

April 5, 2007

The study session of the Des Moines City Council was called to order at 7:33 p.m. by Mayor Sheckler at the City Council Chambers at City Hall, 21630 11th Ave S, Des Moines, WA.

PLEDGE OF ALLEGIANCE: Led by Mayor Pro Tem Scott Thomasson

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott, Dan Sherman, and Susan White. Also present were City Manager Tony Piasecki and Acting City Attorney Richard Brown. Planning, Building, and Public Works Permit Technician Tina McVey took the minutes for the meeting.

Announcement

Mayor Sheckler made a public announcement that a Des Moines citizen, Adeline Reinhardt, who resides at 24526 13th Avenue South, is turning 90 years of age on April 19th. He and the Council expressed their congratulations to the birthday recipient and signed a birthday card to be sent to Ms. Reinhardt. Ms. Reinhardt's daughter was kind enough to inform the City of her mother's birthday and to allow the announcement of her name and address should anyone wish to send her best wishes on their own.

DISCUSSION ITEMS

Interlocal Agreement for Emergency Management Coordinator

Chief of Police Roger Baker introduced the agreement document and stated he felt this was a positive step for the City for the following reasons:

- 1) Costs would be shared between the municipalities
- 2) Someone familiar with all cities would be in a better position to pool available resources for training and response to emergency situations
- 3) Emergency Management plans would be updated regularly and routinely
- 4) The merger with the fire departments for Federal Way and Des Moines to create the South King Fire & Rescue organization created a beneficial resource to the southern section of the city in regards to emergency management. Joining with Burien, Normandy Park, and Seatac would provide the same excellent benefit to the north.

- **Motion made by Councilmember White to approve the agreement as suggested in the agenda. Motion was seconded by Councilmember Scott.**

Motion passed unanimously with the understanding that the phrase "substantially in the form as submitted" would allow our City Council to amend the agreement before it is signed. City Manager Piasecki affirmed that any requests for changes would definitely be something which would need to be discussed and approved by the other City Councils involved.

Prosecutor Contract Extension

City Manager Piasecki informed the Council of his recent discovery that the expiration of the current contract with our Prosecuting Attorney, Susan Mahoney, occurred on March 31, 2007. The extension would approve the contract be extended until August 31, 2007. As the City has recently hired a new City Attorney who will begin work on May 1st, 2007, this will give the new City Attorney time to evaluate and organize the Legal Department to her liking.

City Manager Piasecki also brought it to the Council's attention that there was a typo in the original suggested motion and that it should be changed to take out the "written approval to extend" language and substitute "extension of the".

- **Motion was made by Councilmember White to approve the contract extension with the suggested change.**

Motion was seconded by Councilmember Scott.

- Motion passed unanimously with great appreciation for her services expressed by all members of the City Council and the Mayor.

Building Codes

Planning, Building, and Public Works Director Grant Fredricks opened the discussion by providing a background of the processes which have occurred which have created the need for this discussion. At the time most of the current City of Des Moines Building Code was written (around 1992), the officially adopted code was the Uniform Building Code. In 2003, the International Code Council created, along with collaboration from various professional groups, an International Building Code which would be adopted by the State of Washington. This code is revised every three years and the State will be adopting the 2006 version of the International Building code this July 1st. Title 14 of the Des Moines Municipal Code needs to be updated to reflect these changes.

Director Fredricks continued by providing the Council with the Division's timeline for achieving this purpose. Each Councilmember had been provided with a notebook containing the first two of 5 'sets' of packages, each covering a specific chapter of the proposed code changes/amendments. The Division would like to cover 2 packages in each Council meeting, noting the different areas which the Council would like to discuss in detail and holding those items over until the last meeting where those items could be discussed and policy decisions made. At this time in the first three meetings, the Division was simply seeking guidance and direction from the Council without formal action being taken until the last meeting, leading up to a public hearing on the new Title 14.

This first Council meeting would discuss Work Package 1: Revised Chapters 14.04, Building construction Administration Code, and 14.08, Referenced Codes and Standards, and Work Package 2: Revised Chapters 14.12, Building Code Amendments, and 14.14, Sound Control Requirements. The second meeting would discuss Work Package 3: Revised Chapter 14.16, Fire Code Amendments, and Work Package 4: Revised Chapter 14.20, Electrical Code. The third meeting would discuss Work Package 5: Revised Chapters 14.24, Land Clearing, Filling and Grading, and Chapter 14.28, Sign Code. The third meeting would also include the discussion of the International Property Maintenance Code and any holdover policy issues from the first two meetings. Director Fredricks then provided the Council, the Mayor, the City Manager, and the Acting City Attorney with copies of Packages 3 and 4 to be included in the notebooks for the next Council meeting.

At this time, Director Fredricks turned the floor over to City Building Official Lawrence Pickard.

The following points were brought forward by Councilmembers for changes to the current document:

- 14.04.030, Scope

- Section 2 - language to be clarified and made easier to understand as the intent of the statement is obscured in the current language.
- 14.04.030, Scope
 - Section 3 - substitution/clarification of “transmission of intelligence” with commonly understood language.
- 14.04.040, Definitions
 - Remove all regulatory/requirement inclusions from chapter and move to other, more appropriate sections of the code as they are not definitions.
 - **Set aside the policy question of what constitutes a “substantial remodel” for further discussion at the end of the meetings.**
 - Fix formatting/numbering errors
- 14.04.110, Referenced Codes and Standards
 - Language to be clarified as the repeated use of the word “code” is confusing. Substitute Des Moines Municipal Code (DMMC) as appropriate.
- 14.04.140, Applicability
 - Section 2 - discuss this in concert with “substantial remodel” policy question.
- 14.04.200, Hours of Construction
 - **Set aside the policy question of what construction hours should be for further discussion at the end of the meetings.**
 - Change the language “regulated by this title” to “regulated by the DMMC”
 - Add “or as approved by permit” to the statement ending with “to the follow hours:”
- 14.04.230, Appeals
 - Section 2 - review the language “administrative provisions” to make sure this is still current language and intent.

At 9:01 p.m., Mayor Sheckler declared a ten-minute break.

At 9:13 p.m., the meeting reconvened.

- 14.08.030, Fire Code
 - Research to find out if all the things in strikeout are actually still covered in Appendix B and Appendix C
 - Building Official Pickard noted for the Council that those items in the strikeout were typos in the original language of the current Code as those are not Appendix designations, but instead Building Type designations.
- 14.12, Building Code Amendments
 - This is the section which should contain those items from 14.04.040 which were not definitions, such as “IBC”, “IRC”, etc
- 14.12.100, International Building Code

- Section 4(a) - the use of the word “value” in this section could be applied to the aforementioned “substantial remodel” requirement rather than the language “habitable area”
- 14.12.110, Fire Protection for Multiple Townhomes
 - **Possible policy discussion regarding changing fire suppression systems from a 13R to 13.**
- 14.12.130, International Property Maintenance Code Amended
 - Put titles of sections amended in bullet points

Requests and or observations made by Councilmembers during the course of the presentation:

- Councilmembers would like a handout of the various Occupancy groups and their definitions.
- Councilmembers would like to have each meeting include the information as to those code requirements/regulations which are more stringent than State policy.
- Whenever possible, common language should be used rather than unfamiliar technical terms.
- Regulatory language of “substantial remodel” should be examined because changing out windows in a home may affect 50% of the habitable area of a residence, but probably shouldn’t be considered ‘substantial’. In reference to educational buildings, the State uses the language “value” as the defining factor for what is substantial. The Council may wish to consider using value to define what constitutes a substantial remodel.
- Construction hours for Saturdays might need to be the same as Sunday hours. Also need to consider language as this does not indicate that utilities are exempt from restrictions.
- Should the City be more stringent in the code for fire suppression systems for Townhomes? Other cities are going to a 13 fire suppression system across the board rather than having one system for commercial and one for residential. Should Des Moines also do that?
- The State does not require that homes have a way of bringing fresh air into a building, but the Des Moines Code does as this provides for better Air Quality. The Mayor would like to have his home, as well as those homes of any citizens who request it, to have the air quality in the home tested because those homes built without fresh air intake are designed so tightly as to create detrimental air qualities in the residence.
- Should the City consider the waste removal requirements of townhomes to require that connecting townhomes drain into a central waste removal system? Are there smarter ways to deal with the waste issues as more townhomes and condos are being developed?
- Should the City adopt those parts of the International Property Maintenance Code which deal with exterior maintenance, weeds, etc and if so, who enforces it and where in the code should those requirements be placed?

Director Fredricks noted for the Council that the only places where the City is more stringent than the State is:

- a) 14.12.030, Applications for Building Permit - Other Filings Required where the Development Exceptions for Environmentally Critical Areas which the Council had previously passed as part of the Critical Areas Ordinance, and
- b) 14.12.100, International Building Code Section ...Fire Extinguishing Systems, Automatic Fire Extinguishing Systems where the City sets the limit at 5,000 square feet which is less than the state’s 12,000 square feet.

At this time, the Council requested that this part of the agenda be ended and to start with Work Package 3 at the following Council meeting.

City Manager Piasecki brought forth two last items for business for discussion with the Council.

Item 1:

The Sewer Commission had an agreement with the City that stated when the Des Moines Creek Basin Committee had a certain percentage of funds invested in the Sewer District's Trunkline and Outfall, they would deed it to the Committee. The Sewer Commission has now decided that they would instead give this to the Committee right away without the addition of more monies. The Sewer Commission would like to have a signing ceremony at which the Council would be invited to attend. The Council raised the possibility of liabilities connected with accepting their offer and both Director Fredricks and City Manager Piasecki stated they would look deeper into it, but that the Sewer Commission felt that the agreement added more bureaucracy and red tape that was unnecessary.

Item2:

During an inspection last week, it was discovered by the geotechs that there is some settling under the 1st bent (pier) and this is causing pressure which increases the chances of lateral movement. This is something which needs to be fixed quickly to avoid more damage to the bridge. The geotech has suggested using pressured grouting to an area extending 10 feet beyond the affected area. This displaces the water saturating the area and solidifies the foundation. This puts more of the costs into the column under what the federal government will be paying as this is part of the disaster resolution and lessens the costs in the other column for which the City would be responsible. Councilmembers requested that the citizens in the area be kept more informed as to progress and status of the bridge repairs as the general feeling from constituents is that they don't know what's happening. Councilmember Kaplan stated that the Committee had just discussed sending out a letter to the citizens in the area to let them know how long they would be without the Saltwater Park Bridge accessibility. Councilmember Kaplan and Director Fredricks also stated that updates were frequently made to the website in regard to the ongoing status of this project.

NEXT MEETING DATE - Regular Council Session, April 12, 2007.

ADJOURNMENT

At 10:21 p.m., the meeting adjourned.

Respectfully submitted,

Tina R McVey
Permit Technician
Planning Building and Public Works