

1. The Regular Meeting of the Millwood City Council was called to order by Mayor Dan Mork at 7:00 p.m., May 2, 2011 at the Millwood City Hall. Council members present were: Glenn Bailey, Shaun Culler, Brian Ellingson, Kevin Freeman and Richard Schoen. Also present: Attorney Brian Werst, Treasurer Debbie Matkin, Public Works Supervisor Cleve McCoul and City Clerk/City Planner Tom Richardson.

2. Sarah and Mia Grace Matkin led the Flag Salute.

3. Invocation. None

4. CONSENT AGENDA:

Approval of Minutes of the Regular Meeting held April 4, 2011 and the Special Meeting held April 26, 2011;

April Payroll \$22,601.59;

April Claims \$98,883.62;

Treasurer's Report for April.

Council members received the April Claims Check Register, April Payroll Check Register, and a list of Claims to be paid May 2, 2011. The mayor noted a correction in Chief Hail's name on page two of the minutes. Mr. Bailey moved to approve the Consent Agenda with the noted change in the minutes, seconded by Mr. Schoen. The motion carried unanimously.

5. PUBLIC COMMENTS: Shirene Young spoke on behalf of June King who could not attend the meeting, to invite everyone to attend the West Valley SCOPE Millwood Days in the Park on Saturday, June 4, with the parade beginning at 11:00 a.m.

6. FIRE DEPARTMENT REPORT: Chief Mike Thompson and other fire department personnel addressed the council on several topics. Fire Marshall Kevin Miller reported on the Rating Bureau report changing Millwood's insurance rating from Class 4 to class 3. He suggested the mayor let the community know about the change as it may lower insurance premiums. Captain Pat Schaefer reported on the accreditation effort. Assistant Fire Marshall Rick Freier introduced Mako, the department's dog trained in detecting accelerants, and demonstrated Mako's capabilities to detect sample accelerants hidden in the council chambers. Mako was acquired and trained with funds from a grant from Farmers Insurance; Jeri Mainer, Millwood's Farmers agent, was instrumental in obtaining the grant.

Chief Hail reported that Millwood's call volume has continued to be less than the district in general and less than last year. There were 16 calls in April, eight were advanced life support, seven basic life support, and one fire call. Chief Thompson announced that the department would be starting the Open Phoenix program to promote psychological well being of fire department personnel. Research shows that fire department personnel often suffer from the effects of long term stress from their jobs.

7. WADING POOL RESURFACING AND OPERATIONS FOR 2011: Mr. Richardson reported on what other cities charge for rentals of park facilities. He said there is no clear pattern - some cities do not allow reservations, some cities allow reservations but do not charge for them, and some cities charge for reservations depending on the type of the facility.

The mayor reported on his work on the addition of a check box on the utility bill for donations. He is checking with Avista and has been talking with Brian Werst. Mr. Werst said in order to accept donations the city council must adopt an ordinance the city attorney that sets the parameters of what we would accept, how we would accept it, what would be done with money if we accepted it, and a dedicated purpose of the fund. The ordinance should require council approval for donations over a set limit.

Mr. Bailey said the council should authorize the group to solicit funds so that citizens know that the solicitations are endorsed by the city. Mr. Werst clarified that the council was not authorizing anyone to collect funds, but that we could endorse fund raising efforts and provide a way for such donations to be accepted by the city.

Mr. McCoul reported on the cost of resurfacing the wading pool. He said he would find out how long it will take to do the work once the contract is approved.

Shirene Young said the pool committee has been talking with the manager of the Bank of America branch to set up an account for donations, but is having trouble since the group is not incorporated and does not have its 501(c)(3) designation from the IRS. She is also talking with Millwood Presbyterian church. She said people are interested in forming a tax-exempt organization in the future, but that option is ready right now.

The mayor stated the council's intent is to open the pool as soon as possible after we know that we have received enough funds for the resurfacing project. He asked Mr. McCoul to find out how long the resurfacing work will take. He asked Ms. Matkin to check with BIAS Software on the procedure for adding a check box on the utility bill for park donations.

The mayor called a special council meeting for May 9 at 5:00 p.m. for the purpose of adopting an ordinance for accepting private donations.

8. ELECTRIC LIGHTWAVE FRANCHISE: Mr. Werst said the ordinance in the agenda packet contains the changes discussed at the previous meeting. The public was notified of the proposed franchise and the ordinance is now ready to be approved. Mr. Freeman moved to approve Ordinance 412. Seconded by Mr. Bailey. Motion carried unanimously.

9. RECLASSIFICATION OF REVENUE BOND FUNDS: Ms. Matkin explained that accounting rules have changed making it necessary to reclassify the revenue bonds as proprietary bond funds. Mr. Schoen moved to adopt Ordinance 414. Seconded by Mr. Ellingson. Motion carried unanimously.

10. 2011 BUDGET AMENDMENT: Ms. Matkin explained the changes in the proposed budget amendment, including correction of beginning fund balances, correcting for reduced tax revenue on wholesale natural gas sales, and adding salary and benefit costs for the public works maintenance worker. Mr. Freeman moved to adopt Ordinance 413. Seconded by Mr. Bailey. Five aye, none nay, no abstentions. Motion carried unanimously.

11. COMMITMENT OF ELECTRIC USE TAX REVENUE: Ms. Matkin said that GASB accounting rules changed this year, making it necessary to clarify that the electric use utility tax is committed to the Street Fund. The council's intent when the tax was imposed was that the funds be dedicated to street maintenance, but the ordinance at that time did not include a statement to that effect. Mr. Ellingson moved to adopt Ordinance 415. Seconded by Mr. Culler. Motion carried unanimously.

12. AMENDING SCHOOL AND PLAYGROUND SPEED ZONES: Mr. Werst presented Ordinance 404 which would change the time period for the school and playground speed zone regulations from "all hours" to "when children are present." The ordinance would also remove the speed zone for the portion on Argonne Road. Mr. Bailey said the city should clarify for the public what the sign means; he said in the past we received two different answers from county sheriff personnel as to what "when children are present" means. Mayor Mork said interpretation of the ordinance is the sheriff's responsibility. Mr. Bailey moved to approve Ordinance 404. Seconded by Mr. Culler. Motion carried unanimously.

13. MULTIJURISDICTIONAL AGREEMENT FOR SEWAGE PRETREATMENT: Mr. Richardson said the County has offered the multijurisdictional agreement dealing with pretreatment of industrial sewage. The agreement changes the terms of the city's sewage treatment agreement with the county from 1992, and requires the Millwood to adopt a pretreatment ordinance within 90 days. Council members cited several sections in the proposed agreement which were unacceptable as-written. Mr. Richardson said a draft of the pretreatment ordinance is ready for review. Mr. Schoen asked about the section on sewage coming into our system from outside, what kind of liability does this cause? Mr. Richardson said we only have to be responsible for sewage from our customers. Mr. Freeman said it appears that we would have to have an agreement with COSV? Mr. Werst suggested that the council adopt the pretreatment ordinance as soon as possible. The mayor was concerned about the requirement imposed by section 2(a) which gives the county the authority to determine what resources we would have to put into the pretreatment program. Mr. Freeman did not like the indemnification language in Section 5. Mr. Ellingson asked about section 2(J) which gives the county the power to act as

Millwood's agent if the County determines that the City has failed to act. Mr. Freeman said we should go ahead and approve the pretreatment ordinance. No action was taken on the proposed agreement.

14. YOUTH ADVISORY COUNCIL REPORT: No member of the youth council was present to make a report. The mayor noted that the current members will be graduating soon and we need to recruit new board members for next year. Mr. Bailey suggested some kind of recognition for their hard work this year.

15. FIRE DEPARTMENT REPORT: See above.

16. MAINTENANCE REPORT: Mr. McCoul said water samples for the month were good. Park irrigation is turned on. Aces Power Equipment had an equipment demo in the park last week. He met with the County Utilities about the sewer odor on Empire and handed out a status report provided by the county. The county installed special equipment to inject a deodorizer in the line and will clean the line more often. Dog waste stations have been put up in the park. A water leak in the alley behind Rocket Bakery was repaired. All three personnel went to CPR/First Aid training.

17. CLERK/PLANNING REPORT: Mr. Richardson said reminded the council of the Council of Government meeting on May 20 from 9:00 to noon, and the AWC annual conference in Spokane in June. He reported that the City will soon be receiving a grant offer from Department of Ecology for the required update of the City's Shoreline Management Program. The mayor reminded everyone that there is a vacancy on the planning commission.

18 LEGAL REPORT: Mr. Werst reported on the Electric Lightwave and Comcast franchise renewals, and on the acquisition of the county right-of-way. He is working on a comparison of the three insurance proposals received. He distributed a summary of in the recent legislative session. He requested an executive session to discuss litigation.

19. CORRESPONDENCE: The mayor said the city has received renewal of its Tree City status by the Arbor Day Foundation for the year.

20. ANNOUNCEMENTS: The mayor announced Millwood Clean Up Day on Saturday, May 7, beginning with an Arbor Day tree planting in the park at 9:00 a.m. He is talking to ABCO for a less expensive container for recycling vegetation. He said the engineer's draft water system plan revision would be presented at the next meeting.

21. COUNCIL COMMENTS: Mr. Freeman asked about the City of Spokane Valley's quiet zone program for railroad crossings. He said we should work with them as it will affect our streets, and our crossing at Marguerite Rd. should be looked at. He also said that a railroad engine has been idling all night long in his neighborhood recently.

22. PUBLIC COMMENTS: None .

23. EXECUTIVE SESSION: The mayor called an executive session for matters of litigation in accordance with RCW 42.30.110(i), beginning at 9:15 p.m. and to last approximately ten minutes. The meeting was recessed at 9:13 p.m. and convened in executive session at 9:15 p.m.

24. ADJOURNMENT: The meeting was reconvened in regular session at 9:28 p.m. Mr. Culler moved to adjourn, seconded by Mr. Ellingson. Motion carried unanimously. Mayor Mork adjourned the meeting at 9:28 p.m.

Daniel N. Mork, Mayor

Attest:

Thomas G. Richardson, City Clerk