

1. CALL TO ORDER: The Regular Meeting of the Millwood City Council was called to order by Mayor Dan Mork at 7:00 p.m., December 18, 2012 at the Millwood City Hall. Council members present were: Shaun Culler, Brian Ellingson, Kevin Freeman and Richard Schoen. Glenn Bailey was excused. Also present: Attorney Brian Werst, Treasurer Debbie Matkin, Public Works Supervisor Cleve McCoul and City Clerk/City Planner Tom Richardson.

2. FLAG SALUTE: Val Putnam led the Pledge of Allegiance.

3. INVOCATION. The mayor asked for a moment of silence to honor the victims of the Sandy Hook Elementary School massacre in Connecticut last Friday.

4. PROCLAMATIONS: None.

5. CONSENT AGENDA: Approval of Minutes of the Regular Meeting held November 13, 2012, the Special Meeting November 27, 2012 and the Special Meeting December 4, 2012. Mr. Schoen moved to approve the Consent Agenda. Seconded by Mr. Freeman. The motion carried unanimously.

6. PUBLIC COMMENTS: Shirene Young, Inland Empire Paper Company, said the tree lighting ceremony on December 7 went very well, and thanked the mayor for serving as the master of ceremonies and for his poem.

7. PUBLIC HEARING: SHORELINE MANAGEMENT PROGRAM Brian Werst explained that the update of the Shoreline Management Program is adopted as an amendment of the Comprehensive Plan; the municipal code requires a closed-record hearing by the city council prior to adoption of the planning commission's recommendation. He noted that the city council conducted a special meeting on November 27 for a staff briefing on the draft SMP. He said city representatives met last week with IEP to discuss their concerns about public access on private property. He reviewed the discussions on this issue as the SMP draft was developed.

Mr. Schoen said we should state for the record that our original proposal was to use the word "encouraged," and that the word was changed to "required" as requested by DOE.

Mr. Freeman said the most important thing out of all of this is the record shows that we have gone through a long process with the Citizen Advisory Committee and the Planning Commission trying to come up with an SMP that meets the needs of our citizenry. Half of our shoreline is private residential and half is private industrial. It is more than 99% privately held. The land uses are not going to change. The word "encourage" might have been the better language.

The mayor opened the hearing for public comments at 7:16 p.m.

Jack Bunton, 8915 E. South Riverway, said he lives next to the alley which is one of the public access points mentioned in the plan. He is concerned that public access on the alley will be like Boulder Beach which has been closed because of crimes and vandalism. He does not want the alley turned into a public access. He says he thinks requiring public access on private property is not constitutional.

Doug Krapas, environmental manager for IEP, commended the work done by Ray Oligher and the Citizen Advisory Committee. His comments specifically focus on public access. The balance of the document appears to be acceptable to most all parties. We are a few words away from an acceptable document. IEP has submitted written comments; there is a very thorough record on that. It is very clear that the RCW and WAC discuss public access to public property. But there is no specific mention or requirement for public access onto private property. He served on the Citizen Advisory Committee that came up with the “encouraged” terminology. IEP is not opposed to public access where warranted. IEP provides public access to its forest lands as an example of that. We support the use of the term “encouraged,” and are opposed to “should” as defined as a mandate. IEP’s site is not conducive to public access. There are security and safety concerns. In the past the company was sued by someone who was injured while trespassing on their property. They have also experienced material thefts. Millwood has a unique shoreline; 60% is owned by IEP and 40% by fully developed residential. So it is not unexpected that Millwood would also have a unique SMP to accommodate those unique circumstances.

Bobbie Beese, 3303 N. Argonne, said regarding “should” or “encouraged,” “should” is defined and part of the exceptions in the definition refer point back to the RCW not the WACs. So there is something in there that refers to the exception if the required access is unconstitutional. It played a part in the Planning Commission’s decision and in her decision as a Planning Commission member to recommend approval.

Jaime Short, DOE Shoreline Planner, said Millwood is not the only jurisdiction struggling with the public access language. Spokane County received similar comments on its SMP, and the commissioners have just approved their SMP with the “should” language. This language is in every SMP approved by DOE. She submitted a copy of Tacoma’s decision flowchart which shows the process for deciding when public access is required. Tacoma has significant safety concerns in an industrial, working waterfront environment and they managed to incorporate the “should” language with respect to private property rights, including all the caveats that are in the law. The caveats are there for a reason to address these concerns. She encouraged the city to maintain the changes that have been put in the document; it is consistent with state law and meets the requirements for public access and encourages it in a way that has been codified within the RCW and the WACs.

John Boyd, 3011 N. Marguerite, asked Ms. Short if part of the state’s concern about public access is because the state owns the river. Ms. Short said the Spokane River is a shoreline of statewide significance; it is one of the top priorities in the Shoreline Act itself. Mr. Boyd said that the state owns the river and it is therefore public property; the state is trying to ensure access to it. She said also the water is held in trust by the state for the public.

There being no further comments, the mayor closed the hearing at 7:28 p.m. Brian Werst suggested that the city might benefit by meeting with the Department of Ecology staff to discuss the effect of changing the language from what DOE has recommended.

There was no action taken.

8. SEWER REGULATIONS – ORDINANCE 442 Mr. Werst said the proposed ordinance would allow sewer rates to be set by resolution, it also provides for enforcement and makes other minor updates. Kevin Freeman moved to approve Ordinance 442. Seconded by Brian Ellingson. The motion carried unanimously.

9. WATER AND SEWER RATES – RESOLUTION 2012-16 Mr. Richardson said the proposed changes in the utility rates would create an irrigation rate class for private water customers, and would also establish a volume-based sewer rate for non-residential customers.

Mr. Freeman said we should not be charging the monthly service charge for irrigation customers who have already paid the charge for their main service. He moved to delete the monthly service charge for private irrigation customers, so that it is similar to the rate for public irrigation, and to raise the first tier from 16,000 cu ft to 22,000 cu ft. He explained that the 22,000 figure is approximately ½-acre foot per acre; acre-foot is a standard unit of measure for agricultural irrigation. Ms. Matkin suggested that the public irrigation rate be set on the same scale to be consistent, by increasing the first tier from 80,000 to 88,000 cu ft.

Mr. Culler suggested changing the word “domestic” in 3(d) to “residential and commercial.” These amendments were accepted.

Mr. Freeman moved to approve Resolution #2012-16 as amended. Seconded by Mr. Culler. The motion carried unanimously.

10. PUBLIC HEARING: FINAL 2013 BUDGET Mayor Mork re-opened the hearing on the final budget which had been continued from the meeting on November 27, 2012.

The mayor asked for public comments. There were none. There being no further comments, the mayor closed the hearing.

11. 2013 BUDGET ORDINANCE – ORDINANCE NO. 441 Ms. Matkin said there have been no changes since the last meeting. Mr. Schoen moved to adopt Ordinance No. 441 as presented. The motion was seconded by Mr. Ellingson. There were four aye votes, no nays, no abstentions. The motion carried unanimously.

12. S.C.R.A.P.S. CONTRACT RENEWAL – RESOLUTION 2012-18 Mr. Richardson said the Spokane County Regional Animal service submitted its cost estimate for 2013 which is much higher than last year, based on the previous year’s actual costs of service. He noted that City of Spokane Valley is negotiating a 20-year contract with SCRAPS, and he expects that Millwood will be presented with a similar contract next year.

Mr. Culler moved to approve Resolution 2012-18. The motion was seconded by Mr. Ellingson. The motion carried unanimously.

13. PUBLIC HEARING: TRANSPORTATION IMPROVEMENT PLAN Mr. Richardson said the Buckeye Avenue sidewalk project needs to be added to Millwood’s Six-Year Transportation Improvement Plan before we can proceed with the TIB grant agreement. The TIB grant will pay 95% of the cost of new sidewalks on the north side of Buckeye from Argonne to Bessie.

Mr. Schoen said the city should look at the feasibility of putting the sidewalk on the south side of the street to reduce the conflict with existing bushes, mailboxes and so on. Mr. Richardson said the north side was chosen because it is used by high school students walking between the high school and the athletic fields at Millwood Elementary.

Mr. Werst asked council if the city should go ahead with acquiring the county's right of way for the Millwood Trail which is in the TIP. The council said yes.

The mayor asked for public comment. There was none. The mayor closed the hearing.

Mr. Culler moved to approve Resolution 2012-17. The motion was seconded by Mr. Schoen. Motion carried unanimously.

14. TRANSPORTATION IMPROVEMENT BOARD GRANT – BUCKEYE AVENUE SIDEWALK PROJECT Mr. Richardson said the city has been offered a TIB grant of \$261,345 for construction of sidewalks on Buckeye Avenue. This project would occur in 2013. He said the city needs to commit the local match of \$13,755.

Mr. Schoen moved to authorize the mayor to sign the TIB grant agreement. The motion was seconded by Mr. Ellingson. Motion carried unanimously.

15. ENGINEER SELECTION The mayor announced that, after reviewing the statements of qualifications and conducting four interviews, the selection committee has selected Welch Comer as the city's civil engineer. Matt Gillis, Welch Comer, thanked the council for their selection.

16. MAYOR PRO TEM The mayor appointed Shaun Culler as mayor pro tem for the period from January 1 to June 30, 2013. The council unanimously consented.

17. SPOKANE TRANSIT AUTHORITY REPRESENTATIVE Mr. Richardson said the purpose of the resolution was to appoint an alternate to Mr. Schoen. The alternate selected last year, Mike McKeehan of Cheney, passed away this summer. Mr. Richardson said he asked the Cheney mayor to nominate someone but has not done so yet. Mr. Richardson asked to have the matter deferred to the next meeting.

18. FIRE DEPARTMENT REPORT: Chief Andy Hail said they have been conducting night drill training on Empire just east of Boeing Road. This is a single family structure that will be demolished. The Fire Department appreciates the neighborhood's patience. He said they may propose a live burn there, and will contact the city later if that goes forward. Station 6 on Sprague is finally being occupied. They are searching for a new chief to replace Mike Thompson who is retiring. They are also hiring nine new firefighters to replace retirements and terminations.

19. MAINTENANCE REPORT: Mr. McCoul said water tests were good. They have picked up 72 loads of leaves this year. They had to pay to dump several loads at the solid waste transfer station. A leaky service line was fixed at 3205 N Argonne. Graffiti was painted over at Old Park pump house and the park restroom. They fixed a leak in the roof of the Maintenance Shop. Trucks have been readied for snow plowing, sanding and de-icing. De-ice has already been spread once. He showed some water valve tags that he would like to buy in cooperation with American Leak-Detection.

20. CLERK/PLANNING REPORT: Mr. Richardson distributed a map showing the impact of Initiative 502 which prohibits marijuana growing, processing and retail sales within 1000 ft of parks, and other uses. Mr. Werst explained the process the state is now going through to implement the initiative approved in November's election and a recent court decision on medical marijuana. He also addressed personnel policy changes that may be needed.

21. TREASURER REPORT: Ms. Matkin said the end-of-year budget figures look good.
22. LEGAL REPORT: None.
23. CORRESPONDENCE: Mr. Schoen noted that he received an invitation to an event too late. Mr. Richardson said he would be willing to open the council's mail to ensure that time-sensitive communications are not delayed.
24. ANNOUNCEMENTS: Mayor Mork described the Northeast Mayor's meeting last week with the new Spokane police chief, Frank Straub.
25. COUNCIL COMMENTS: None.
26. PUBLIC COMMENTS: None.
27. EXECUTIVE SESSION: None.
28. ADJOURNMENT: Mr. Culler moved to adjourn. Seconded by Mr. Ellingson. The motion carried unanimously. Mayor Mork adjourned the meeting at 8:30 p.m.

Shaun Culler, Mayor Pro Tem

Attest:

Thomas G. Richardson, City Clerk