

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., May 14, 2013 at the Millwood City Hall. Council members present were: Glenn Bailey, Brian Ellingson, Kevin Freeman and Richard Schoen. Also present: Attorney Brian Werst, Treasurer Debbie Matkin, Public Works Superintendent Cleve McCoul, Assistant Public Works Superintendent Paul Allen and City Clerk/Planner Tom Richardson. The mayor confirmed that a quorum was present.

2. FLAG SALUTE: Tag Bauer of Valley Fire led the Pledge of Allegiance.

3. CONSENT AGENDA: Approval of Minutes of the Regular Meeting held April 9, 2013. April Claims Register of \$94,214.19. April Payroll Register of \$38,634.00, Council members received a list of Claims to be paid May 14, 2013. Mr. Freeman moved to approve the Consent Agenda as presented. The motion was seconded by Mr. Bailey. The motion carried unanimously.

4. PUBLIC COMMENTS: June King reminded everyone that the West Valley SCOPE parade and carnival would be held June 1. This will be the 19th year of the event.

Councilmember Shaun Culler arrived at 7:02 p.m.

5. RECONSIDERATION OF AWARD OF BID – TENNIS COURT RESURFACING PROJECT: Mr. Werst said that after council awarded the bid for the tennis court project to Koch Tennis Court Services at the last council meeting, it was brought to the city's attention that Koch's license had been administratively suspended by Department of Labor and Industries at the time the bids were opened and when the bid was awarded, because their required insurance had expired. The suspension occurred after Koch had mailed his bid postmarked March 29, but before the bids were opened on April 4. Koch renewed his insurance and was subsequently reinstated by L&I after the award of bid. The city received a complaint about this from the other bidder on April 10, the day after the bid award. As of April 22 Koch had current insurance and his license was active. Koch was technically in compliance with all legal requirements at the time the bid was submitted, but not when the bid was awarded. Due to the unique facts in this case, staff did not want to proceed with the contract until coming back to council to for a decision whether to confirm the bid award or to rebid the project. If the award is confirmed, that would give the other bidder the opportunity to file a bid protest. He said he did not think there was a basis for protest because Koch has to be licensed at the time the contract is entered into.

Mr. Bailey moved to re-affirm the bid award to Koch Tennis Court Services. Motion seconded by Mr. Schoen. Motion carried unanimously.

6. PUBLIC HEARING: SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM: Mr. Mork opened the public hearing on the 2014-2019 Transportation Improvement Program. Mr. Richardson said the city received the results of TIB's pavement rating study last year; the results were included in the council packet. There are five street sections rated with a score of 50 or less, which is considered poor condition. Matt Gillis, Welch Comer, said the City should be in a good position to receive federal funding for a large street project like the Argonne Reconstruction Project.

Mr. Freeman asked Mr. McCoul to get cost estimates for resurfacing the streets rated 50 or less.

There were no public comments.

The mayor closed the hearing at 7:15. Mr. Richardson said a resolution approving the TIP would be on the June agenda.

7. MATT GILLIS: BUCKEYE SIDEWALK PROJECT: Mr. Gillis said he understands that city council wants to proceed with the sidewalk project and not wait for funding for the water main replacement. Mr. McCoul reported on discussions with the school district on obtaining an easement for the sidewalk between Argonne and the Millwood School. Council decided to proceed with the sidewalk project this year. Mr. Gillis said bids would be solicited in June with award of bid at the July 9 council meeting.

8. REVISION TO CONTRACT FOR PENNELL CONSULTING INC, AUTOMATIC TRANSFER SWITCH PROJECT: Mr. Richardson said Pennell's fee is based on the project cost estimate, following the Office of Financial Management's Fee Calculation Method. Since the design engineering is now complete, we have a more accurate cost estimate compared to what was in the Water System Plan; also the city added some construction items. The fee proposal would increase from \$12,450 to \$16,450.

Mr. Freeman moved to approve the increase in the engineer's fee to \$16,450 as presented. Seconded by Mr. Schoen. Motion carried unanimously.

9. AIR TRAFFIC CONTROL FUNDING - RESOLUTION #2013-02: Mr. Werst explained the need for the city to express its position on the loss of air traffic control at Felts Field as a result of federal budget sequestration. City of Spokane has already adopted a similar resolution of support; the Spokane Airport Board has asked other jurisdictions to show their support. Mr. Schoen asked to have the resolution corrected to show the correct population number on page one.

Mr. Schoen moved to approve Resolution 2013-02. Motion seconded by Mr. Ellingson. Motion carried unanimously.

10. FIRE DEPARTMENT REPORT: Tag Bauer reported 22 runs this month, mostly medical. The fire department expects drier conditions and the river will be swollen this spring.

11. STAFF REPORTS: Mr. McCoul reported that water samples for the month were good. The crew repaired potholes, repaired the backflow preventer at the Butler well house, met with school district officials on the sidewalk project, repaired the hydrant in the park by the tennis courts, painted over graffiti on the north wall of the restroom, repaired a water service line on Trent, repaired a water leak on Empire, got bids for striping on Empire and curb replacement at Argonne and Buckeye, and installed a new mag meter at Old Park Well. Clean Up day was held; 90 cu yd of yard waste were collected. He presented quotations for replacing the curb at the SW corner of Argonne and Buckeye. Council requested clarification on the bids before awarding the job to the low bidder. Mr. Schoen asked about the tree clearance underway on Empire. Mr. McCoul said Avista's crew is doing the work.

Ms. Matkin said the property tax receipts are \$3,000 less than this time last year. She will have a budget amendment at the next meeting.

Mr. Richardson said BIAS came in to set up the Tokay software on the network; he said he is nearly complete with the SMP grant submittal. He said Patty Peterson has scheduled surgery for the end of June and will be gone six weeks.

12. LEGAL REPORT: Mr. Werst said he has been watching the medical marijuana and legalization process at the state level. The Liquor Control Board is expecting to release proposed rules in mid-May. He has been working with code enforcement on two issues including the Argonne Cycle bike shop. He requested an executive session for a matter related to potential litigation under RCW 42.30.110(i)(3). He said the city has been asked by the Millwood Presbyterian church's design team for indemnification and hold harmless due to their concerns about constructing a building over the city's sleeved water main. He said this is an unusual request and would not recommend it.

13. CORRESPONDENCE: None.

14. ANNOUNCEMENTS: Mayor Mork said the trees on Empire Way have been removed by Avista. The mayor said everyone has been invited to the City of Spokane Valley's dedication of its gateway sign on Appleway tomorrow. He said the SCOPE parade would be June 2.

15. COUNCIL COMMENTS: None.

16. PUBLIC COMMENTS: Shirene Young said the Better For Business group has been working on a community art project including street art, a gateway sign and possibly a pedestrian bridge for the bike trail. The group is working with local artist

Melissa Cole who builds panels using donated materials reflecting the community character.

17. EXECUTIVE SESSION: The mayor recessed the regular meeting for two minutes and announced that the council would reconvene in executive session for 15 min. to discuss matters of litigation under RCW 42.30.110(i)(3), until 8:10 p.m.

Mayor Mork extended the executive session for an additional 15 min. until 8:25 p.m.

18. ADJOURNMENT: Mayor Mork reconvened the regular meeting of the council at 8:24 p.m. Mr. Schoen moved to adjourn. Motion seconded by Mr. Culler. Motion carried unanimously.

Mayor Mork adjourned the meeting at 8:25 p.m.



Daniel Mork, Mayor

Attest:



Thomas G. Richardson, City Clerk