

1. CALL TO ORDER: The Regular Meeting of the Millwood City Council was called to order by Mayor Kevin Freeman at 7:00 p.m., Tuesday, August 12, 2014 at the Millwood City Hall. Council members present were: Glenn Bailey, Shaun Culler, Brian Ellingson, Dan Sander, and Richard Schoen. Also present: Attorney Brian Werst, Public Works Director Paul Allen and City Clerk/City Planner Tom Richardson. Planning Commission members present were Bobbie Beese, Dan Hansen, Michael Ankney and Andy Van Hees. Beautification and Tree Board members present were Vikkie Naccarato, Debbie Lehinger and Charlie Peterson. The mayor announced that a quorum was present.

2. PLEDGE OF ALLEGIANCE: Dan Hansen led the Flag Salute.

3. OPEN GOVERNMENT TRAINING: The mayor opened the Joint Meeting of the Council, Planning Commission and Beautification and Tree Board at 7:02 p.m. Mr. Werst conducted training on public records, open public meetings and conflict of interest that is now required for public officials. The mayor closed the joint meeting at 7:55 p.m.

The mayor said that he would like to add an agenda item for the County interlocal agreement for the Great Northern Railroad right of way as item #13a following the UPRR railroad lease item.

4. CONSENT AGENDA: Regular Meeting July 8, 2014; June Payroll of \$42,392.14; June Claims of \$134,644.27; Treasurer's Report for July, 2014. Council received the July Claims and Payroll Registers, and a list of Claims to be paid August 12, 2014. Mr. Bailey moved to approve the Consent Agenda as presented. Seconded by Mr. Schoen. Motion carried unanimously.

5. PUBLIC COMMENTS: Shirene Young reminded everyone that Millwood Daze would be on Saturday, August 23. This year there will be a baseball game in City Park.

6. FIRE DEPARTMENT REPORT: None.

7. BUCKEYE WATER LINE AND SIDEWALK PROJECT REPORT: Necia Maiani said the water line project and the sidewalk project are both close to completion. The water line contractor is past the contract time and will be charged back for additional inspection costs. She handed out a budget update sheet. There should be a surplus of loan funds of around \$46,000 plus some unused contingency money when the project is complete. She requested approval of Change Order #1 for three items in the amount of \$11,383.61, of which \$6,757.31 will be reimbursed by Orchard Avenue Irrigation District for the extra water line work in Bessie Rd. She said she is working with the Spokane Tribe on a discrepancy in their billing for cultural resource monitoring.

The sidewalk contractor is nearly done. Paving is scheduled for the end of this week. There are three items that could result in a change order totaling \$8,160 including an estimate of \$6,200 for force account work for fine grading. If TIB accepts the change order the city's total estimated project cost will be \$11,569.48.

Mr. Culler moved to approve change order #1 for Buddy's Backhoe in the amount of \$11,383.61 with \$6,757.31 to be reimbursed by Orchard Avenue Irrigation District. Seconded by Mr. Schoen. Motion carried unanimously. The change order was approved.

8. SEWER RATE STUDY—WELCH COMER ENGINEERS TASK ORDER: Necia Maiani reviewed the proposed task order for the sewer rate study in the amount of \$6,810 lump sum for the rate analysis plus public meetings on an hourly basis estimated at \$1,300. The council

indicated they would like the report to be completed in time for the budget hearings this fall. Mr. Bailey moved to approve the task order as presented. Seconded by Mr. Sander. Motion carried unanimously. The task order was approved.

9. HISTORIC PRESERVATION ORDINANCE – ORDINANCE 464: Mr. Richardson said one change was made since the ordinance was presented at the previous meeting. The number of professional commission members has been changed from three to two, in line with the recommendations of DAHP and with other cities' ordinances. Mr. Schoen noted a correction in the same section related to the number of professional members. The mayor asked for public comment. There was none. Mr. Sander moved to approve Ordinance 464 as corrected. Seconded by Mr. Culler. Motion carried unanimously. The ordinance was adopted.

10. PLANNING COMMISSION CHANGE OF MEETING DAY – ORDINANCE 465: Mr. Richardson presented the ordinance to change the regular meeting day of the Planning Commission from the last Monday to the last Wednesday, as requested by the Planning Commission. Mr. Ellingson moved to approve Ordinance 465. Seconded by Mr. Schoen. Motion carried unanimously. The ordinance was adopted.

11. GRAFFITI REMOVAL ORDINANCE – ORDINANCE 466: Mr. Werst presented the ordinance creating a new section in the code declaring graffiti and other such markings as a nuisance and providing for abatement and enforcement. He noted a correction in one section replacing "city manager" with "code enforcement officer." Mr. Culler moved to approve Ordinance 466 as revised. Seconded by Mr. Ellingson. Motion carried unanimously. The ordinance was adopted.

12. SOLID WASTE TRANSFER AND DISPOSAL – INTERLOCAL AGREEMENT WITH SPOKANE COUNTY AND SUNSHINE DISPOSAL PROPOSAL: Mr. Werst reviewed the status of the negotiations with the County on the solid waste transfer and disposal agreement, as well as the competing proposal by Sunshine Disposal. Mayor Freeman said he will bring one or both options to the September meeting for action.

13. UNION PACIFIC RAILROAD LEASE AGREEMENT: The mayor said the railroad has accepted the city's proposal for lease of a portion of the railroad right of way through Millwood for beautification east of Argonne to Trent Ave, and for parking and weed control along Euclid Ave west of Argonne. The railroad will require an annual rent of \$6,440 for the parking area. He asked whether the council is willing to allocate the funds for the annual rent. Mr. Bailey said he thinks it is out of order to have to pay the rent after so many years of the public's use of the right of way for parking. The mayor said the railroad has imposed the no-parking restriction; the lease agreement will provide safety improvements and will address the railroad's liability concerns. Mr. Schoen moved to authorize the mayor to negotiate with the railroad as presented. Seconded by Mr. Bailey. Motion carried unanimously. The motion was approved.

13a. SPOKANE COUNTY RIGHT OF WAY INTERLOCAL AGREEMENT: Mr. Werst presented the interlocal agreement with Spokane County for the city's use of the former Great Northern right of way for use as a bike/pedestrian trail. Mr. Schoen asked if this for the whole right of way or has part of it been reserved for Avista transmission line? Mr. Werst clarified that it is a non-exclusive easement for the entire width of the right of way with a reservation for future light rail. Mr. Culler moved to approve the interlocal agreement with Spokane County for the former Great Northern right of way. Seconded by Mr. Bailey. Motion carried unanimously.

14. STAFF REPORTS Paul Allen said that TIB’s engineer has updated the city’s pavement ratings. Streets have been swept and the streets near the Millwood Daze would be swept again before the event. A fir tree in the park was blown down during the last storm. He said an application for TIB funding for sidewalks on Grace Ave west of Argonne would be submitted this month. Three new tables in the park were purchased with remaining funds held by Spokane Parks Foundation. He said Matt Erdahl’s son was born last week. Kyle Schiewe did a commendable job working alone during that week while Matt was on leave and Paul was on vacation.

Tom Richardson said a Planning Short Course would be held in Spokane on October 15 and encouraged new public officials to attend. He said the mayor and staff have agreed that the city hall office should be open during the noon hour, so staff will adjust their lunch hours to keep the office staffed between noon and 1:00 p.m. Council agreed that this was a good idea. He also noted that the business license for the second retail marijuana business has been approved, pending approval of the LCB retail license.

15. LEGAL REPORT: Mr. Werst reported that the contract with Xpress and BIAS has been signed and the payment system should be running soon. He requested an executive session.

16. COUNCIL COMMENTS: Mr. Sander reported that the water line contractor has done a really nice job on the section on Bessie Rd. Mr. Werst said the easement from the property owner of the DSHS building was granted just in time for the project to proceed.

17. ANNOUNCEMENTS: The mayor said the Council of Governments will meet on September 5. He also referred to the SCRAPS’ June activity report.

18. PUBLIC COMMENTS: None.

Mayor Freeman said the council would convene in executive session for 15 minutes to discuss with legal counsel matters pertaining to litigation or potential litigation involving the city or discuss legal risks of a proposed action or current practice pursuant to RCW 42.30.110(i). He said council would not take action after the executive session. The mayor thanked the members of the Planning Commission and Tree Board for attending. He called a three minute recess before reconvening in executive session.

19. EXECUTIVE SESSION: Mayor Freeman convened the council in executive session at 9:21 p.m. The executive session was extended for 10 additional minutes at 9:35 p.m. The council reconvened in regular session at 9:45 p.m.

20. ADJOURNMENT Mr. Ellingson moved to adjourn. Seconded by Mr. Culler. Motion carried unanimously. The meeting was adjourned at 9:45 p.m.


Kevin Freeman, Mayor

Attest:

Thomas G. Richardson, City Clerk