

MARCH 2, 2009

The Regular Meeting of the Millwood City Council was called to order by Mayor Dan Mork at 7:00 p.m. March 2, 2009 at the Millwood City Hall. Council member present were: Mr. Richard Schoen, Mr. Brian Ellingson, Mr. Kevin Freeman, Mr. Glenn Bailey and Mr. Shaun Culler. Also present: Attorney Brian Werst, Planner Tom Richardson, Maintenance Supervisor Cleve McCoul and Clerk-Treasurer Eva Colomb.

Andrew Black led the Flag Salute.

Pastor Manuel Denning of Fountain Ministries gave the Invocation.

CONSENT AGENDA: Minutes of the Regular Meeting held February 2, 2009; minutes of the Special Meeting held February 18, 2009, February Payroll \$25,846.50; February Claims \$142,388.64; Treasurer's Report for February 2009. Council members received the Claims and Payroll Warrant Register for payments in February and Statements C4 and C5 from the 2008 Annual Report. Mr. Freeman moved to approve the Consent Agenda, seconded by Mr. Culler. The motion carried unanimously.

PUBLIC COMMENTS: Mrs. June King, President of West Valley S.C.O.P.E. asked that the \$100.00 permit fee for a Special Events Permit for the S.C.O.P.E. annual parade and carnival be waived. Mrs. King advised that West Valley S.C.O.P.E. only holds this one fund raiser each year and that proceeds are used for their work in Millwood and the West Valley Community. Mrs. King stated that many other groups use the park for reunions and parties and are not required to get a Special Events Permit.

CLOSED RECORD PUBLIC HEARING – V2008-01: At 7:10 p.m. Mayor Mork opened a Closed Record Public Hearing on V2008-01, a request for variance submitted by David Black for his lot at 3614 N Sargent. The lot fronts on a small section of improved Sargent and a long section of frontage along the unimproved section of Sargent between South Riverway and the Spokane River. Mr. Black is requesting a variance from the requirement that a residence must have frontage on an improved right of way, from the determination of 'front yard' and/or minimum setbacks and from the 15 foot flanking yard setback. The Planning Commission held an Open Record Public Hearing on this request on November 24, 2008, continued to January 20, 2009 Mr. Richardson explained the variance process and explained the specifics of Mr. Black's request. Mr. Richardson advised that the recommendation of the Planning Commission is that the request for variance be denied. Mr. Black advised that he owns the home at 3614 N Sargent. He originally received a building permit for a bigger house on the lot than he ultimately built, which is a small apartment over a garage which is not large enough for a family. Mr. Black stated that in order to sell the property he would need to enlarge the existing home or sell it for less than the value. Mr. Black stated that he now wishes to split the lot and construct another house consistent with Growth Management. Mr. Black stated that opposition to his plan by the neighbors may have impacted the decision of Planning Commission members. Mr. Black stated that the Sargent right of way is not used by the public as has been stated by neighbors. He stated that foliage on the river is very dense and the

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river is hard to access from unimproved Sargent Road. Mr. Black stated that a small house there would not stop the public from accessing the river. Mr. Black stated that a 5 foot setback from Sargent that he is requesting is reasonable because the next house to the west is separated from his property by Sargent and has a large set back to his house. Mr. Black stated that he does not intend to build a house on the west lot that would be created if the variance was granted but would like to be able to sell it as a buildable lot later. Mr. Frank Ide, Landscape Engineer stated that the subject property is zoned UR-2 and is 18,000 square feet and could be split into lots that meet the minimum requirements of the zoning code. Mr. Ide discussed the frontage requirements of the zoning code. Mr. Ide stated that because of the grade and placement of the sewage lift station, Sargent will never be improved. Mr. Ide stated that every other municipality in the region allows frontage on driveways. Mr. Ide discussed the specifics of the site plan that was submitted with the request for variance and explained that the orientation of the proposed houses would be towards the river, as is the case with most houses built on lots on the river. Mr. Ide discussed another area on the river where homes are not oriented towards the public right of way. He stated that what Mr. Black is asking for has been done before and is not unique. Mr. Ide discussed the staff report and Planning Commission findings regarding the request for variance. Mr. Ide stated that the lot is unique in its orientation compared to other homes in the neighborhood. He stated that the lot has 160 feet of frontage and 18,000 square feet which is big enough for 3 lots. He stated that the lot is unique and does have hardships and difficulties that other lots do not have. Mr. Ide again stated that other lots in Millwood are oriented to the river. Mr. Ide stated that Sargent is 40 feet wide and the request for variance from the 15 foot side yard requirement to 5 feet would still allow 45 feet open for views of the river. With the house to the west set back as far as it is, there are actually 75 feet of view access. Mr. Ide stated that he lives in a river community that only requires 5 foot setbacks. Mayor Mork advised that changes to the zoning ordinance were specific to not allow flag lots. Citizen Todd Beese, 3610 N. Sargent stated that over 60 neighbors and people who visit the area who have signed a petition asking that the request for variance be denied because granting it would hurt the public interest. Mr. Beese stated that approval of the variance request would crowd the public space which is used for the view of the river and public access to the river. Mr. Beese stated that parking and safety issues are a concern to neighbors. Mr. Beese stated that emergency vehicles need lots to have access to public right of ways. Mr. Beese stated neighbors feel houses situated the way Mr. Black proposes will not benefit the neighborhood and discussed how the river view could be changed with construction of a house and possibly a fence. Mr. Freeman asked if calculations regarding the requirement of 65% of lots be free of impervious surfaces had been done. Mr. Ide stated that they had not but the lot size would be 8,000 or 9,000 square feet which is a standard size lot. Mr. Freeman asked if variances with 5 requests for variance, similar to Mr. Black's request have been recently granted. Mr. Richardson advised that none have. Mr. Schoen advised that requests for variances have been denied in the past based on the flag lot issue. At 7:38 p.m. Mayor Mork closed the Closed Record Public Hearing.

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After discussion Mr. Bailey moved to accept the recommendation of the Planning Commission that the request for variance be denied, seconded by Mr. Schoen. The motion carried unanimously.

**ARGONNE ROAD REBUILD PROJECT:** Mayor Mork read a report submitted by Engineer Matt Gillis: A possible second round of Stimulus funds may become available for infrastructure projects. Local communities with 'shovel ready' projects will be good candidates for this funding. Ways to expand the project with items not currently covered by the Federal Aid and sidewalk Enhancement funds are being explored. Any additional roadway/enhancement features should be developed separately from anything already funded. The additions should be a standalone project with a separate set of design plans and specifications. Since the topographic survey has already been done, new design costs would be less than a typical project. If such plans and specifications are prepared and the stimulus funding does not become available, the City would still have a viable set of construction drawings and specifications ready to receive other funding that may become available in the future. The new project aimed at stimulus money involves two primary features; Extending the roadway construction to Buckeye and adding in additional enhancements consistent with the Argonne Corridor Study. The roadway reconstruction could extend the pavement reconstruction from Frederick to Buckeye and would be constructed similar to the portion of the project funded by the Federal grant which will double the length of reconstructed pavement on Argonne. Additional enhancements could include decorative lighting, stamped concrete, planters, etc. Mayor Mork advised that Mr. Gillis recommends that the additional engineering be done separate from the current engineering for Argonne to be ready if stimulus money becomes available. Discussion was held regarding the original plans for the Argonne project. Mr. Freeman stated that the proposal is to engineer two separate items; extending reconstruction of Argonne to Buckeye consistent with what was originally proposed and also, added in enhancements. Mr. Werst advised that recently, property owners on Argonne were sent letters requesting easements for placement and replacement of sidewalks. Mr. Werst discussed legal descriptions that will be required for the easement which are being developed now. Mr. Werst stated that the benefit of acting now is that grant money may be available now which may not be available in the future. Discussion was held regarding when the project will be advertised for bids, probably around the beginning of April. After discussion, Mayor Mork advised that Welch Comer is working on an estimate for the costs of extra engineering which will be presented to the Council soon. Discussion was held regarding ownership of existing sidewalks on the east side of Argonne. Discussion was held regarding moving of utility poles on Argonne during the Argonne project.

Ms. Shirene Young, representing Millwood Better for Business asked where sidewalk will be placed and where conduit for lighting will be placed under the sidewalks or under the streets. Ms. Young discussed planter boxes that may be placed and gateway signs and asked who would be responsible for permits for placement and design of gateway signs. Mayor Mork discussed plans to move poles and requirements for street lights.

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**TRAFFIC MANAGEMENT SOLUTIONS – FOWLER/EMPIRE NEIGHBORHOOD:** Council members discussed information received at the Special Meeting regarding traffic problems on Fowler and Empire and other areas. Discussion was held regarding obtaining a traffic engineering study of Empire from Butler to Argonne. Various traffic calming solutions were discussed. Citizen Mike Ellis asked how the public will be notified about the Argonne Road project and how traffic will be discouraged from using Empire and Fowler during construction. Citizen Steve Peters advised that West Valley School District is concerned about traffic management during the Argonne Project during summer baseball programs. Mayor Mork discussed plans for public notification of the project. Discussion was held regarding hiring extra off-duty Sheriff's deputies for management of speeding. Mr. Freeman moved to advertise for Requests for Qualifications for traffic engineering services, seconded by Mr. Schoen. The motion carried unanimously.

**FIRE DEPARTMENT REPORT:** Spokane Valley Fire District Assistant Chief Rider advised that a new Deputy Chief, Mr. Andy Hale, has been hired and will be attending future Council meetings. Discussion was held regarding placement of an Opticom device.

**MAINTENANCE REPORT:** Mr. McCoul reported activity in February as follows: water samples tested good; repairs were made to the City Hall roof and estimates are being sought for roof replacement; a water main break on Vista was repaired; pot holes were filled; work was done on the backhoe; a water line and fire hydrant may be placed at I E Paper in order to increase fire flows.

**PLANNING DEPARTMENT REPORT:** Mr. Richardson reported that the Planning Commission is working on Comprehensive Plan amendments. The draft amendments will be presented to the Planning Commission by consultant Gideon Schreiber of Studio Cascade at the meeting on March 30, 2009. A public hearing on the Comprehensive Plan amendments is scheduled for April 27. A rezone request will also be heard at that time.

**ORDINANCE 378 – RENEW MORATORIUM ON IMPACT HOM BUSINESSES:** Mr. Richardson discussed the process of amending the code regarding issuance of Impact Home Business Licenses. Mr. Bailey moved to adopt Ordinance 378, extending the Moratorium on issuance of Impact Home Business Licenses, seconded by Mr. Ellingson. The motion carried unanimously.

**ORDINANCE #379 & 380 – BUDGET AMENDMENTS:** Discussion was held regarding amendments needed to the 2008 and 2009 Budgets. Mr. Werst discussed statutory requirements that budget ordinances be introduced but not immediately passed. No action was taken.

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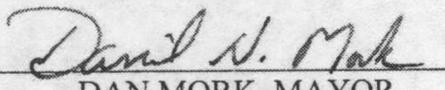
LEGAL REPORT: Mr. Werst reported that the City recently closed the purchase under threat of condemnation, from Jessica Holdings LLC (Craftsman Construction) of the approximate 1,350.9 square foot strip of property adjacent to Argonne and located at 3106 N Argonne. Mr. Werst also reported on proposed legislation affecting the Public Deposit Protection Commission ("PDPC") which insures governmental bank accounts in Washington above and beyond the FDIC insurance levels. The PDPC proposes to require all banks that maintain public deposits to collateralize their uninsured public deposits at 100 percent. While it is not clear whether all banks will be able to meet these requirements, the City's financial institution, Bank of America, has announced that they will meet these requirements.

APPOINTMENT OF MAYOR PRO TEM: Mayor Mork appointed Mr. Ellingson as Mayor Pro-Tem for 6 months. Mr. Bailey moved to confirm the appointment, seconded by Mr. Schoen. The motion carried unanimously.

CITY OF MILLWOOD PINS: Discussion was held regarding purchase of Millwood pins and possibly a City flag.

COUNCIL COMMENTS: Discussion was held regarding the request to waive the Special Events Permit fee for West Valley S.C.O.P.E. Mr. Werst advised that the ordinance does not provide for waivers and suggested that the ordinance be amended. After more discussion, Mr. Freeman moved to waive the fee as requested, seconded by Mr. Bailey. The motion carried unanimously. An amendment will be presented at the next meeting. Discussion was held regarding possibly increasing salaries for Council members and the Mayor. Discussion was held regarding Public Disclosure Commission filing requirements.

ADJOURNMENT: Mr. Freeman moved to adjourn, seconded by Mr. Bailey. The motion carried unanimously. Mayor Mork adjourned the meeting at 9:00 p.m.

  
DAN MORK, MAYOR

Attest:

  
Eva L. Colomb, Clerk-Treasurer