



**CITY COUNCIL MEETING
TUESDAY, JUNE 15, 2010
CITY HALL
22710 E. COUNTRY VISTA DRIVE
7:00 P.M.**

INVOCATION

Given by Mayor Pro Tem Crump

PLEDGE OF ALLEGIANCE

Led by Mayor Van Orman, City Council and City Staff

CALL TO ORDER

Mayor Van Orman called the meeting to order at 7:05 p.m.

ROLL CALL

Mayor Pro Tem Crump	Michelle Griffin, Accounting Tech
Council Member Kaminskas	Doug Smith, Comm. Dev Director
Council Member Owens (arrived at 7:47 p.m.)	Brian Asmus, Chief of Police
Council Member Romney	Sean Boutz, City Attorney
Council Member Schuler (absent)	
Council Member Beckett	
Council Member Langford	

Mayor Van Orman introduced Scout Troop 408 and troop leader Ryan Yates.

Mayor Pro Tem Crump moved to excuse Council Member Shuler, seconded by Council Member Romney. Motion carried unanimously.

AGENDA APPROVAL

Mayor Pro Tem Crump moved to request an Executive Session to discuss negotiations, to be held at the end of the meeting. Council Member Beckett seconded the motion.

Mayor Pro Tem Crump moved to approve the Agenda as amended, seconded by Council Member Langford. Motion carried unanimously.

CITIZEN COMMENTS

Mary Munger, of 104 North Lindeblad Lane, requested to defer her comments on the Lakeside Valleyway Agreement until after hearing Council's discussion. Council members concurred.

WORKSHOP DISCUSSION

Development Agreement Bella Lago, L.L.C. – Lakeside/Valleyway:

Community Development Director Smith discussed the Lakeside/Valleyway Development Agreement and how the developer will be constructing a 6' sidewalk on the golf course side of the public right of way from the Lake Ridge neighborhood down to the Vintage Hills neighborhood. He stated that the developer would be relieved of Condition 22 and subsequently their letter of credit for \$250,000 would be released after acceptance of the construction.

Mayor Van Orman inquired about the October 1st date in the agreement.

Director Smith replied that the October 1st date was a targeted date to coincide with the construction season. He stated that there are constraints on the developer's time with other obligations.

Council Member Kaminskas commented on the timeline and stated that she thought the goal was to get this done by the time school starts so the kids have a safe path to get to school. She asked what the options are.

Director Smith responded that October 1st was an arbitrary date and that this issue could be discussed with the contractor.

Council members discussed concern that this issue has been ongoing since November and wanted to know what has to happen to get construction started and what the process is.

City Attorney Boutz responded that Council had requested, in regards to Condition 22, they wanted a document to have control over the decision making process. So he crafted a development agreement that will require Council approval in a workshop discussion. This document has been presented to Bella Lago's attorney and she is reviewing it with her client and they are looking into finance issues for the project. They are working with the bank and it would be another week before they hear an answer back from the bank. He stated that the intent from Mayor and Director Smith is to have a document completed before the next Council meeting.

There was discussion by Council members on the timeline with consensus that the project should be completed before school starts in September.

There was public comment by Shanna Hale of 121 North Lindeblad Lane. Ms. Hale expressed her concern and frustration that the project is continually delayed. She stated that there have been workshops every Friday since October. April 30th is when

the agreement with the builder was made and August 1st was the date it was to be completed. She was told there would be a sidewalk this season and that this issue began in 2001 when they were promised improvements to the road. Eight months later she stated she is confused and disappointed. Ms. Hale concluded by asking how can we get a start date; that is all what we are asking for.

Council Member Beckett agreed with her and stated that this is taking a long time and when he brought this up two Council meetings ago it was not to have a document that the Council would be able to enforce. He wanted to know when the Council is going to put this motion into play and why has it taken from April 30, 2010 to today to get a draft agreement. He asked when this was sent to the attorney. He commented that time has been wasted here, which is disappointing.

Ms. Hale asked if we can go back to our first goal of having this completed by August 1st. She stated that there has already been an accident on this road and if more time is wasted, how many more accidents are there going to be? She requested that a start date be included in the agreement.

City Attorney Boutz commented that if the City Council does not want the agreement to come back for approval he can certainly work with the developer and have the Mayor sign off on the agreement. But from his recall of the meeting, Council members wanted some ability to review some type of agreement with the developer as to Condition 22 and the letter of credit. If that is not what Council wants then he stated that they can let him know that tonight and there will be no need to have the agreement brought before the Council again.

Mayor Pro Tem Crump asked what the next steps are to be able to move this forward. He said he does not need to see this agreement again unless there are substantive changes to the document.

Council Member Romney commented that if some negotiation takes place between now and when the agreement is signed, then Council will not be able amend it because it will have given up the opportunity to do that. He stated he preferred to wait until the next meeting, finalize the agreement, and move the timeline up to September 1st.

Ms. Munger stated that as a resident she very much appreciates that Council solidified this issue. She also commented that what is missing is that if there are substantive changes they need to be looked at by the Council because the Council is tasked with protecting residents' interests. If there are no substantive changes then complete the agreement by July. She asked to please set the date for September 1st. She stated that anything Council can do to get an agreement completed and a deadline set would be appreciated.

There were no additional public comments.

Mayor Pro Tem Crump stated that if there are changes to the agreement then Council needs to review the changes. He noted that the timeline is a separate issue and asked that Council discuss the two issues separately. He stated that he is happy with the agreement and to move forward with it if there are no changes.

Council Member Romney emphasized that Council needs to be clear with the date and not use the phrase "when school starts" which is September 7th. He stated that if we are making that promise to the citizens then the date should match the date with the first day of school. He also agreed with Mayor Pro Tem Crump that if the agreement does not change in any substantive way then he does not need to review it again.

Mayor Van Orman confirmed that the targeted completion date for the project will be September 1, 2010. If there are substantive changes then the changes will be discussed at the July 6, 2010 meeting and if there no substantive changes to the agreement then she will be entering into an agreement.

Transportation Benefit District:

Director Smith discussed a proposal to form a Regional Transportation Benefit District, which could raise funds representing approximately \$200,000 to pay for local and regional projects. He stated that eight jurisdictions would have to participate in order to go regional. He asked what direction the Council would like to take.

Council members were concerned about joining the regional effort which they felt would have little impact on Liberty Lake. If the county forms the district, cities would receive 70 percent of the funds and the regional district would get 30 percent. One proposal being discussed at the regional level is a \$45 car tab fee. Some of these taxes require voter approval.

Council members responded that if the County goes forward with the district formation, they would like to move ahead with a Liberty Lake Transportation District instead.

Council Member Beckett stated that he is not interested and does not want to see this again. He stated this is an example of the State's failed responsibility and is not a good tax for the City. Council Member Owens and Council Member Kaminskas agreed and said they did not support this.

Council Member Romney stated that staff should be actively getting ready to form our own transportation district. He stated that he wants it well thought out ahead of time and ready to go should that opportunity arise.

There was consensus to not support the Regional Transportation Benefit District.

Establish Meet and Greet Forum Dates:

Mayor Van Orman reported that this is a great opportunity to meet with the residents. There are two dates set up on June 22nd and June 29th at 6:00 a.m. to get input from the local businesses. She stated that she was looking for additional open forum dates for the community to meet with Council members in July.

Council Member Beckett asked for clarification. He asked, "Is this going to be a full Council or rotating members of the Council engaging with members of the business

community?" He asked what is it that the Council is trying to set up. He said there was confusion on how to structure the forums before picking dates.

Pro Tem Crump clarified that this is going to be a community forum, in a relaxed setting where Council members could interact with the public. He commented that 6:00 a.m. is not a good time to do that. He recommended the evening would be better and preferably not the week of 4th of July or Fridays, Saturdays or Mondays.

Council Member Beckett recommended setting up two different dates and then whoever can attend can participate.

Pro Tem Crump recommended the dates of July 13th and August 10th. There was consensus on the July 13th and August 10th dates.

There was discussion on holding the forums at 7:00 p.m. either at the elementary school, Liberty Lake Sewer and Water District or at a local church. Mayor Van Orman agreed to find a venue for these meetings and Council members concluded the discussion with a request to have ice-cream bars available for the attendees.

MAYOR AND CITY COUNCIL / COMMITTEE REPORTS

Community Development Committee:

Council Member Romney reported the Community Development Committee met on Tuesday of last week at 6:00 a.m. and they discussed the City of Liberty Lake Parks, Recreation, Open Space, and Trails Plan and whether or not it should include more text about a pool. They discussed signage and that there will be a public meeting to solicit input from businesses in regards to signage.

Finance Committee:

Mayor Pro Tem Crump reported the Finance Committee met twice for several hours to discuss City finances, revenue sources, franchise agreements and to review the vouchers. He reported that sales tax is down 16% as compared to 2008 figures. There has been a major economic downturn in construction which is a main source of revenue for the City. In one to three years the City's finances will shift dramatically. He reported that this year we will have to change how we spend and allocate money and there will have to be discussions on decreasing services and deciding on what services to continue. One of the things they wanted to do is due diligence as a committee and then bring their recommendations to Council members. One of the requests coming out of the Finance Committee is to have a 1 ½ hour workshop on July 6th focused on finance. They will need direction from Council to take some serious planning steps.

Council members agreed to place this on the July 6, 2010 agenda.

Council Member Owens stated she wants to hear more about the research and that this is the perfect time to discuss this because the budget process is starting. She asked if that much time is going to focus on this topic to hold back on other agenda items so the meeting does not run late.

Councilmember Romney requested as much quantification as possible so Council members can absorb the information. He requested having true numbers but not a tidal wave of information.

Public Safety Committee:

Council Member Kaminskas reported the Public Safety Committee discussed the Golf Cart Ordinance draft which will be a hybrid between the current ordinance and requirements from the State of Washington. This will be brought before City Council at the end of August. She reported that the garage sale was not as busy as last year and that it went well. The summer events schedule is being reviewed by Police Chief Asmus in order to identify what services are needed for those events. Chief Asmus discussed the vehicle maintenance budget for this year which was \$8,000 and has already been expended due to three unanticipated incidents such as a high speed pursuit accident. She reported that Council members will need to look at a budget amendment for the remaining six months of the year.

Council Member Kaminskas reported that Chief Asmus attended the County Capability Assessment this morning where they reviewed 37 areas for County preparedness. The Police Bike Rodeo for SCRAPS will be Saturday at Mario and Sons. The COPS grant is back on the table for one position and the award will be decided in December. There were about 6,000 applicants for 500 awards. It is a three-year grant and if awarded the City would be responsible to support the grant for one additional year after the grant is closed out.

Council Member Kaminskas reported on the K9 grant and how an additional \$1,500 was received in donations. They have begun the search for a dog at SCRAPS and the training is set for September, 2010. The new cell phone law went into effect last week with officers reporting a significant reduction in the use of cell phones while driving. She stated that the First Aid/CPR classes are continuing for the community. The Spokane County Fire District's new fire station is coming along despite delays due to the wet weather. The ambulance service contract is close to being signed and it is a three year, ten million dollar contract. She also reported that Barker Bridge is now open.

Mayor Pro Crump commented that he can not attend the Liberty Lake Sewer and Water District special meeting on June 17th at 10 a.m. to review the rate study. He asked if any other Council members can attend in his place. There is also a meeting on June 16th at 7:00 p.m. for their monthly meeting.

Council Member Beckett reported that last Tuesday morning there was a meeting to develop a strategy for the HUB. They agreed to form a workgroup and have had conversations with the Sports Commission to get information so they can make a recommendation to City Council as to whether it is in the city's best interest to partner with other stakeholders to keep the HUB open or if the City should purchase the HUB. There will be another meeting next Monday morning to review data from the Sports Commission and to create a strategy from the City's perspective. They anticipate having a recommendation to present to City Council at the July 6th Council meeting.

Mayor Van Orman congratulated all the recent graduates.

Mayor Van Orman reported that she received a petition regarding the 91 Black Locust trees on Sprague. Arborists checked and analyzed the trees and there will be a public meeting at 8:00 a.m. on July 1st to discuss the findings and answer questions. She stated that as a Tree City we inventory, inspect and replace trees if needed.

Council Member Owens commented that she is confused as to why we would have a meeting at 8 a.m. with the public on this issue. She asked to see the petition and to have the city residents identified.

Mayor Van Orman reported that last night the Youth Commission awarded the Father of Year award. It will be revealed in the next Splash publication. She congratulated all the fathers in attendance.

Director Smith discussed that he and Mayor Van Orman took a tour of SCRAPS. He stated that there has been an ongoing conversation between SCRAPS and SpokAnimal C.A.R.E. in terms of who will provide animal control for the region. SpokAnimal C.A.R.E. has notified the City of Spokane that they are getting out of the animal control business. He reported that SCRAPS has indicated that they do not have the necessary resources to take over for SpokAnimal C.A.R.E. This meeting was an opportunity to brainstorm with the other jurisdictions opportunities for a regional solution. This group will develop and recommend options within 60 days.

Council Member Owens stated that she wanted to explore the petition issue again. She wanted to know if anyone had called the city about the trees previous to the petition being received. She stated that she is concerned that residents are not being heard so they felt they needed this petition to get the city to respond to their request.

Council Member Beckett expressed concern about the level of service citizens are receiving and that Council members have received feedback that the City is difficult to work with at times. He wanted to know if there was a record of homeowners who reported this to City staff before the petition was received.

Director Smith responded that yes, this has been an ongoing issue. As staff receive citizen requests they are responded to on a case by case issue. He stated that he had not viewed the petition and that this was the first time he had heard of a request for the removal of all 91 of the trees.

Council Member Beckett responded that he was concerned that there was a pattern of residents requesting the City's assistance with this issue and not getting responded to. He stated that he would be happy to talk to Director Smith at another time regarding this issue.

Council Member Romney stated that he likes statistics and they help him quantify what has happened. He asked how many times staff has received requests to cut down the trees and how many trees have been removed?

Director Smith responded that the trees have been maintained but none of the Black Locust trees on Sprague have been removed to date.

ACTION ITEMS

Consent Agenda: Mayor Pro Tem Crump moved to approve the Consent Agenda, Council Member Langford seconded which included approval of the City Council Meeting Minutes from June 1, 2010, and checks through June 15, 2010 in the amount of \$222,240.21. Motion carried unanimously. Manual check sequences were: 12814 through 12815, totaling \$1,412.91. Regular check sequences were 12816 through 12873, totaling \$217,101.62 and EFT, totaling \$3,725.68.

Liberty Lake Co-ed Softball League:

Mayor Pro Tem Crump motioned to accept the Agreement for Services for Liberty Lake Co-ed Softball League; Council Member Langford seconded the motion. Motion carried unanimously.

ORDINANCE SECOND READ

Michelle Griffin, Accounting Technician, read Ordinance No. 77A into the record, an Ordinance of the City of Liberty Lake, Washington Amending Ordinance No. 77 and Adopting by Reference Spokane County Ordinance No. 99 0690 Entitled, "Spokane County Commute Trip Reduction Ordinance and Providing for Other Matters Properly Relating Thereto". Mayor Pro Tem Crump motioned to accept Ordinance No. 77A and Council Member Owens seconded.

Director Smith explained that this Ordinance was presented to Council three weeks ago and the recommendation was whether or not Council members wanted to incorporate this into the City's code as a stand alone for the City of Liberty Lake or if they wanted to follow suit with Spokane County and adopt it. He stated there was also an error in Section 2 of the ordinance which needs to be corrected. Section 9 needs to be removed from Section 2.

City Attorney Boutz stated there is an additional change in Section 2 under Section 10 entitled "exemptions and modifications". He said to delete the first part of the sentence "by adding the term and the City of Liberty Lake" statement. He also recommended some clarification language. After the word "modified", to insert a comma and the words "where applicable" then add another comma. Where it is stated "Spokane County" deleting the words "the term" and insert the word "each" and adding the word "phrase" after Spokane County.

Council Member Beckett recommended accepting the changes that City Attorney Boutz proposed.

Mayor Pro Tem Crump moved to amend Ordinance 77A and adopt by reference Spokane County Ordinance No. 99 0690 with amendments; Council Member Owens seconded. Motion carried 5-1; Council Member Langford opposed.

Michelle Griffin, Accounting Technician, read Ordinance No. 182 into the record, an Ordinance of the City of Liberty Lake, Washington, Amending the City of Liberty Lake, Municipal Code Title 9 Relating to Building Regulations; Adopting the 2009 State Building Code; Repealing Ordinances in Conflict; Establishing Penalties for Non-Compliance; Establishing an Appeal Body; and Providing for Severability and Effective Date.

Mayor Pro Tem moved to accept Ordinance 182; Council Member Owens seconded.

Director Smith discussed the ordinance putting into effect the building code standards that are reviewed and modified on a three year cycle at the State level. He stated that RCW 19.27 requires that each jurisdiction within the State of Washington adopt these as minimum standards. He reported that the most significant change is an enforcement of the 40 pound roof load as opposed to the previous 30 pound requirement per square foot. Updated FEMA maps will now be used as the new maps for the City of Liberty Lake to delineate floodplains and appropriate building standards within those flood plains.

Council members voted unanimously in favor.

RESOLUTION

Mayor Van Orman read Resolution 10-139 into the record; a Resolution Initiating the Vacation of the City Right of Way.

Mayor Pro Tem Crump motioned to pass Resolution 10-139; Council Member Owens seconded.

Director Smith explained Resolution No. 10-139 initiates the process for vacation of a specific piece of right-of-way property. There was a formal request by the developer with a resolution outlining the process and then there will be a public hearing scheduled for July 20, 2010 if City Council passes this resolution tonight. He recommended moving forward with the process.

There was discussion to have the public hearing on July 20th at 7 p.m. Council members voted unanimously in favor.

EXECUTIVE SESSION

At 9:09 p.m. Mayor Van Orman called adjournment into Executive Session as per RCW 42.30.110(h) to discuss labor negotiations. Mayor Van Orman called the meeting back to order at 9:40 p.m. No decisions were made.

ADJOURNMENT

The meeting adjourned at 9:45 p.m.

Wendy Van Orman
Wendy Van Orman, Mayor
City of Liberty Lake

Michelle Griffin
Notes and Transcription by Michelle Griffin, Accounting Technician. This Council meeting was also audio taped. Anyone desiring to listen to the recording may contact the City Clerk.