

**CITY COUNCIL MEETING  
TUESDAY, JULY 21, 2009  
CITY HALL COUNCIL CHAMBERS  
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 Staff

**CALL TO ORDER**

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

**ROLL CALL**

Council Member Jenkins	Doug Smith, Director of Community Dev.
Mayor Pro Tem Crump	Ann Swenson, Deputy City Clerk
Council Members Owens	Brian Asmus, Chief of Police
Council Member Romney (absent)	Sean Boutz, City Attorney
Council Member Schuler	Amanda Tainio, Planning & Bldng Svcs Manager
Council Member Olander	
Council Member Langford	

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

**AGENDA APPROVAL**

Mayor Van Orman reported the City did not receive an Agreement for Services from the Liberty Lake Tennis Association and asked for removal of that item from the Agenda. Mayor Pro Tem Crump moved approve the Agenda as amended, removing Item 9c, seconded by Council Member Owens. Motion passed unanimously.

**APPROVAL OF CITY COUNCIL MINUTES**

Council Member Langford moved to approve the City Council Meeting Minutes from July 7, 2009 as reported, seconded by Council Member Schuler. Council Member Jenkins requested that since there were not enough Council Members present this evening who attended the July 7<sup>th</sup> meeting to vote on the minutes, that approval of them

be deferred until the August 4<sup>th</sup> meeting. Mayor Van Orman concurred and tabled the motion, deferring action until the August 4, 2009 City Council meeting.

## **MAYOR AND CITY COUNCIL REPORTS**

Council Member Jenkins provided an update on the LIFT/TIF meetings. Council Member Langford, Council Member Jenkins, the Mayor, City Staff, and the developers are discussing potential plans that may come back for reimbursement in the development area. These meetings will take place once a month every third Friday at 7:00 a.m. He said no new items were addressed at the last meeting. The members discussed how IJR study will be funded and when the timeline will occur. Mayor Van Orman added that a protocol to address all the needs has also been discussed.

Council Member Schuler reported that she attended a health care forum that was hosted by Washington State Insurance Commissioner, Mike Kreidler. The main message from the party is that the healthcare reforms that are being looked at policy for all Americans is not a financial problem, but more of a moral problem and that's the reason for the urgency to get legislation passed.

Mayor Pro Tem Crump provided a Finance Committee report. Vouchers were reviewed. Personnel issues regarding job postings and long-term investments were discussed. He also shared a point of interest regarding an ordinance he reviewed while he was on vacation regarding granite curbing. He talked about the impact that decision made in the long term for those residents and the price to pay for it in taxes. He said that prompted him to really think about some of the decisions the Liberty Lake City Council has made, such as signage, heights, trees, and how those decisions will have long-term beneficial effects on our community, not detrimental ones.

Council Member Owens said she travels frequently and spends a large amount of time on the West side of the state. She commented on a King County Ordinance that she finds very helpful. It requires restaurants to post food values for everything on its menu. She acknowledged at this time it would be prohibitive to require that in Spokane County, but will talk to the County Commissioners about moving in that direction.

Mayor Van Orman reported that she met with staff from Itron and Avista Friday to discuss smart meters for energy conservation. Several test sites, including the Mayor's home, will be used for the meters. The meters assess what type of energy is being used and how much the energy will cost. The Mayor also reported the Youth Commission will be conducting a fund raiser this weekend to cover costs for some of its events.

Council Member Langford provided a Public Safety report. Discussions centered around funding unanticipated expenses for the skate park. This will be presented to the Finance Committee to see what options are available.

## **ACTION ITEMS**

Consent Agenda: Mayor Pro Tem Crump moved to approve the Consent Agenda, which included July 21, 2009 vouchers totaling \$149,107.11, seconded by Council Member Owens. Motion passed unanimously.

Voucher check sequences were: 11341 through 11429.

Washington Wildlife and Recreation Program Project Agreement: Mayor Pro Tem Crump moved to authorize the Mayor to enter into an Agreement with the Washington Wildlife and Recreation Program Project, seconded by Council Member Owens.

Community Development Director, Doug Smith said this Agreement represents Phase II of the Rocky Hill Project. He provided a breakdown of the \$2.2 million project. Discussion was then undertaken to clarify language contained in sections regarding On-Going Obligations, Evidence of Title, and Conflict of Interest. Council Member Langford spoke against spending public funds prior to securing the transfer of ownership title. Director Smith explained that the City had to have this grant in place prior to the receipt of the property, so there were some unique circumstances that didn't allow that transfer to occur in advance. He agreed, however, that normally this is something that is desirable.

Council Member Jenkins then called the question and Mayor Van Orman called for the vote. Motion carried unanimously. Mayor Van Orman then called for a vote on the original motion. Motion passed unanimously.

#### **ORDINANCE – SECOND READING**

Ann Swenson, Deputy City Clerk, read Ordinance No. 176 into the record, establishing an independent Salary Commission in order to set the salaries of the City's elected officials, providing for the appointment and terms of Commission members and for removal of the same, establishing effective dates for salary increases and decreases approved by the Commission, subject to Referendum, providing for severability and establishing an effective date.

Mayor Pro Tem Crump moved to adopt Ordinance 176, seconded by Council Member Langford.

Discussion was then held regarding the staggered terms of Salary Commission Member appointments, the Commission's ability to establish its own rules of procedure, and the Referendum clause. Mayor Pro Tem Crump and Council Member Langford both spoke in favor of the referendum clause. Council Member Jenkins pointed out the pragmatic term of the Salary Commission, which might coincide with a City Council Member's term, provides a level of binding to the Commission's decision.

After further discussion, a question arose regarding whether all City ordinances are subject to public referendum, as outlined in the verbiage of Section 7 of Ordinance 176. At 7:42 p.m. Mayor Van Orman called for a five-minute recess to allow the City Attorney time to research an answer. After the Mayor called the meeting back to order at 7:48 p.m., she asked to receive citizen comments on the Ordinance. No comments were received.

Council Member Owens then called for the question, seconded by Mayor Pro Tem Crump. Motion failed 3-3, with Council Members Owens, Olander and Mayor Pro Tem

Crump voting in favor of calling the question, and Council Member Jenkins, Council Member Langford, and Council Member Schuler voting against it.

At 7:52 p.m., City Attorney, Sean Boutz, returned to the meeting. He reported that, for the most part, all Ordinances are subject to public referendum; however, clarified there are certain circumstances where it may not apply, citing certain sections of the Growth Management Act as an example. Council Member Langford said he would like to figure out a mechanism to notify the citizens that they have 30 days from the date of a second-read ordinance to file a petition of referendum, should they so desire.

Director Smith responded that typically the citizens have an opportunity for due process regarding any actions taken by the City Council. He suggested if the Council desires to include "subject to public referendum" as additional language in all future Ordinances, staff could certainly include the language where appropriate. Attorney Boutz reminded the Council that the City is not obligated to put referendum language in every Ordinance. Council Member Owens suggested putting a write-up in the paper informing the citizens that they always have an opportunity to make their will known.

After no further discussion, Mayor Van Orman provided another opportunity for citizen comments; none were received. The Mayor then called for the vote. Motion passed unanimously.

## **WORKSHOP DISCUSSIONS**

### **River District Specific Area Plan Overlay (SAP-08-0001)**

Planning & Building Services Manager, Amanda Tainio, acknowledged the lead from Greenstone Corporation was not available to attend this evening's meeting and has asked for an opportunity at the August 18<sup>th</sup> public workshop to address their position regarding the 12 key issues that could not be agreed upon between them, City Staff, and the Planning Commission. Council Member Olander stated he would also like to address two more key issues at the conclusion of the staff report that are not outlined in the following 12 points.

Ms. Tainio then provided an in-depth overview of City Staff and Planning Commission recommendations regarding the twelve key issues of the River District Specific Area Plan.

#### **Issue #1 – Multi-Family Residential Use in River District Commercial (RD-C)**

Agreed upon by City Staff and Planning Commission, opposed by Greenstone

City Staff is concerned about the use of commercial land for residential use when adequate residential and mixed use land is available. The City Comprehensive Plan states residential uses would typically not be allowed within the freeway commercial category. The City Planning Commission previously voted to remove multi-family residential uses from RD-C.

#### **Issue #2 – Multi-Family Residential Use in River District Mixed Use (RD-M) based on Adoption of Amendment ZTA-08-0000**

Agreed upon by City Staff and Planning Commission, opposed by Greenstone

City Staff is concerned that the adopted amendment language for the M-2 Zone (mixed use) should be consistently applied and applicable for the RD-M Zone as well. Multi-family dwelling would be limited use in the River District Mixed Use. The Amendment states, "Projects that propose 50 multi-family dwelling units or more shall provide an equivalent square footage of non-residential uses within the permit application".

**Issue #3 – Large-Scale Retail Establishments in RD-C**

Agreed upon by City Staff and Planning Commission, opposed by Greenstone

This issue deals with two sections; the Development Agreement and Adaptability for Reuse/Compartmentalization/Redevelopment Sections to match City Development Code and Ordinance 151.

City Staff is concerned that removal of the Development Agreement and Adaptability for Reuse/Compartmentalization/Redevelopment sections is inconsistent with the reason for adopting the Large-Scale Retail Standards to prevent irreversible negative impacts upon the City. Vacated large-scale retail establishments that are not designed for or that are not capable of re-use can create the look of neighborhood blight and decrease the economic growth of a community.

Council Member Jenkins explained the concept here is to try to avoid "ghost boxes". The Staff and Planning Commission are asking for a plan of what the building will be used for, should a developer create a huge box-type store which ends up as abandoned property because the leasee is unable to make a go of it. He expressed uncertainty that the concept will be effective because it doesn't really matter what it is used for since the property owner just has to make some statement that it can be used for something.

Council Member Olander spoke in support of Issue #3. He talked about the Planning Department being proactive in their studies about abandoned, big box buildings. He said the Planning Commission decided four years ago to subdivide the buildings to allow for multi-tenant re-use.

**Issue #4: - Tower Easement Removal**

Agreed upon by City Staff and Planning Commission, opposed by Greenstone

City Staff is concerned about the loss of control over easement for public safety reasons. Ms. Tainio commented a lot of the concern is the fall zone of the tower.

Council Member Olander is in agreement with this because it is a safety issue. He noted Greenstone is proposing to put in some protections to make sure no buildings ever get put on adjacent lot, but the Staff and Planning Commission are asking for more stringent protection.

**Issue #5 – RD-C Zoning at NW Corner of Mission and Harvard**

Agreed upon by City Staff and Planning Commission, opposed by Greenstone

City Staff is concerned about the proposed change from the existing zoning of M-2 (Community Center Mixed Use) to the RDSAP Proposal of Commercial due to compatible uses. The uses permitted in the RD-C commercial are auto-oriented. There are also differences in the development standards between the mixed use and commercial. The existing Bitterroot Lodge Apartments were constructed under the M-2 zone and are now proposed to change to RD-R (residential). The proposed corner RD-C is abutting and adjacent to these units. There is also an existing duplex north of the proposed RD-C which would be abutting the zone. City staff believes this area should stay as mixed use and there is City Comprehensive Plan policy which supports this. Ms. Tainio noted that when Harvard Road was designed, there was limited access granted throughout that region since it is an aesthetic corridor/boulevard with the pedestrian pathways and there is not a lot of access for the freeway commercial-type uses.

#### **Issue #6 – RD-C Building Orientation**

Agreed upon by City Staff and Planning Commission, opposed by Greenstone

Ms. Tainio reported this is some fine-toothed wording concerning parking location (should vs. shall); parking connection vs. pedestrian connection focus; corner orientation (should vs. shall); and outparcels (should vs. shall) in the River District Commercial Zone.

- **Corner Orientation and Parking:** The best commercial (non mixed use) example of corner orientation is Spokane Teachers Credit Union (STCU). The majority of the parking is oriented to the side or rear, the building is oriented to the corner, and a direct pedestrian walkway is provided. STCU projects the image that the Comprehensive Plan encouraged for the City's commercial street corners. Additionally, in general, if a site does not permit a building to have corner orientation for topography reasons, then providing additional landscaping between the building and the street corner is a viable option since a parking lot would probably not fit either.
- **Large-Scale Retail Establishments and Outparcels:** In several recent articles, it has been noted that big box stores are "slimming down" for urban settings. They would fit at under 50,000 gross sq. ft. and still maintain a human scale. City staff's concern when the standards were written was having traffic congestion at street corners with locations of approaches and the human scale aspect. It was generally the request of big box retailers to have surface parking in front of the store. The way to accommodate this was to have the outparcels between the parking lot and the street. Ms. Tainio cited Home Depot as an example.

The City Comprehensive Plan and City Development Code strongly enforce pedestrian connectivity. Within the Revised RD-C, focus is on parking connections, not pedestrian connections.

Council Member Olander commented this is referenced to as the "anti-strip mall rule". He spoke in favor of these rules because there is already is some flexibility when circumstances warrant it.

#### **Issue #7 – Sidewalk Width**

Supported by City Staff, opposed by the City Planning Commission and Greenstone

Ms. Tainio said this issue pertains to 5' vs. 6' wide sidewalks. In the street sections, the sidewalks within the residential local access area are currently proposed to be 5 feet wide. The City Development Code currently requires a 6 foot wide minimum on these sidewalks and pathways to be 10 feet. She stated City Staff conducted walking audits and determined that 6' wide sidewalks are more comfortable for multiple users and are common in the City based on a staff inventory.

Council Member Schuler commented that she respectfully disagrees with staff.

#### **Issue #8 – Parking Area Pedestrian Walkway Location and Landscape Island Requirements**

Supported by City Staff, opposed by the City Planning Commission and Greenstone

Ms. Tainio reported when the City Development Code was originally proposed, the Planning Commission recommended that every other row of parking spaces be separated by a landscape island. This recommendation was overturned by the City Council and the current City Development Code requires each row of parking spaces shall be separated from one another by a six (6) foot landscape island. She stated it has been proposed in the SAP to go back to an every-other row of parking spaces. The City Comprehensive Plan and Development Code strongly enforce pedestrian connectivity. Staff argues there is a provision for alternative parking lot design contained in the SAP.

#### **Issue #9 – Maximum Parking**

Agreed upon by City Staff and Planning Commission, opposed by Greenstone

This issue concerns the removal of maximum parking standards. Large expanses of parking have historically not been utilized and the cost of land makes providing larger parking lots not as appealing. Having too many parking spaces can sometimes cause an area to look sparse where the economy might be good. If maximums are not in place, too many spaces can come about, causing a so-called "dead zone" where too many spaces go unused. Most developers would not want to put in too many spaces, however, there might be circumstances where a retail establishment in a mixed-use area may want too many spaces to attract auto-orientation. So far, the City's combination of minimum and maximum parking, along with shared parking has been successful. Staff would not consider removing maximum parking standards, especially in the mixed use zones, to be beneficial in furthering the City's goals and objectives within the City Comprehensive Plan. Safeway vs. Home Depot examples were discussed.

#### **Issue #10 – Signage Standards**

Agreed upon by City Staff and Planning Commission, opposed by Greenstone

Ms. Tainio reported the SAP incorporated specific signage standards relevant to the River District. City Staff and Planning Commission believe any references to those, as well as the definition, should be removed from the SAP and replaced with the reference

to the City Development Code. City Staff is concerned about the visible difference that individual changes to the signage standards will make to the City as a whole. Within the next amendment cycle, City Staff is also proposing Wayfinding Signage to address City-wide directional concerns. A placeholder has been put in this current amendment cycle to allow for a wayfinding signage program and development is currently underway. Ms. Tainio indicated signage, overall, seems to be the hottest topic as far as noticeable differences; if the River District is allowed to have separate signage standards from the City, most likely those discrepancies will end up being pressured to be incorporated within the City as a whole. She believes the current signage standards benefit the aesthetics of the community and make it easy to find the businesses and would like to see those standards incorporated in the SAP.

Council Member Owens thanked Council Member Schuler for requesting that the last workshop discussion be provided to her and the other absent members who missed the last meeting. Council Member Owens said she did listen to the CD, found it helpful; and asked that this workshop discussion be provided in the same manner for Councilman Romney.

Council Member Langford said in light of the economics of the current time, he thinks the Council should be more active in helping businesses. He suggested if the six foot sign aides better than the four foot sign to help people find the businesses, then he is open to that. Council Member Olander said he is a very strong supporter of sign rules, but noted he hasn't seen any evidence that business will not locate here because they could get a slightly larger sign in another jurisdiction. Council Member Schuler suggested that if the requests to deviate from the current sign standards are warranted, the Council should take it into consideration.

Ms. Tainio said the one need the City has heard from the business community is the need for additional directional signage. She recommended the signage should to be done in a community-wide, aesthetically-pleasing manner.

Council Member Owens spoke in support of keeping the current signage standard from the City's Development Code consistent with the River District's SAP. Council Member Jenkins, however, noted this is a topic that is going to rise to the top and commented "not everybody feels like this signage ordinance is as successful as staff does." He encouraged staff to find resources to put together a more robust justification as to why the City Council should not consider this request. Community Development Director Smith commented this is an issue that is so visual that it needs to be addressed community-wide as a whole, not simply from the River District.

Liberty Lake Water and Sewer District Commissioner, Steve Skipworth remarked about monument signs. He asked the Council to ensure that monument signs be placed on property in such a way that they are not a safety hazard.

#### **Issue #11 – Public Use Area Dedication / Reservation Requirements**

Agreed upon by City Staff and Planning Commission, opposed by Greenstone

Currently, within Article 3-G of the City Development Code, there is specific language that is not being proposed to be included in the SAP. Specifically, if determined by the

City Council to be in the public interest in accordance with adopted Comprehensive Plan policies, and where an adopted plan of the City does not indicate proposed public use areas, the City may require the dedication or reservation of areas within the subdivision of a character, extent, and location suitable for the development of parks and other public use areas. This is consistent with State law and gives definition for the City Parks Plan, and by removing this the City has no provision for guaranteeing parks and other public uses in specific areas.

### **Issue #12 – Parks and Greenways**

Agreed upon by City Staff and Planning Commission, opposed by Greenstone

The proposed parks are contained within the SAP, River District residential or mixed use zones, and the City's Open Space Recreation Zone has been removed. Staff recommends parks proposals need to meet adopted Parks, Recreation, Open Space, and Trail Plan standards for parks facilities. Ms. Tainio pointed out Orchard Park, which is identified in the River District as a community park, is only proposed to be an 8-acre park, but the minimum definition in the Parks Plan for a community park is 10 acres.

Council Member Schuler asked the Council to remember the needs of the community as a whole. She expressed the desire to see a larger portion of land set aside for larger parks. Ms. Tainio said the Planning Commission's recommendation is also for larger parks.

In closing, Ms. Tainio shared five staff recommendations:

- All RDSAP revisions identified in the Section review notes should be included in an adopted RDSAP.
- If the City Council elects not to support the Planning Commission recommendations regarding the multi-family residential uses in RD-C, staff feels that if multi-family residential uses are allowed in the River District Commercial area, they should be integrated into existing buildings and not a freestanding apartment structure as a method of re-use only if the original permitted use (i.e. a large-scale retail establishment) is abandoned.
- A diagram consistent with examples provided to City staff needs to be included with clustered housing definition.
- Article 10-4F Modifications to Approved Plans and Conditions of Approval – needs to add Specific Area Plan Overlay under 10-4F-2 Applicability, A-6 to clearly reference modification procedures.
- If the RDSAP is approved, a condition needs to be added to the approval that permits the City to retain the ability to modify the SAP on an annual basis, just as it has the ability to modify the City Comprehensive Plan and Development Code.

Council Member Olander then added two more issues of significance:

### **Issue #13 – Maximum Dwelling Units**

Council Member Olander noted that Hawkstone had a maximum number of dwelling units established that were not in their SAP. He suggested the City Council consider establishing a maximum number of dwelling units in the River District SAP.

## **Issue #14 – Building Height**

Council Member Olander said the City's current building height maximum is 50' in the City for mixed use zones; the maximum proposed in the River District's SAP is 100'. He referenced downtown Coeur d'Alene and asked the Council to think about whether something similar is their vision for our City.

Council Member Langford said he would appreciate having Greenstone staff and City staff make presentations side by side at the same time as we move through issues.

## **Discussion on Diversity**

Mayor Van Orman said she, Spokane Valley Mayor, Rich Munson, and Central Valley School District Superintendent, Benjamin Small, have been talking about what is being done in other cities. They discovered Yakima is starting a character campaign, "Who You Are". The campaign addresses diversity and character issues. She then turned the floor over to Council Member Olander.

Council Member Olander said diversity is common to the Inland Northwest and noted it is not really a City Council matter. He expressed the desire to be more diversified and welcoming of minority faiths. He said he witnessed an issue of bigotry in the City and it prompted him to approach the Council about forming a small group to address diversification. He proposed forming a group to create a written policy governing the City's invocations while remaining within the law. He pointed out that our invocations are very heavily oriented towards one single faith and said it offends quite a few members of our community.

Council Member Jenkins endorsed Council Member Olander's proposal. He said the Council wants to gain access to all participants in the community and make people feel welcome, and stated he believes the invocation is a great way to extend that welcoming hand to anyone who wants to participate. Council Member Schuler stated she didn't believe any City Council Member has in any way disrespected anyone of any other faith because of how invocations are delivered. She emphatically expressed her displeasure of government in all forms imposing itself in people's lives. Council Member Langford requested supportive data, noting he has not heard anything from anyone who may have been offended. He also commented that it's a great philosophy, but hard to put into action. Council Member Owens spoke in favor of developing a City policy that offers our citizens the opportunity to participate. City Attorney Boutz reminded the Council that the current practice is in no way improper or in violation of the first amendment of the Constitution with regard to this issue. Mayor Pro Tem Crump suggested the broader term is really about spirituality, respect, and acceptance and not necessarily limited to invocation. He spoke in favor of broadening the discussion.

The Finance Committee will research the proposal and bring forward more information to the Council for consideration on this topic.

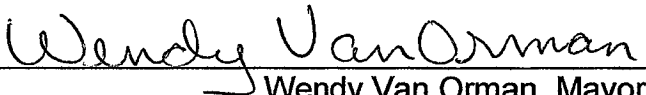
## **UNFINISHED / NEW BUSINESS**

Council Member Owens would like City Council to consider adjusting their Rules of Procedure. She would like to look at allowing members who cannot physically be present to attend a City Council meeting the capability to participate via teleconference. Limitations, logistics, and legality were briefly discussed. Mayor Pro Tem Crump made recommended the Mayor direct the City's legal counsel to research the topic and report back to Council.

## **ADJOURNMENT**

The meeting adjourned at 9:53 p.m.

These minutes are approved on August 4, 2009.

  
Wendy Van Orman, Mayor  
City of Liberty Lake



*Notes and Transcription by Ann Swenson, Deputy City Clerk. This Council meeting was also audio taped. Anyone desiring to listen to the recording may contact the City Clerk*